

**Item Number:** 7  
**Application No:** 18/01313/MFUL  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Cicero Estates  
**Proposal:** Erection of 32no. dwellings comprising 2no. two bedroom dwellings, 12no. 3 bedroom dwellings and 18no. four bedroom dwellings with associated garaging, parking and access  
**Location:** Land To North of Wainds Field Kirkbymoorside YO62 6JG  
**Registration Date:** 10 December 2018  
**8/13 Wk Expiry Date:** 11 March 2019  
**Overall Expiry Date:** 7 October 2019  
**Case Officer:** Alan Goforth **Ext:** 43332

#### CONSULTATIONS:

**Vale Of Pickering Internal Drainage Boards** No comments  
**Public Rights Of Way** Recommend informative  
**Environmental Health Officer** No response received  
**Kirkbymoorside Town Council** No response received  
**Yorkshire Water Land Use Planning** No response received  
**Designing Out Crime Officer (DOCO)** Recommend condition  
**Housing Services** Supports this proposal, subject to the viability assessment being upheld, which will deliver 7 much needed affordable homes for Kirkbymoorside.  
**Flood Risk (LLFA)** Further information required  
**Highways North Yorkshire** Further information and amendments required

*Re-consultation on further highways and drainage information*

**Flood Risk (LLFA)** To follow  
**Highways North Yorkshire** Previous conditions apply

**Neighbour responses:** Mrs Christine Simmonds, Mr Paul Miers, Mr Arthur Stephenson, Keith Dennis, Mr & Mrs Oldfield, Mr Colin Hannah, Mr Adam Campbell, Mr K Steel, Ms Rachel Monaghan, Miss Candice Wilson, John Martin,

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#### SITE:

This is a full planning application to develop this 0.95 ha site for residential purposes. The application site is within the development limits and is part developed with the access road and drainage laid in relation to Phase 2 of the original housing development. The site is identified as an existing residential commitment in the recently adopted Local Plan Sites Document (LPSD).

Access to the whole site is from the existing access to Wainds Field northward off the A170. Levels across the site are fairly constant, but overall, the site slopes from north to south. The existing properties numbered 1-7 Wainds Field are immediately to the south of the site. The residential properties on Feversham Drive are to the west of the site and Neville Walk to the south east. Further to the east are the properties that front Piercy End.

The site falls outside of the Kirkbymoorside Conservation Area the boundary of which runs along the northern edge of the application site. Development adjoining the site off West End and Piercy End falls within the Conservation Area boundary.

### **HISTORY:**

07/01133/MFUL- Erection of 16 no. four bed dwellings, 7 no. three bed dwellings, 4 no. two bed dwellings and 2 no. two bed apartments, associated garaging and parking spaces, area of open public space. APPROVED 26.10.2009. Permission lawfully commenced but not built out.

11/00783/COND- Discharge of Condition No. 15 of approval 07/01133/MFUL dated 26.10.2009. APPROVED 02.09.2011.

12/00021/COND- Discharge of condition numbers 02, 04, 05, 08, 09, 10, 11, 12, 13, 14, 16, 17, 21, 23, 25 and 26 of approval 07/01133/MFUL dated 26.10.2009. APPROVED 08.05.2012.

### **PROPOSAL:**

Planning permission is sought for the erection of 32no. dwellings comprising 2no. two bedroom dwellings, 12no. 3 bedroom dwellings and 18no. four bedroom dwellings with associated garaging, parking and access.

The proposal is for a mix of 2, 3 and 4 bedroom dwellings as detached, semi-detached and terraced buildings. All dwellings would stand between two and two and a half storeys in height. All dwellings would have parking and outdoor amenity space.

The fundamental layout of the proposed development is largely unchanged from that previously permitted. Access to each dwelling from the A170 would be through Wains Field then off the two hammer head style roads (in situ) which lead north and west. The scheme includes the provision of footway links to Feversham Drive to the west and Piercy End to the east.

On the Proposed Site Plan the affordable units would be Plots 1-6 comprising 4 no. 3bed units (type A) and 2 no. 2 bed units (type C) provided as affordable rented, with Plot 12 an additional 3bedroom unit (type A) provided as the shared ownership unit. The applicant is proposing that the gross internal floor areas for the two bed units are 88 m<sup>2</sup> and 77m<sup>2</sup> and 86 m<sup>2</sup> for the 3bed units.

The land to the south of plots 28-31 is an area of landscaped open space that would provide a buffer from the A170.

The application is accompanied by a Planning, Design, Access & Heritage Statement, Flood Risk Assessment and Drainage Strategy, Transport Statement, Arboricultural Survey, Preliminary Ecological Appraisal and Affordable Housing Viability report.

### **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

#### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP3 Affordable Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP14 Biodiversity  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

### Local Plan Sites Document (LPSD)

The application site is identified as an Existing Residential Commitment (Policy SD1) in the recently adopted Local Plan Sites Document (LPSD).

Policy SD 1 Existing Residential Commitments- *Residential development sites shown on the Policies Map as existing Residential Commitments will be treated as allocations for residential development. Residential Development should be consistent with the site's existing permission, in the event that the current permission expires.*

*Sites granted planning permission before 31 March 2018 will be identified as Existing Residential Commitments. Sites granted planning permission after this date will be treated as allocations until they are completed.*

### Material Considerations

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

### **REPRESENTATIONS:**

The Authority has received 11 objections from the occupants of properties on Feversham Drive, Wains Field, Neville Walk and West End, Kirkbymoorside. In summary the objections relate to the following:-

- Overdevelopment/density
- Overlooking/loss of privacy
- Inadequate parking
- Increased traffic
- Highway/pedestrian safety
- Footpath link
- Construction traffic and hours
- Inadequacy of access via Wains Field
- Flood risk and drainage concerns
- Construction materials
- The viability arguments should be scrutinised

### **APPRAISAL:**

The main considerations in the determination of this application are:

- Principle of the development;
- Affordable Housing;
- Open Space;
- Design, character and form;
- Impact on local amenity;
- Impact on highways; and
- Flood Risk and Drainage.

### Principle of the development

The application site is within the development limits of Kirkbymoorside and the land is identified as an Existing Residential Commitment (Policy SD1) in the recently adopted Local Plan Sites Document (LPSD).

Furthermore, there is an extant planning permission for residential development at the site that has been lawfully commenced but has not been built out. The consented development could be completed, however, the applicant considers that the extant scheme is not financially viable.

The extant planning permission is a significant material consideration that weighs in favour of granting planning permission for the proposed development in principle.

The application site is 'stalled' in that it is in a state of partial implementation (roadways and drainage works undertaken) and there are no plans to complete the extant permission. The applicant seeks to address this through the implementation of a scheme fundamentally based on that previously approved but with an increase in the total number of dwellings by 3 units and a reduction in the on-site affordable housing provision. The proposed development comprises 32 dwellings with a mix of size and tenure. NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It is considered that the principle of the proposed development is well established and aligns with Policies SP1 and SP2 of the Local Plan.

### Affordable Housing

The extant planning permission ref. 07/01133/MFUL relates to 29 dwellings and has a Section 106 legal agreement securing 10 affordable rent units and a contribution of £19,200 commuted sum for open space.

Under Policy SP3 Kirkbymoorside is a 35% affordable housing contribution area. The proposed affordable housing on-site provision comprises seven units (22% of the total number)- 6 affordable rent and 1 shared ownership plus the financial contribution of part of an affordable unit (£10,375). This is not policy compliant but a viability assessment accompanies the planning application to justify the approach.

The Housing Services Manager is satisfied with the mix, size and tenure of the affordable units and supports the proposal, subject to the viability assessment being upheld, which will deliver 7 much needed affordable homes for Kirkbymoorside.

An independent valuation surveyor has confirmed that the viability assessment for the reduced provision of affordable units is fair and sound and can be accepted.

Whilst the reduction in on-site affordable housing is unfortunate it is considered that the proposed development represents a viable and deliverable scheme that can bring housing to a 'stalled' site that has been supported for that purpose by the Council for a number of years.

### Open space

The open space on the A170 frontage to the south of plots 28-31 will connect to the open space associated with the first phase of the Wains Field development. The land will be landscaped and shall provide a sense of openness along the A170 at the entrance to the town. The landscaping works and maintenance shall be secured as part of the Section 106 legal agreement.

### Design, character and form

The application site is not subject to any national or local landscape or environmental designations. To accord with Policy SP16 (Design) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.

The development encompasses a mix of house sizes and types and all incorporate in-curtilage parking and private gardens. It is considered that the scale, proportions and spacing of the dwellings would be sympathetic to the adjacent residential site and character of the area. The siting, layout and orientation of the dwellings would not significantly depart from the grain of the settlement and the dwellings would be set back from the A170. In terms of external construction materials the proposed mix of brick and rendered elevations and clay roof tiles together with stone, timber and brick detailing across the site would provide a quality appearance in keeping with the area.

With regard to heritage assets it is not considered that the proposed development would have any impact on the setting of any listed buildings in the area. The application is outside but adjacent to the Conservation Area. The site has been awaiting development for residential purposes for a number of years and it is considered that the proposed scheme would not harm the historic pattern of development in this part of Kirkbymoorside or the streetscene. Neither would the development of this open gap in the development limits of the settlement be detrimental to the setting of the Conservation Area in compliance with the NPPF and Policy SP12.

The site is being developed at a density slightly over 30 dwellings per hectare. However, the 3 additional units can be accommodated within the site without overdeveloping the land. The proposed built form is not materially different to that previously approved and the scale reflects the adjacent housing development and topography of the site. Overall, the proposed development of this site for housing is considered to be well related to the form of the settlement and adjacent land use and would not conflict with the aims of the NPPF or Policies SP16 and SP20.

#### Impact on local amenity

As required by Policy SP20 development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, loss of privacy or natural daylight or an overbearing presence.

The application site is set within a residential area with dwellings on all sides with the closest being to the west, south and south-east.

The four units (28-31) to the west, rear side of numbers 1-7 Wains Field follow the previously approved layout and are orientated to face north-south. The units are approximately 7 metres from the boundary on each side. There is only a small bathroom window at first floor level in the side gables of units 28 and 31 and this would not result in a loss of amenity for the occupants of existing properties on Wains Field to the east. Due to the orientation of the buildings and elevational treatment there would be no direct overlooking of number 2 Feversham Drive (bungalow) from either plot number 27 or 28.

The layout of the proposed development does not significantly depart from that previously approved and there are plots where the separation distance between existing dwellings and proposed dwelling has been increased. The plot sizes, spacing, siting and orientation of the dwellings together with the positioning of principal window openings would not result in any significant material harm to neighbouring amenity in terms of loss of privacy, disturbance, overbearing impact or loss of light. It is considered that the proposed development can be accommodated without giving rise to a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings in compliance with Policy SP20.

With regard to the levels of amenity enjoyed by the occupants of the proposed dwellings the proposed layout shows that adequate private, individual amenity space can be provided for the occupiers of the proposed dwellings. The site layout shows clearly defined public spaces and secure private spaces in accordance with Policy SP16. The gardens would be of a size commensurate to the size and type of dwellings proposed and sufficient parking would be available within the site as required by Policies SP4 and SP20.

Taking account of the proximity of the application site to existing residential properties it is considered

prudent to include a condition in relation to the construction phase and the hours of work in the interests of protecting residential amenity. The final details of landscaping and boundary treatment will be secured by condition. It is not anticipated that the proposed development would give rise to any unacceptable visual impact or any pollution or disturbance and as a result there would not be an adverse impact upon local amenity in compliance with Policy SP20.

### Impact on highways

It is noted that concerns have been raised by local residents in relation to traffic, road safety and access. However, the access to the site via Wainds Field has previously been considered to be acceptable and that remains unchanged. The traffic generated by the additional 3 units would be negligible. The proposed development incorporates footpath linkages to the east and west and is in close proximity to the town centre. The roadways within the site have been laid out and the proposed in-curtilage parking complies with adopted standards and provision will be made of secure cycle parking at each dwelling.

The LHA note that the layby and retaining wall to the north of no.7 Wainds Field which was previously deemed unadoptable has been removed from the proposed layout which addresses their concern and will allow for a Section 38 (adoption) agreement to be prepared taking account of the revised housing and road layout. The LHA has not raised any objections but request that the previously imposed conditions are applied to any permission granted. An informative has been recommended by the PROW officer to deal with any requirement to divert the existing public right of way that runs across the site.

Policy SP20 requires that access to and movement within the site by vehicles, cycles and pedestrians should not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. The minor increase in dwellings at the site over and above that currently consented is not considered to be significant in terms of the generation of traffic. It is considered that the traffic associated with the proposed development would not have any significant impact upon highway safety or capacity and the proposals incorporates appropriate measures to encourage the use of sustainable transport and complies with the requirements of Policy SP20.

### Flood Risk and Drainage

The application is supported by a Flood Risk and Drainage Assessment which confirms that the site is within Flood Zone 1 with a less than 1:1000 annual probability of flooding from rivers or seas and therefore the risk of flooding from these sources is low.

There are existing surface water and foul connections into existing sewers formed as part of the commencement of works for the extant planning permission. The proposed development will use existing infrastructure where possible.

The Internal Drainage Board has confirmed that no IDB watercourses will be affected by the proposed development and have, therefore, no comments to make regarding the surface water disposal arrangement.

The Lead Local Flood Authority (LLFA) has not raised any objections or concerns but has requested further information in relation to existing infrastructure, flow control and attenuation devices, peak surface water flow rates and runoff rates. The Applicant's Drainage Consultant has responded to the queries raised by the LLFA alongside an updated FRA and Drainage Strategy and a final response from the LLFA is awaited.

In light of the above it is considered that the development would not be at risk from flooding or increase flood risk elsewhere and that a suitable drainage scheme can be designed and secured by planning condition in compliance with the NPPF and Policy SP17.

### Conclusion

It is considered that the site can accommodate the proposed minor increase in dwellings and indeed this

is integral to the viability of the development. The layout of the site and the scale, siting and appearance of the proposed dwellings is not fundamentally different to that covered by the extant permission. The reduction in affordable housing provision does give rise to a conflict with Policy SP3, however, the supporting viability assessment has been considered by an independent valuation surveyor and there are no objections from the Council's Housing Manager. This accords with the approach set out in paragraph 4.37 of the Local Plan Strategy.

The development of this partially progressed dormant site for residential purposes is supported by the Council and, whilst not wholly policy compliant, the development is considered viable and would make a contribution to meeting local affordable housing need in the area. This benefit weighs in favour of the approving the application. The affordable housing will be secured via a Section 106 agreement.

The site is not subject to any national or local designations and is not considered to be sensitive in environmental terms. It is considered that the site is capable of being developed for 32 dwellings and meets the relevant policy criteria outlined above and would not have an unacceptable impact on local amenity, flood risk or drainage or highway safety. The new dwellings can be accommodated without having an unacceptable impact on the character and form of the settlement.

It is considered that, on balance, the proposal is acceptable and complies with Policies SP1, SP2, SP4, SP12, SP14, SP16, SP17, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional approval.

**RECOMMENDATION:**                    **Approval** subject to the completion of a Section 106 agreement relating to Affordable Housing (on-site and financial contribution), landscaping and maintenance of open space, the following conditions and any further requirements of the LLFA.

1            The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. 01, dated 22.11.18

Proposed Site Plan ref. 05C, dated 22.07.19

Site Sections ref. 06A, dated 20.11.18

House Type A Floor Plans (Terraced) ref.10, dated 20.11.18

House Type A Roof Plans (Terraced) ref. 11, dated 20.11.18

House Type A Floor Plans (Terraced) ref.12, dated 20.11.18

House Type A Elevations (Semi-Detached) ref. 14, dated 20.11.18

House Type B Floor Plans (Semi-Detached) ref.15, dated 20.11.18

House Type B Elevations (Semi-Detached) ref. 16, dated 20.11.18

House Type B Floor Plans (Detached) ref.17, dated 20.11.18

House Type B Elevations (Detached) ref. 18, dated 20.11.18

House Type B Ground & First Floor Plans (Terraced) ref.19, dated 20.11.18

House Type B Second Floor and Roof Plans (Terraced) ref. 20, dated 20.11.18

House Type B Elevations ref. 21, dated 20.11.18

House Type C Plans (Semi-Detached) ref. 22, dated 20.11.18

House Type C Elevations (Semi-Detached) ref. 23, dated 20.11.18

House Type D Plans (Detached) ref. 24, dated 20.11.18

House Type D Elevations (Detached) ref. 25, dated 20.11.18

House Type E Plans (Detached) ref. 26, dated 20.11.18  
House Type E Elevations (Detached) ref. 27, dated 20.11.18

House Type E1 Plans (Detached) ref. 28, dated 20.11.18  
House Type E1 Elevations (Detached) ref. 29, dated 20.11.18

House Type F Plans (Detached) ref. 30, dated 20.11.18  
House Type F Elevations (Detached) ref. 31, dated 20.11.18

Garages Floor Plans & Elevations (Detached) ref. 50, dated 20.11.18  
Garages Floor Plans & Elevations (Semi-Detached) ref. 51, dated 20.11.18  
Garages Floor Plans & Elevations (Terraced) ref. 52, dated 20.11.18

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development approved by this planning permission shall commence until a detailed construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory progression of construction works.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level
- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals.

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths



(b) when requested cross-sections at regular intervals along the proposed roads showing the existing and proposed ground levels

(c) kerb and edging construction details

(d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 5 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 6 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted, until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(i) tactile paving

(ii) vehicular, cycle and pedestrian accesses

(iii) vehicular and cycle parking

(iv) vehicular turning arrangements

(v) manoeuvring arrangements

(vi) loading and unloading arrangements.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

- 10 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 11 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason: To provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 12 Prior to the construction of any walling associated with the buildings hereby approved details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance.

- 13 Prior to the construction of any walling associated with the buildings hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of all of the external walling to be used in the construction of the buildings. The panels so constructed shall be retained only until the development has been completed.
- Reason: To ensure a satisfactory external appearance.
- 14 Prior to their installation, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure a satisfactory external appearance.
- 15 Prior to their installation/construction, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.
- Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.
- 16 Notwithstanding the details submitted to date, and prior to the commencement of development, details of finished floor levels and landform change in level across the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction levels relating to a fixed datum shall be agreed on site.
- Reason: To ensure the development is constructed in the manner proposed with the intent of lessening impact on neighbouring properties.
- 17 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- Reason: The site is of archaeological importance.
- 18 Development shall not commence until a satisfactory scheme for protecting nearby residential properties from disturbance from construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for detailed management/operation of the development construction and include details of hours of work, deliveries, as well as appropriate mitigation techniques that prevent unnecessary disturbance to local residents. The agreed scheme shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 19 Prior to the commencement of development (or within such a time as agreed in writing by the Local Planning Authority) details of the location of the site compound and the location of the construction access shall be submitted to and approved in writing by the Local Planning Authority and thereafter retained until all construction works have ceased on site.
- Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
- 20 Notwithstanding the approved plans, the driveways and parking area hereby permitted shall be constructed of a porous material. Details of the material shall be submitted and approved in writing by the Local Planning Authority. Once agreed, the provision shall remain so in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to reduce inappropriate flood risk.

- 21 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within a protected strip of 8 metres over the public sewer that crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 22 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

- 23 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

- 24 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approval foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

- 25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding,.

- 26 Any imported fill material/topsoil shall be tested to ensure, prior to being brought onto site that no contamination is present within the fill. These results shall be documented in a report submitted and approved by the Local Planning Authority before use on the site.

Reason:- In the interests of pollution control.

- 27 No development shall commence until a scheme of crime prevention measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide rationale and mitigation that takes account of the observations, advice and recommendations contained within the Designing out Crime Report ref. 665-1-2018 MR dated, 18 December 2018.

Reason: To satisfy paragraphs 91 and 127 of the revised NPPF and Policy SP16 of the Local Plan.

- 28 Notwithstanding the details submitted to date and before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved.

- 29 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken on Plots 28 to 31 (inclusive), other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 30 Unless otherwise agreed in writing with the Local Planning Authority, all works shall be undertaken in accordance with the recommended mitigation and compensation set out in Section 4 of the Preliminary Ecological Appraisal produced by QUANTS Environmental Ltd, dated November 2018.

Reason: In order to maintain and enhance habitats and to satisfy Policy SP14 of the Local Plan Strategy.

- 31 Unless otherwise agreed in writing with the Local Planning Authority, all tree and hedgerow removal work and tree and hedgerow protection measures shall be undertaken in accordance with the Tree Survey & Constraints Plan and Arboricultural Impact and Tree Protection Plan dated 10.12.18.

Reason: To avoid damage to existing planting shown to be retained and enhance the appearance of the development hereby approved.

## **INFORMATIVES**

- 1 The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 2 Any ground clearance and vegetation removal work is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any felling or cutting of trees or shrubs. Reason: In order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

- 3 Any individual driveway from a proposed garage to the edge of adoptable area which measured less than 6 metres should have a non-protruding door gear fitted.
- 4 For properties without garages, it is recommended that a cycle locking ring is fitted to an outside wall at a convenient position within each plot.
- 5 The area to the front of Plot 7 as shown on the approved Proposed Site Plan Rev C needs to maintain the approved adoptable layout to protect visibility to the north from the adjacent shared driveway access.
- 6 If any unforeseen contamination is found on the site, the Local Planning Authority should be notified and the contamination investigated.