

**RYEDALE DISTRICT COUNCIL**  
**TOWN & COUNTRY PLANNING ACT 1990**  
**FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

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

**Application No:** 17/00969/FUL

**Proposal:** Erection of 4 no. semi-detached dwellings and 2 no. detached dwellings, the erection of garages and the creation and alterations of vehicular access points.

**at:** Brickworks Swineherd Lane Kirkbymoorside North Yorkshire

**for:** Mr And Mrs Collier

**Decision Date:** 4 June 2018

**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 SP4 Type and Mix of New Housing  
Local Plan Strategy - Policy SP13 Landscapes  
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  
National Planning Practice Guidance  
National Planning Policy Framework  
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

**CONDITIONS AND ASSOCIATED REASONS**

01 The development hereby permitted shall be begun on or before 3rd June 2021.

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

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- 02 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building 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 and to satisfy the requirements of Policy SP16 of the Local Plan Strategy.

- 03 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, 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, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 04 Prior to the commencement of the development, 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 an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 05 Prior to the commencement of the development hereby approved precise details of the existing spot ground levels and proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

- 06 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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 and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

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- 07 No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SP14, SP15 of the Ryedale Local Plan 2012 and paragraphs 109, 117 and 118 of the National Planning Policy.

- 08 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

LP001 Rev A  
D416002/09 REV A  
D416002/10 REV A  
D416002/18  
D416002/13 REV A  
D416002/17

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

- 09 Prior to the commencement of the development hereby approved precise details of any ground surfacing materials shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Reason: To ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

- 10 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

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- 11 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 12 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 13 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 access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

c. The two existing accesses shall be improved by widening / alteration / upgrading of construction specification in accordance with Drawing No. D416002/13 and Standard Detail drawing no. DC/E9A.

d. The crossing of the highway verge and/or footway for the new joint access shall be constructed in accordance with the approved details and/or Standard Detail number DC/E9A.

e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

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g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

h. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 14 There shall be no access or egress by any vehicles between the highway and the application site using the proposed joint access (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 measured along both channel lines of the major road Swinehard Lane from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and in the interests of road safety.

- 15 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 until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision a nominal 1.2 metre-wide macadam-surfaced footway from the western-most existing access up to the proposed joint access in accordance with the footway specification shown on Standard Detail drawing number A1. Re-location of the existing seat and flagged retaining wall in order to clear the route of the proposed footway.

(iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

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- 16 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number: 15 (above) Footway provision etc. as described in that condition.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and in the interests of the safety and convenience of highway users.

- 17 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing numbers D416002/13 REV A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and 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 the development.

- 19 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Kirkbymoorside town centre

Reason: In accordance with Policy SP20 of the Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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**INFORMATIVE(S)**

- 01 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 02 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 03 An explanation of the terms used above is available from the Highway Authority.
- 04 The applicant/developer is advised that this decision should also be read in conjunction with the signed Section 106 legal Agreement dated 4<sup>th</sup> June 2018.

**Footnote :**

*In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.*

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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.

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HEAD OF PLANNING

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