

RYEDALE DISTRICT COUNCIL
APPLICATION UNDER SECTION 73 OF
THE TOWN & COUNTRY PLANNING ACT 1990
TO CARRY OUT DEVELOPMENT WITHOUT COMPLYING WITH
CONDITIONS OF AN EARLIER PERMISSION ON A MAJOR APPLICATION
NOTICE OF APPROVAL

**RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS
CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED
SUBJECT TO THE STATED CONDITIONS:**

Application No: 20/01186/73M

Proposal: Variation of condition 02 of planning approval 18/01313/MFUL dated 29.05.2020
- amendment to elevations to reflect variations in ground level

at: Land To North Of Wainds Field Kirkbymoorside YO62 6JG

for: Stirling Mortimer No 8 Fund UK Land Limited

Decision Date: 7 May 2021

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

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 SP1 General Location of Development and Settlement Hierarchy
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

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CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before 28 May 2023.

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

- 02 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. 05 Rev.G, dated 15.01.2021
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 Rev.A dated 09.11.20
House Type A Elevations (Terraced) ref. 12 Rev.A dated 09.11.20
House Type A Floor Plans (Semi-Detached) ref. 13 Rev.A dated 09.11.20
House Type A Elevations (Semi-Detached) ref. 14 Rev.A dated 09.11.20

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 Rev.A dated 09.11.20
House Type B Elevations (Terraced) ref. 21 Rev.A dated 09.11.20

House Type C Plans (Semi-Detached) ref. 22A, dated 14.05.2020
House Type C Elevations (Semi-Detached) ref. 23 Rev.C dated 02.02.21

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

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House Type A Floor Plans (Semi-Detached) (Plots 11 & 12) ref. 32 dated 09.11.20
House Type A Elevations (Semi-Detached) (Plots 11 & 12) ref. 33 dated 09.11.20

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

- 03 Unless otherwise agreed in writing with the Local Planning Authority, the construction phasing shall proceed in accordance with the details (Construction Management Plan & Contractors Site Set Up Plan ref. 800 Rev B, dated 15.02.2021) approved under application ref. 20/00820/COND on 30.10.2020.

Reason: To ensure a satisfactory progression of construction works in compliance with Policy SP20.

- 04 Unless otherwise approved in writing by the Local Planning Authority, the highway works shall proceed in accordance with the following drawings approved under application ref. 20/01157/COND on 29.01.2021:-

Section 38 Kerbing Layout ref. 129596/2009 Rev C dated 10.02.2021
Section 38 Paving Layout ref. 129596/2010 Rev C dated 10.02.2021
Section 38 General Arrangement ref. 129596/2012 Rev B dated 20.01.2021
Section 38 Legal Plan ref. 129596/2013 Rev B dated 21.01.2021
Section 38 Construction Details Sheet 2 ref. 129596/2014 Rev B dated 20.01.2021
Section 38 & 104 Longitudinal Sections Sheet 1 ref. 129596/2015 Rev B dated 02.11.2020
Section 38 & 104 Longitudinal Sections Sheet 2 ref. 129596/2016 Rev A dated 02.11.2020
Section 38 Proposed Road Contours ref. 129596/2023 Rev B dated 20.01.2021
Section 38 Technical Layout ref. 129596/2024 Rev B dated 21.01.2021
Section 38 Construction Details Sheet 1 ref. 129596/2008 Rev A dated 20.01.2021
Section 38 Construction Details Sheet 3 ref. 129596/2026 Rev A dated 20.01.2021
Private Porous Paving Layout & Details ref. 129596/2011 Rev A dated 21.01.2021
Section 104 Proposed Drainage Layout ref. 129596/2001 Rev D dated 21.01.2021
Road Lighting Layout ref. 19/AP/20, dated 20.08.20
Hard Landscaping Plan Sheet 1 ref. LMA.18.024 100 Rev D, dated 06.11.2020
Hard Landscaping Plan Sheet 2 ref. LMA.18.024 105 Rev E, dated 15.01.2021

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 in compliance with Policy SP20.

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- 05 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 the details approved under Conditions 3, 4 & 7 and 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 in compliance with Policy SP20.

- 06 Unless otherwise approved in writing by the Local Planning Authority, the measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway shall be in accordance with the details (Section 38 Legal Plan ref. 129596/2013 Rev B dated 21.01.2021; Micro Drainage Calculations; Proposed Drainage Layout ref. 129596/7001, dated 28.10.2020; Impermeable Area Plan ref. 129596/7002, dated 30.10.2020; & Proposed Plot Drainage Layout ref.129596/7003, dated 19.11.2020) approved under application ref. 20/01157/COND on 29.01.2021.

The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety in compliance with Policy SP20.

- 07 Unless otherwise approved in writing by the Local Planning Authority, the highway works (paving, accesses, parking, turning, manoeuvring and loading/unloading) shall proceed in accordance with the following drawings approved under application ref. 20/01157/COND on 29.01.2021 :-

Section 38 Kerbing Layout ref. 129596/2009 Rev C dated 10.02.2021
Section 38 Paving Layout ref. 129596/2010 Rev C dated 10.02.2021
Section 38 General Arrangement ref. 129596/2012 Rev B dated 20.01.2021
Section 38 Legal Plan ref. 129596/2013 Rev B dated 21.01.2021
Section 38 Construction Details Sheet 2 ref. 129596/2014 Rev B dated 20.01.2021
Section 38 & 104 Longitudinal Sections Sheet 1 ref. 129596/2015 Rev B dated 02.11.2020
Section 38 & 104 Longitudinal Sections Sheet 2 ref. 129596/2016 Rev A dated 02.11.2020
Section 38 Proposed Road Contours ref. 129596/2023 Rev B dated 20.01.2021
Section 38 Technical Layout ref. 129596/2024 Rev B dated 21.01.2021
Section 38 Construction Details Sheet 1 ref. 129596/2008 Rev A dated 20.01.2021
Section 38 Construction Details Sheet 3 ref. 129596/2026 Rev A dated 20.01.2021
Private Porous Paving Layout & Details ref. 129596/2011 Rev A dated 21.01.2021
Section 104 Proposed Drainage Layout ref. 129596/2001 Rev D dated 21.01.2021
Road Lighting Layout ref. 19/AP/20, dated 20.08.20
Hard Landscaping Plan Sheet 1 ref. LMA.18.024 100 Rev D, dated 06.11.2020
Hard Landscaping Plan Sheet 2 ref. LMA.18.024 105 Rev E, dated 15.01.2021

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.

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- 08 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 in compliance with Policy SP20.

- 09 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 in compliance with Policy SP20.

- 10 Unless otherwise agreed in writing with the Local Planning Authority, the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways shall be in accordance with the details (Construction Management Plan & Contractors Site Set Up Plan ref. 800 Rev B, dated 15.02.2021) approved under application ref. 20/00820/COND on 30.10.2020. 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 in compliance with Policy SP20.

- 11 Unless otherwise agreed in writing with the Local Planning Authority, the contractors on-site parking and materials storage areas shall be in accordance with the details (Construction Management Plan & Contractors Site Set Up Plan ref. 800 Rev B, dated 15.02.2021) approved under application ref. 20/00820/COND on 30.10.2020. 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 in compliance with Policy SP20.

- 12 Unless otherwise agreed in writing with the Local Planning Authority, the materials to be used on the exterior of the buildings the subject of this permission shall be in accordance with the details and samples approved under application ref. 20/01249/COND on 26.01.2021.

Reason: To ensure a satisfactory external appearance in compliance with Policies SP16 and SP20.

- 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 in compliance with Policies SP16 and SP20.

- 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 in compliance with Policies SP16 and SP20.

- 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 in compliance with Policies SP16 and SP20.

- 16 Unless otherwise agreed in writing with the Local Planning Authority, the site shall be developed with finished floor levels (Proposed Plot Levels ref.129596/2025 Rev C dated 08.03.21) as approved under application ref. 20/01157/COND.

Reason: To ensure the development is constructed in the manner proposed with the intent of lessening impact on neighbouring properties in compliance with Policies SP16 and SP20.

- 17 Unless otherwise agreed in writing with the Local Planning Authority, the site shall be developed in accordance with the construction management scheme (Construction Management Plan & Contractors Site Set Up Plan ref. 800 Rev B, dated 15.02.2021) as approved under application ref. 20/00820/COND on 10.11.2020.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties in compliance with Policy SP20.

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- 18 Unless otherwise agreed in writing with the Local Planning Authority, the site compound and the location of the construction access shall be in accordance with the details (Construction Management Plan & Contractors Site Set Up Plan ref. 800 Rev B, dated 15.02.2021) as approved under application ref. 20/00820/COND on 10.11.2020. The site compound and site access shall be 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 in compliance with Policy SP20.

- 19 Unless otherwise agreed in writing with the Local Planning Authority, the surfacing of driveways and parking area shall be in accordance with the details (Hard Landscaping Plan Sheet 1 ref. LMA.18.024 100 Rev D, dated 06.11.2020 & Hard Landscaping Plan Sheet 2 ref. LMA.18.024 105 Rev E, dated 15.01.2021) approved under application ref. 20/01157/COND on 29.01.2021. 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 in compliance with Policy SP17.

- 20 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 in compliance with Policy SP17.

- 21 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 in compliance with Policy SP17.

- 22 Unless otherwise agreed in writing with the Local Planning Authority, the proposed means of disposal of foul and surface water drainage shall be in accordance with the details (Micro Drainage Calculations; Proposed Drainage Layout ref. 129596/7001, dated 28.10.2020; Impermeable Area Plan ref. 129596/7002, dated 30.10.2020; & Proposed Plot Drainage Layout ref.129596/7003, dated 19.11.2020) approved under application ref. 20/01157/COND on 11.01.2021

Reason: To ensure that the development can be properly drained in compliance with Policy SP17.

- 23 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 in compliance with Policy SP17.

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- 24 Unless otherwise agreed in writing with the Local Planning Authority, the proposed means of surface water drainage shall be in accordance with the details (Micro Drainage Calculations; Proposed Drainage Layout ref. 129596/7001, dated 28.10.2020; Impermeable Area Plan ref. 129596/7002, dated 30.10.2020; & Proposed Plot Drainage Layout ref.129596/7003, dated 19.11.2020) approved under application ref. 20/01157/COND on 11.01.2021.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in compliance with Policy SP17.

- 25 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 in compliance with Policy SP17.

- 26 Unless otherwise agreed in writing with the Local Planning Authority, the development shall be implemented in accordance with the scheme of crime prevention measures (contained within letter from Ken Parke Planning Consultants dated 23.11.2020) approved under application ref. 20/01157/COND on 11.01.2021.

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

- 27 Unless otherwise agreed in writing with the Local Planning Authority, the landscaping of the development shall be completed in accordance with the details (Landscape Layout ref. R-2378-1A, dated Aug 2020; Landscape Details ref. R-2378-2, dated Aug 2020 and Landscape Details ref. R-2378-3, dated Aug 2020) approved under application ref. 20/00820/COND on 30.10.2020. 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 in compliance with Policies SP16 and SP20.

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- 28 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) in compliance with Policies SP16 and SP20.

- 29 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.

- 30 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 in compliance with Policies SP16 and SP20.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



HEAD OF PLANNING

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