

**Item Number:** 9  
**Application No:** 14/00980/MFUL  
**Parish:** Thornton-le-Dale Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** W&W Estates (Thornton Dale) Ltd (Mr John Warrington)  
**Proposal:** Demolition of existing buildings and erection of 6no. four bedroom dwellings, 4no. three bedroom dwellings, 2no. two bedroom dwellings and 2no. one bedroom dwellings with associated garaging, parking and amenity areas and repositioning of vehicular access  
**Location:** Ryelands Care Home Hurrell Lane Thornton-Le-Dale Pickering North Yorkshire YO18 7QR  
**Registration Date:**  
**8/13 Wk Expiry Date:** 19 December 2014  
**Overall Expiry Date:** 16 December 2014  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Housing Services</b>	Support
<b>Property Management</b>	Contribution towards affordable housing and public open space required
<b>Parish Council</b>	No objection
<b>Highways North Yorkshire</b>	No objection - recommends condition
<b>Countryside Officer</b>	No objection - recommend conditions
<b>Environmental Health Officer</b>	Recommend conditions
<b>Land Use Planning</b>	Recommend conditions
<b>NYM National Parks</b>	No objection
<b>Tree &amp; Landscape Officer</b>	Recommend condition
<b>Vale Of Pickering Internal Drainage Boards</b>	No objection subject to improvements been carried out and a commuted sum agreed

**Neighbour responses:** Mike Halliday, Roger Dawson,

.....

#### SITE:

The application site contains a former Care Home located on Hurrell Lane, Thornton-le-Dale. The application site has a frontage of 59m and total depth of approximately 100m at its greatest, and measures 0.64 hectares in area. Part of the site wraps around the rear of a group of bungalows on the south side. The application site is located within the development limits of Thornton-le-Dale and adjacent to an Area of High Landscape Value, being the fringe of the Yorkshire Wolds.

There is existing residential development on the northern and southern sides, with open countryside to the western side. There is a group Tree Preservation Order (TPO) on the planting adjacent to the site on the eastern side.

#### PROPOSAL:

Planning permission is sought for the demolition of the existing Care Home and the erection of 14 dwellings with associated garages, parking, amenity areas and re-positioning of vehicular access. The scheme comprises the following mix:

- 6 no. 4 bed dwellings

- 4 no. 3 bed dwellings
- 2 no. 2 bed dwellings
- 2 no. 1 bed dwellings

Of these, there are 8 semi-detached properties and 6 detached properties.

The proposal includes the provision of 35% affordable housing through:

- 2 no. 2 bed dwellings;
- 2 no. 1 bed dwellings;
- An off-site commuted sum equivalent to 0.9% of a dwelling to make up the balance.

The dwellings are to be constructed of a mixture of stone and brick under clay pantile roofs with timber windows and doors. The dwellings have eaves heights between 5m and 5.6m and ridge heights from 7.8m to 9.1m. The proposed dwellings are of traditional design.

The smallest units (Plots 1 and 6) will have a footprint of 7.6m by 4m, and the largest, Plot 14, will have a footprint of 11.4m by 9m at its greatest.

There has been the following documents submitted with the application:-

- Design & Access Statement;
- Arboricultural Report;
- Planning Statement;
- Ecological Report;
- Phase 1 Desk Based Ground study

These are available to view online.

## **HISTORY:**

There is a varied history on the site relating mainly relating to the former Care Home. It includes:

2005: Planning permission granted for the erection of a glazed atrium roof over open courtyard to form reception area and offices together with conversion of garage to laundry room with windows to replace garage doors.

1999: Erection of a pair of semi-detached retirement bungalows and extension to nursing home.

1996: Erection of extensions to retirement home.

1994: Planning permission granted for the erection of a double garage.

1993: Planning permission granted for the erection of a conservatory and detached garage.

1991: Planning permission granted for the erection of a single storey extension to existing nursing home.

1991: Planning permission granted for the erection of an entrance porch

1988: Planning permission granted for the erection of part one storey/part two storey extension to nursing home.

1985: Planning permission granted for the change of use from offices to residential and nursing home for the elderly

## **POLICY:**

### National Policy

National Planning Policy Framework (NPPF) 2012  
National Planning Policy Guidance (NPPG) 2014

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

Policy SP1 - General Location of New Development and the Settlement Hierarchy  
Policy SP2 - Distribution and Delivery of New Housing  
Policy SP3 - Affordable Housing  
Policy SP4 - Type and Mix of New Housing  
Policy SP11 - Community Facilities and Services  
Policy SP13 - Landscapes  
Policy SP14 - Biodiversity  
Policy SP16 - Design  
Policy SP17 - Managing Air Quality, Land and Water Resources  
Policy SP18 - Renewable and Low Carbon Energy  
Policy SP19 - Presumption in favour of sustainable development  
Policy SP20 - Generic Development Management Issues  
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

## **APPRAISAL:**

The main considerations in relation to this application area:

- The principle of the proposed development;
- The layout, scale and design of the scheme;
- Impact upon the residential amenity of the adjoining properties;
- Whether the proposed development will have a satisfactory level of residential amenity;
- Affordable housing provision;
- Drainage;
- Highway safety;
- The impact upon the surrounding landscape;
- Protected species;
- Trees and landscaping;
- Developer contribution; and
- Other issues.

This application is classed as 'Major' development and therefore has to be determined by Planning Committee.

Officers have been in negotiations with the applicant regarding the layout of the proposed scheme. As a result revised plans have been submitted that have resulted in a reduction in the scale of Plot 14 along with improvements to its fenestration. Furthermore, Plots 1 and 2 have been 'swapped' with Plot 14. This is because it is considered that a detached dwelling would relate better to the detached property to the northern side on Hurrell Lane and a pair of semi detached dwelling would also have a better relationship to the terraced bungalows on the southern side of Hurrell Lane. Hedges have also been introduced within the 'inner' frontage areas and a side bedroom window has been altered on Plot 10. The central access point onto Hurrell Lane has also been moved 7m further south from that originally proposed. The revised plans are now subject to a period of re-consultation, which closes on the date of the Planning Committee meeting. Members will be updated at the meeting of any additional comments.

### Principle of the proposed development

There is considered to be no protection afforded to the Care Home use by Policy SP11 of the LPS. The building itself was built approximately 25 years ago, and there is considered to be no objection in principle to its demolition. It is understood that there is no need for this facility and the property has been bought by the applicants on the open market.

The adopted Local Planning Strategy is based on a residential strategy which seeks to focus new residential development in sustainable settlements comprising the four market towns and the selected 'service villages' Policy SP1 defines Thornton-le-Dale as a Local Service Centre, and a tertiary focus for growth. The village has public transport links, a schools, some retail provision and is very close to Pickering, that has two allocated employment sites.

Para. 49 of NPPF states:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

The Council does not currently have a 5 year supply of housing (4.39 years of housing supply at 30.06.2014). Therefore in accordance with para. 49 of NPPF, the proposal must be considered against para. 14 of NPPF.

Para. 14 states:

*' .... For decision-taking this means:*

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan is absent, silent, or relevant policies are out-of-date, granting planning permission unless:*
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - Specific policies in the Framework indicate development should be restricted.'*

In this case Policy SP2 (Delivery and Distribution of new housing) of the Local Planning Strategy is the principal policy relating to housing supply and under the terms of para 49 has to be considered 'out of date'. Incidentally, Policy SP2 seeks to provide an additional 300 dwellings over the plan to be located within the ten identified Local Service Centres, including Thornton-le-Dale. However, in view of the site's location within the development limits of the settlement it is considered to be consistent with Policy SP2. Therefore, even if full weight could be attached to Local Planning Policy SP2 it is considered that the scheme would be consistent with that policy. It should be noted, however, that Policy SP1 (General Location of new development and settlement hierarchy) and Policy SP19 (presumption in favour of sustainable development) and all other relevant paragraphs of NPPF seek to encourage sustainable residential development in locations such as Thornton-le-Dale.

In view of the above, together with the sustainable location of the site within the development limits of Thornton-le-Dale, the principle of residential development on the site is considered to be acceptable. This is subject to any impacts associated with the proposal that are considered to cause 'significant' and 'demonstrable' harm in accordance with para 14, which will be addressed below.

### The layout, scale and design of the proposed scheme

The proposed development has an access onto Hurrell Lane in a central position with a dwelling on the northern side and a pair of semi-detached properties to the southern side. The access leads to a cul-de-sac with dwellings at either side and along the rear (eastern side) boundary. This is considered to represent a logical and effective use of the site in view of its irregular shape.

The proposed semi-detached units (Plots 1 and 2) are designed to appear as a modest double fronted dwelling, with one central door and a side door. The largest dwelling (Plot 14) has been reduced in scale from the original submission and its fenestration has been significantly improved. As a result Plot 14 is considered to relate well to the existing detached properties to the northern side. The semi-detached properties to the southern side will form an appropriate link to the terraced bungalows to the southern side.

The general design of design and scale of the proposed dwellings is considered to respect the local vernacular of the village and is considered to result in a well designed scheme. The ridge heights of between 7.8m and 9.1m is typical of other two storey dwellings in the area.

The mix of the scheme was improved on the advice of officers to incorporate 6 semi-detached properties and 8 detached dwellings. Whilst some terraced units could improve the mix further in view of the location of the site, it is considered to be reasonable mix. The density of the site is 22 dwellings to the hectare, which is a relatively low density level. However, in view of the edge of the village location and the character of surrounding dwelling, and that this site has the potential to 'open up' another potential site via the proposed cul-de-sac, the density is considered to be acceptable in this respect.

There is considered to be a good mix on the size of dwellings on the site from 1-bed units to 4-bed dwellings.

Plots 5, 6, 7, and 12 are to be in brick and the remaining 10 plots are to be stone. The proposed dwellings are all to have clay pantile roofs with timber windows and doors. The design also incorporates details such as art stone quoins, brick dentil courses, and flush verges. It is considered that the proposed materials are considered to be acceptable and relate well to the character of dwellings in the village.

#### Affordable Housing provision

The affordable housing provision comprises the following:

- 2 no 2 bed dwellings
- 2 no. 1 bed dwellings

An off site commuted sum equivalent to 0.9 of an affordable unit is also required - calculated by the Council's Valuer to be £90,000. This provision meets the 35% on site requirement contained within Policy SP3 of the LPS. Of those on-site units one of the 2-bed units is required to be an intermediate property and the remaining three units are required to be available for rent. The precise terms will be secured through a Section 106 Agreement.

#### Impact upon the residential amenity of the adjoining properties

There is a detached dwelling to the north fronting Hurrell Lane. There will be a separation distance of between 6m and 12m between that dwelling and plot 14, and 5m between plot 2 and the adjoining bungalow to the south western side. Hurrell Court is a collection of bungalows to the southern side. These are relatively small properties with communal areas, that were formerly related to the operation of the Care Home. To the northern side are generally detached properties with large gardens. The proposed dwellings will all have separation distances from surrounding properties above the widely recognised minimums of 20m from a 'back to back' relationship. The side by side relationship for those proposed dwellings fronting Hurrell Lane is considered to be acceptable on the revised plan. As a result there is considered to be no unacceptable potential overlooking to adjoining properties, loss of sun lighting or day lighting, or an unacceptable massing of buildings in close proximity to existing dwellings. It is also noted that no objections have been submitted in respect to specific residential amenity impacts.

There is a first floor side window on Plot 1, which it appeared should be obscure glazed to prevent an unacceptable level of potential overlooking to the adjoining property.

#### Whether the proposed development will have a satisfactory level of residential amenity

The dwellings will all have their own private car parking and garden areas. The proposed dwellings will all have a satisfactory relationship with the existing dwellings and between individual plots. As a result each dwelling is proposed to have a satisfactory level of residential amenity.

The trees under the group TPO to the east are not considered to compromise the residential amenities of the proposed dwellings.

#### Drainage

Yorkshire Water has confirmed that the mains sewer can accept foul water and recommends standard conditions in this respect. The applicant originally proposed to drain surface water into the mains, however Yorkshire Water has requested that the applicant investigate other sustainable forms of drainage first. The applicant has identified that there is a watercourse/drain to the south of the site within the highway verge (400m to the south), which is managed by the Internal Drainage Board.

The Internal Drainage Board (IDB) has stated that there is a ditch approximately 400m south of the application site and it is in a moderate condition. The IDB have stated that they would have no objection to receiving the surface water subject to improvements being carried out to the ditch network. The IDB has requested a commuted sum for undertaking this work and this would have to be secured via a S106 agreement. Finally the IDB have stated that surface water would need to be attenuated on site and discharged at a controlled rate.

The agent has been asked for precise details of the above and has stated that there would be 100m<sup>3</sup> storage underneath the parking areas for Plot 1 and 2 and surface water could be attenuated to 3 l/s. It is also understood that the highway drainage and the surface water drainage for the individual plots require separate pipes as the highway drainage pipe is to be adopted by the Highway Authority.

The applicants have confirmed that the underground tanks will not result in increases in the height of the development above existing ground levels and that a management company would be set up to manage the surface water drainage system.

Regarding the drainage of water within the highway, the proposal is to drain surface water from the highway into underground oversized pipes which will then drain into an existing network of drainage to the south via the existing highway. This will be delivered via a S278 agreement and a commuted payment in respect of future maintenance.

#### Highway safety

The proposed development relates to a former Care Home, the traffic associated with the lawful use of that building includes staff, visitors, medical personnel and deliveries. This level of activity should be considered against the anticipated movements of 14 dwellings. The local Highway Authority, given the scale of the proposal has not requested a Transport Assessment for the proposed development. The Highway Authority responded to the original submission to state that they had no objections subject to the imposition of standard highway conditions. These conditions include a detailed specification of all works within the highway proposed to be adopted, that roads are constructed prior to occupation of the dwellings, surface water drainage, precautions to prevent mud on the highway, parking for the individual dwellings, that the existing access is to be closed, construction parking, and the provision of a public footpath from the site to the existing public footpath on the A170.

The provision of a proposed footpath to the A170 is currently being considered further by officers.

### The impact upon the surrounding landscape

The proposed development replaces a modern care home building with 14 well designed dwellings in a cul-de-sac layout. The site is surrounded on two sides (north and south) by existing residential development with mature planting to the eastern side. There is open countryside on the western side. The site lies within the development limits of Thornton-le-Dale and is considered to be enhancement to the current appearance of the site. It is considered that the proposed development will not have an adverse effect upon the special scenic quality of the Area of High Landscape Value.

### Protected species

An Ecological Survey and Assessment has indicated that there is a significant maternity bat roost in the main building and several summer and transitional roosts throughout the site. A European Protected Species Licence will be required as these buildings are to be demolished. The site and buildings also contained suitable nesting habitats for birds and the Countryside Management Officer recommends that the submitted method statement is adhered to during construction works. The submitted reports also contain recommendations in respect of enhancement to the local biodiversity and it is recommended that conditions in respect of the above issues are imposed. Subject to these conditions it is considered that the proposal will meet the requirements of Policy SP14 of the LPS.

### Trees and landscaping

An Arboricultural Report has been submitted and considered by the Tree and Landscape Officer who has stated:

“The proposal requires the removal of eight trees, i.e. two limes (T2 and T12) and a cherry (T13) on the site frontage, a sorbus species (T4) close to the northern boundary, and four apples in the eastern side of the site. Of these only two limes are considered to be of any amenity value. However, both of these trees are poorly structured and liable to suffer branch losses as they further mature”.

There is, therefore, no objection the loss of the trees and supplementary planting of small to medium sized trees is required by condition.

Furthermore changes have been negotiated to provide additional hedge planting along the frontage of plots within the scheme. Conditions are therefore recommended in respect of the additional planting.

A condition is also recommended in respect of a protecting fencing for the trees on the eastern side of the site, protected under a group Tree Preservation Order.

### Developer contributions

The Council's Valuer has calculated that there is a requirement for an off-site contribution towards Public Open Space (POS) of £30,912 in accordance with Policy SP11 of the Local Plan Strategy.

As outlined above a financial contribution of £90,000 has been calculated by the Council's Valuer to make up the shortfall in respect of the 35% affordable housing provision.

These contributions together with the on-site affordable housing provision will need to be secured by S106 agreement.

### Other issues

The Environmental Health Officer has no objection subject to a condition relating to potential ground contamination through the preparation of a Phase 2 report. The North York Moors National Park Authority has no objection to the proposal.

The Parish Council had no objection to the original submission. The neighbour to the south has written and asked that the proposed dwelling nearest to his property (Plot 14) has a carport to the rear and not the side of their property. One further neighbour letter has been received which raises the following issues; the security of boundaries and privacy; additional traffic using Hurrell Lane and suggested method to increase its safety; drainage; the width of Hurrell Lane; footpath provision possibly being a marked area on the road; re-positioned utility poles; suggest 8 dwellings instead of 14 would be more in keeping with the area; and the impact upon the adjacent bungalows at Hurrell Court.

The comment regarding the car port has been addressed through the revised plans. As a result the proposed scheme will have a better relationship with No. 12 Hurrell Court and is not considered to adversely affect its amenities. A condition is recommended regarding boundary details, with the aim that the private areas of surrounding properties are protected by a fence or structure to a suitable height. Highway safety has been assessed by the Highway Authority and is appraised above. The density of development is acceptable, 8 dwellings would clearly not be an efficient use of land in this sustainable 'service village' location. Furthermore, it would not secure the public benefits secured under this submission. Finally residential amenity impacts have been appraised above. Officers are currently considering the Highway Authority's request for how best to accommodate a pedestrian path from the application site to the A170.

In view of the above assessment, there has been no significant or demonstratable harm identified and Members of the Planning Committee are recommended to approve this application.

National Planning Policy Framework

National Planning Policy Guidance

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 SP11 Community Facilities and Services

Local Plan Strategy - Policy SP13 Landscapes

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

**RECOMMENDATION:**                      **Approval subject to S106 Agreement in respect of developer contributions and the expiry of the consultation period.**

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            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 Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.



- 3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 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 Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 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 - Local Plan Strategy.

- 6 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 - Local Plan Strategy.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:- To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal and to satisfy the National Planning Policy Framework.

- 8 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, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 9 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 site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 10 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until a Phase 2 site investigation report is undertaken and approved in writing by the Local Planning Authority. Should the Phase 2 investigation recommend remedial works, or if these are requested by the Local Planning Authority, development shall not commence until a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2011) Code of Practice for the Investigation of Potential Contaminated Sites. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to fully take account of potential contamination and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 11 Notwithstanding the submitted drainage details and prior to the commencement of the development full details of the method of draining surface water from the site, including its detailed design and routes, attenuation details, and future maintenance of the surface water system shall be submitted to and approved in writing with the Local Planning Authority.

Reason:- To ensure the site can be effectively drained and to satisfy Policy SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

- 12 No removal of hedgerows, trees or shrubs shall take place between 1st of March and 31st of August inclusive, unless a competent ecologists has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority, by a suitably qualified ecologist for written approval prior to any such removal or clearance works.

- 13 The Following works – the demolition of the Ryelands Care Home shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license.

Reason:- In order to fully address the impact upon protected species ant to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 14 No development shall take place until a method statement for the creation of new wildlife features has been submitted to and approved by the Local Planning Authority. The content of the method statement shall include the following:-
- a) Purpose and objectives for proposed works
  - b) Detailed designs/working methods necessary to achieve stated objectives
  - c) Extent and location of proposed works
  - d) Timetable for implementation
  - e) Persons responsible for implementation
  - f) Initial aftercare and long term maintenance
- 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, unless 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 road 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 by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 16 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:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 17 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 of 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 accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety .

- 18 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway on the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - 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.

- 19 No part of the development shall be brought into use until the existing access on to Hurrell Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

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

20 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 required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

(a) Provision of tactile paving

(b) provision of a 1.5 metre wide nominal width kerbed footway along the east side of Hurrell Lane, between the proposed estate road entrance and existing footway at the A170 junction, together with alterations to road drainage arrangements to give positive drainage where considered necessary due to kerbing, and street lighting as appropriate.

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

21 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 19.

Provision of footway etc as described in that condition.

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

22 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 1531/5A. 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 Ryedale Plan - Local Plan Strategy and 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.

23 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:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

24 During construction works, there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sundays or a Bank Holiday, nor at any time, except between the hours of 07:30 to 16:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to avoid conflict with vulnerable road users.

25 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCV's brought onto the site until a survey recording the condition of the existing highway (Hurrell Lane) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

26 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on 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:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and 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.

27 Unless otherwise approved 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 on the site until details of the routes to be used by HCV operation traffic have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the approved routes shall be used by all vehicles connected with construction on the site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

28 Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to ensure a satisfactory external appearance and to satisfy SP20 of the

Ryedale Plan – Local Plan Strategy.

- 29 Prior to the commencement of the development, details of the landscaping for the development shall be submitted for approval in writing. The submitted scheme shall include a planting schedule providing details of species, planting sizes, and numbers of each species and their locations within the scheme. The approved scheme shall be carried out before the use hereby permitted is commenced and prior to the completion of the development, or in accordance with a phased programme of development agreed in writing by the Local Planning Authority. If within a period of five years after planting (and including the existing tree or hedge to be retained), any trees or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason:- In the interests of compliance with Policy SP13 of the Ryedale Plan - Local Plan Strategy, and in the interests of amenity and enhancement of the development.

- 30 Prior to the commencement of the development, including site stripping or demolition, tree protection fencing of a design previously agreed in writing with the Local Planning Authority shall be erected along the eastern boundary of the development along an alignment at least 1.0m outside the crown spread into the site of any tree along that boundary. Once erected the fencing shall remain in situ until the completion of the development.

Reason:- To ensure that the trees on the land immediately to the east of the development, which are protected under a Tree Preservation Order, are not damaged as a consequence of development, and in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 31 Prior to the commencement of the development the mature lime and whitebeam in the north western corner of the site referred to as tree 1 and tree 3, and the large mature ash along the eastern boundary of the site referred to as tree 11, all shown to be retained on drawing No. ARB/CP/950/TPP, dated August 2014 shall be protected by protective fencing in accordance with BS 5837:2012 Trees in relation to demolish, design and construction – Recommendations or similar design agreed in writing with the Local Planning Authority along the alignment shown in red on the above drawing.

Reason:- To ensure that the roots and the upper parts pf the tree are not damaged as a consequence of development.

- 32 Unless otherwise agreed in writing with the Local Planning Authority, the first floor window on the south elevation of Plot 1 shall be permanently obscure glazed with obscure or opaque glass, with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:- In order to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Drawing No. 1531/5D  
Drawing No. 1531/6C  
Drawing No. 1531/7  
Drawing No. 1531/9  
Drawing No. 1531/10  
Drawing No. 1531/11  
Drawing No. 1531/12  
Drawing No. 1531/13  
Drawing No. 1531/14  
Drawing No. 1531/15B  
Drawing No. 1531/16B  
Drawing No. 1531/17  
Drawing No. 1531/18  
Drawing No. 1531/19  
Drawing No. 1531/20A

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

**INFORMATIVES:**

1. 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.
2. These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties