

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 7  
**Application No:** 16/00354/MOUT  
**Parish:** Rillington Parish Council  
**Appn. Type:** Outline Application Major  
**Applicant:** Mr John Cook & Mr Matthew Wrigley  
**Proposal:** Residential development of 18no. dwellings with associated access (site area 0.69ha)  
**Location:** Land At Rear Of 56 Low Moorgate Rillington Malton North Yorkshire

**Registration Date:** 15 March 2016  
**8/13 Wk Expiry Date:** 14 June 2016  
**Overall Expiry Date:** 22 July 2016  
**Case Officer:** Alan Hunter **Ext:** Ext 276

**CONSULTATIONS:**

<b>Public Rights Of Way</b>	Recommend informative
<b>Vale Of Pickering Internal Drainage Boards</b>	Recommendations regarding surface water alteration
<b>Lead Local Flood Authority</b>	No objection - recommend their standard planning condition
<b>North Yorkshire Police Architectural Liaison Officer</b>	No concerns or issues at this time
<b>Housing Services</b>	Comments made
<b>Land Use Planning</b>	No views received
<b>Archaeology Section</b>	A scheme of archaeological mitigation recording should be undertaken and condition recommended
<b>Tree &amp; Landscape Officer</b>	Recommend condition
<b>Countryside Officer</b>	Recommend conditions
<b>Lead Local Flood Authority</b>	Comments made with regard to surface water
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Comments made and conditions to be attached

**Neighbour responses:** Mrs C And Mr S Collier, Mr P Abbey And Mrs K Green, Stella Ketley, Mr Christopher Coxon, Mrs J Maud, Mr Colin Bean, Mrs Patricia Sollitt, Mr Christopher Coxon, Steve And Pam Kent, Mr Richard & Patricia Porter, Mrs Catherine Metham, Mrs Ivy Wilson,

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**SITE:**

The application site comprises approximately 0.69 hectares of land adjacent to, but outside of the development limits of Rillington and within open countryside. The site approximately measures 90m in width at its widest and 95m in depth at its greatest. The site is currently used for a combination of grazing land and includes land and buildings belonging to 70 Low Moorgate. The site is relatively flat and located to the east of Low Moorgate on the northern side of Rillington. There are areas of planting along the eastern boundary with open countryside on the northern and eastern boundaries.

Part of an existing orchard is located to the southern side of the application site. The site is also within an area of known archaeological significance and within Flood Zone 1, being at the lowest risk of flooding.

### **PROPOSAL:**

An outline application has been submitted for residential development comprising 18 dwellings. At this stage layout, scale and access are to be considered. The proposal seeks to use a new access to Low Moorgate that was approved for residential development of 10 dwellings in 2014. The proposal will extend the to already approved cul-de-sac on to Phase 1 to create a total of 28 new dwellings from this approved access from Low Moorgate.

The proposal is to be an extension of the approved cul-de-sac road with a 'T' shaped road alignment across the end of the approved road. The proposed dwellings are proposed to front the continuation of the approved road. There are 9 detached dwellings proposed, 3 terraced dwellings and 3 pairs of semi-detached properties. There are 8 house types having the following dimensions:

- A type: 5.7m wide and 7.8m in depth 4.8m to eaves and 8.6m to ridge
- C type: 7.5m depth and 9m wide 5m to eaves and 8m to ridge height
- F type: 9m in depth 8,7m in depth 5.2m to eaves and 9m to the ridge height
- G type: 9m in depth at its greatest and 9.6m in width 5.2m to eaves height and 9m to ridge height
- H type: 4.5m in width by 7.8m in depth 5m to eaves and 8.6m to ridge
- K type: 11.6m in width and 8.8m in depth 5.2m to eaves and 9m to ridge height
- L type: 11.7m in width by 10m in depth (plus a single storey conservatory) 5m to eaves and 8.6m to ridge
- M type: 11.7m in width by 10m in depth, 5.2m to the eaves height and 9.4m to the ridge height

Elevations of the proposed dwellings have been submitted to illustrate the proposed scale of the dwellings. However the details of the elevations are indicative only and the external appearance of the proposed dwellings are to be considered at Reserved Matters stage.

The following documents have been submitted with this application and are available to view online:

- Ecology survey
- Tree Survey
- Drainage and feasibility Assessment
- Design and Access Statement
- Planning Statement
- Archaeological Survey

### **HISTORY:**

Relevant planning history on the application site includes:

2016 : Planning permission granted for the erection of a detached double garage for 56 Low Moorgate

2014: Out line planning permission granted for the erection of 10 dwellings and a double garage for No. 56 Low Moorgate Rillington

1991: Planning permission refused for residential development

## **POLICY:**

### National Policy Guidance

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

### Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing

Policy SP10 - Physical Infrastructure

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP15 - Green Infrastructure Networks

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP18 - Energy

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

Policy SP22 - Planning Obligations Developer Contributions and the Community Infrastructure Levy

## **APPRAISAL**

The main considerations in relation to this application are:

- The principle of residential development on the site;
- The layout mix and scale of the proposed development;
- The impact of the proposed development upon the residential amenity of the adjoining neighbours;
- The impact of the proposal upon the surrounding landscape;
- Highway safety;
- Archaeology;
- Contaminated Land;
- Drainage and Flood Risk;
- Affordable housing provision;
- Ecology; and
- Public Open Space

This application is required to be determined by Planning Committee as it is a 'Major' planning application. The application has been advertised as a 'Departure' from the Development Plan as the site is located outside the development limits of Rillington.

At this stage, Access, Layout, and Scale are to be considered only. External Appearance and Landscaping are proposed to be considered at Reserved Matters stage.

### Principle of the proposed development

The Council has a 5-year supply of housing as of 31 March 2016. The current figure is 5.8 years of housing supply. The application site is located outside of the development limits of Rillington, as such it lies within the open countryside. In accordance with Policy SP2 of the Local Plan Strategy the proposed dwellings would not meet any of the normal open countryside exceptions.

Para. 14 of NPPF states:

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

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan are 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.*

Therefore, this application should be granted planning permission unless the impacts of the proposed development significantly or demonstrably outweigh the benefits or specific NPPF policies indicate development should be restricted.

In this case, the application site has been submitted as a possible site for residential development and indeed is a 'preferred site' (Site 638) within the Housing Sites Document 2015, which was approved by Planning Committee for consultation in 2015. Furthermore the site is located in Rillington, which is identified as a 'Service Village' and therefore in general terms it is a sustainable settlement with local services and facilities.

It is therefore considered that the principle of developing this site is consistent with national and emerging Local Plan Policy. The appraisal below will address whether there is conflict with other NPPF policies or any significant or demonstrable harm is identified that could outweigh the benefits of the scheme.

In 1991 a planning application for residential development on part of the site was refused planning permission as it was considered to constitute backland development and highway safety reasons. That decision 25 years ago is considered to have limited weight in terms of its policy relating to backland development reasons. The Phase 1 approval has accepted in principle some development in depth and the site has been identified as a preferred allocation. Officers will be guided by the views of the NYCC regarding Highway Safety on this sustainable village location. There has been considerable change in planning policy over the last 25 years and the LPA cannot be bound by that earlier decision.

#### The layout, mix and scale of the proposed development

The agent has been advised of Officer concerns in relation to the housing mix earlier. There are considered to be too many large detached houses. As originally submitted all the market houses were proposed to be detached. Following negotiations, there are now 2 pairs of semi-detached properties along with 9 detached properties within the market housing mix. Therefore with the 5 affordable units and the market semi-detached dwellings there is equal split with 9 detached dwellings and 9 semi or terraced dwellings. This housing mix is considered to be acceptable and allows a balanced and sustainable housing choice to be offered from the site.

The proposed layout is a logical extension of Phase 1. It features dwellings appropriately arranged around two 'T' junctions with 2 private drives leading in both a westerly and easterly direction. It is considered that the layout will allow dwellings to be developed on the identified plots that are capable of relating well to Phase 1 and to the wider area of the Rillington.

The scale of the proposed dwellings varies from 8m to 9.4 m at ridge height with all properties being two storey. The proposed eaves and ridge heights are also considered to be representative of those on Phase 1 and other properties within Rillington. The proposed footprint of the dwellings are also considered to be acceptable.

The Planning Statement mentions that there may be a requirement for some localised raising of Plots 13 - 17. A levels condition is therefore recommended to ensure a satisfactory external appearance.

There remains some concern at certain aspects of the design of the proposed dwellings, particularly the use of external chimney stacks. However, the agent disagrees with this. The design of the proposed dwellings are indicative only and they will be considered in more detail at Reserved Matters stage. An informative is therefore recommended to advise that any approval of this application does not approve the design of the elevations.

#### The impact of the proposed development upon the residential amenity of the adjoining neighbours

A new dwelling was recently approved on land to the south of the site (16/00785/FUL). There remains a satisfactory separation distance between it and the proposed development to protect the respective amenities. The scheme is considered to relate well to Phase 1 and not unacceptably impact upon its residential amenities. To the eastern and northern sides are, as mentioned earlier is open countryside. To the north-western side, is an existing detached bungalow, with the owner of that bungalow being a part owner of the application site. Officers have expressed some concern at the proximity of plot No's 14-18 to that dwelling and potential overlooking. There is a minimum of 18m between the rear elevations of the proposed dwellings and the existing bungalow, and a proposed double garage partly between those aforementioned dwellings. No objections have to this element have been received. The agent has not been willing to make amendments to the scheme in this regard, although on balance this relationship is considered not to be acceptable when considering the scheme as a whole. In all other respects the proposal is not considered to have an adverse effect upon the amenity of nearby occupiers.

#### The impact of the proposal upon the surrounding landscape

There is a public footpath that runs along the eastern boundary and a further public footpath that runs directly east in the direction of Rillington Manor. However, the majority of the proposed development from those public vantage points would show the development in the context of the existing built form of Rillington and the approved Phase 1 development. There is also a mature band of trees on the eastern boundary that will further soften the impact of the proposal. The northern side has some open areas with views on to the largely flat and expansive areas of the Vale of Pickering. Although these views are largely private views. Again, any long distance views of the proposed scheme would also be in the context of the existing built form of Rillington. To the southern and western sides there are existing dwellings and buildings that will minimise any wider open countryside impact. As a result the proposal is not considered to have any significant impacts upon the Vale of Pickering landscape character area.

#### Highway safety

Following discussions with the Highway Authority it has been agreed that the proposed access can accommodate an additional 28 dwellings on site (including 10 no dwellings on the earlier Phase 1 Site) thereby creating a better housing mix in accordance with the above comments. The Highway Authority initially recommended standard conditions in respect of the access and inner highway areas, highway drainage, parking and a construction management plan. Following the above revisions their final views and conditions are awaited. Officers have been advised that they have no objection to the application and are preparing conditions. In making their assessment the Highway Authority has considered the capacity, width and ability of Low Moorgate to accept any more residential development and the need for any parking restrictions on the public highway. It should be noted that residents parking on the public highway do so at the discretion of the Highway Authority and there is no such right to do so. It should also be noted that the proposal relates to a cul-de-sac of development with no linkages, either pedestrian or vehicular onto Manor View. Members will be updated at the meeting of the formal views of the Highway Authority. It is also pertinent to indicate that each dwelling provides the level of off-street parking that is required by current NYCC Parking Standards.

The Public Rights of Way Officer has recommended an informative to protect the existing Public Right of Way to the east of the site.

The Parish Council's comment about linking the proposed scheme into that existing Public Footpath has been referred to the agent. The agent has contacted the Police Architectural Liaison Officer who has indicated he would object to a footpath link. As such the agent is not proposing this change. The applicant's recourse direct to the Police Architectural Liaison Officer is regrettable, as the linkages to the public footpath had the potential to provide for pedestrians linkages and encouraging recreational opportunities.

### Drainage and Flood Risk

A Drainage and Feasibility Assessment has been submitted. It confirms that the site is located within Flood Zone 1 being at the lowest risk of flooding. In this respect, residential development is considered to pass the sequential test. The Assessment also confirms that soakaways can in principle be used for the discharge of surface water. The Highway Authority's views are awaited in terms of the use of soakaways within the Highway areas. The Lead Flood Authority (NYCC) after initially requesting more information now recommends a condition and considers the proposal meets the requirements to utilise sustainable drainable methods.

A small risk of flooding has been identified at the access road from Low Moorgate at extreme events. This will still allow emergency access and is not anticipated to affect the proposed dwellings.

Foul water is proposed to drain to the mains, Yorkshire Water has been consulted and no response has been received to date. It is therefore implied that there is sufficient capacity to accept this additional flow.

### Affordable housing provision

In accordance with Policy SP3 of the Local Plan Strategy a developer contribution of 35% on-site Affordable Housing provision is required. This equates to 6.3 dwellings.

It has been agreed with the Council's Rural Housing Officer that the scheme will provide 5 on-site dwellings comprising:

Plots 14 – 16 – 3 no. 1 bed terraced dwellings for rent (minimum 58m<sup>2</sup> floor space); and  
Plots 17 and 18 – 2 no. 2 bed semi detached dwelling as intermediate dwellings (minimum floor space 79m<sup>2</sup>) and  
The shortfall ( 1.3 dwellings) is proposed to be delivered by means of a financial commuted payment that has been calculated and agreed with Housing Officers as being £39,182.

This provision will need to be delivered by S106 legal agreement if the application is approved. the final views of the Housing Officers are awaited at the time of preparing this report.

### Contamination

A Desk Based Screening Assessment Report has been submitted. No views have been received from the Environmental Health Officers. Given its proposed sensitive use it is recommended that a condition be imposed regarding a Phase 1 Contamination report. Whilst the LPA is at risk of an appeal against such a condition, with no formal views of the Environmental Health Officers it is considered prudent to impose such a condition.

### Ecology

The Council's Countryside Management Officer has raised concern at the loss of the existing orchard on the southern side of the application site. The Countryside Management Officer considers its retention to be preferable in accordance with Policy SP14 of the LPS.

Its complete retention is not possible, and development of part of the orchard has already been granted planning permission for residential development on Phase 1 to the west. The most significant trees in this area are to be retained in accordance with the Tree Survey, and the concerns of the Countryside Management Officer are required to be balanced against the benefits of the proposed as a whole. In addition, further planting is proposed within the scheme, which will to some extent off-set this loss.

The submitted report in respect of protected species have not provided any evidence of such species on site and the Countryside Management Officer recommends a condition that the development is undertaken in accordance with the suggested method statement within the submitted report.

### Community Infrastructure Levy

The development would be chargeable for CIL at £45m2. This charge would be applicable at Reserved Matters stage.

### Designing out Crime

The Police Architectural Liaison Officer has no objection to the revised plans.

### Archaeology

An archaeological evaluation has been undertaken, and the County Archaeologist has no objection to the proposal subject to the imposition of a standard condition.

### Other issues

The Parish Council has raised the following concerns:

- Lack of parking
- The risk of flooding and drainage issues
- Car parking on Low Moorgate
- Construction vehicles and parking
- Lack of infrastructure such as the Doctors Surgery and the Primary School
- A suggestion about linking the site to the public footpath to the east

There has been letters of objection received from 12 No. residents that raise the following issues.

- Loss of trees
- Loss of privacy;
- Loss of habitat;
- Car parking on Low Moorgate adjacent to the Sledgate junction;
- Congestion at the Traffic lights adjacent to the A64;
- Environmental impact;
- Loss of green space;
- The impact of the proposals upon a nearby holiday cottage business;
- Parking provision on site;
- A comment about whether adhering to Building Regulations constitutes sustainable development;
- Drainage;
- Density of development
- Impact upon local services, such as the Doctors surgery and the Primary School;
- Impact upon visual amenity;
- No on-site play areas;
- Many of the properties are large and not aimed at local people;

- The approval of residential development on the site could set a precedent for the development of other sites on Low Moorgate;
- Flood risks;
- Construction noise and disturbance; and,
- The creation of a possible 'rat run' onto Manor View.

The issue of residential amenity, loss of habitat, environmental considerations, drainage and flood risk are addressed in the appraisal above. The loss of the green space is noted, however there is a requirement for the Council to maintain a deliverable supply of housing, and given the location of the site and the earlier approval of Phase 1, the loss of the green space is not considered to be objectionable in this case. There is no proposal for any linkages onto Manor View. The suggestion of linking the scheme with the public footpath to the east has been discussed above. The proposed development, will partly urbanise this site however, it is not considered to have an adverse effect upon the amenities of surrounding occupiers or of nearby holiday cottages or the wider landscape. It should be noted that the site is a preferred site for housing in the Consultation on Housing Sites 2015. The approval of this application is not considered to set an undesirable precedent for other sites to be developed on Low Moorgate. Each application has to be considered on its own merits against the Development Plan unless material considerations indicate otherwise. The comment about the scheme proposing many larger houses is understood and Officers have negotiated a better housing mix incorporating more smaller semi-detached properties and fewer large detached houses. This scheme as revised is considered to represent an acceptable housing mix and it satisfies Policy SP4 of the Development Plan.

The issue of parking on Low Moorgate, highway safety, the junction with Sledgate, on-site parking and access has been considered by the Highway Authority. If yellow lines are required on the public highway to deter parking, those powers are available for the Highway Authority to use at their discretion. Some construction noise and disturbance is inevitable with any scheme, however an informative is recommended to advise the developers to adhere to the Considerate Construction Scheme. It is not considered appropriate for on-site Play areas in this case, and part of the Developer Contribution from CIL will be available towards Public Open Space.

### Conclusion

In view of the above assessment it is considered that there has been no significant or demonstrable harm identified that would outweigh the benefits associated with the proposal, the recommendation is therefore one of approval.

**RECOMMENDATION: Approval subject to no objections being received from the Highway Authority and a S106 agreement in regard to Affordable Housing provision**

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than 16 March 2017.

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

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



2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

- (i) External Appearance of the development hereby approved
- (ii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

3 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be commenced until the access to the public highway from this application site as approved on application 13/00652/MOUT has been constructed and available for use.

Reason: In the interests of highway safety and to ensure the site has suitable access to the public highway to satisfy Policy SP20 of the Local Plan Strategy.

4 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 Local Plan Strategy.

5 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 Local Plan Strategy.

6 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 Local Plan Strategy.

7 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 Local Plan Strategy.

- 8 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 Local Plan Strategy.

- 9 No development shall take place until works have been carried out to provide adequate facilities for the disposal of domestic waste, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained without damage to the local water environment, and to satisfy Policy SP20 of the 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 actual or potential land contamination at the site has been investigated and a Phase 1 Desk Study Report has been submitted to and approved in writing by the Local Planning Authority. Should further intrusive investigation be recommended in the Phase 1 Report or be required by the Local Planning Authority, development shall not commence until a Site Investigation Report and if required, or requested by the Local Planning Authority, 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 Local Plan Strategy and the National Planning Policy Framework.

- 11 Notwithstanding the submitted drainage feasibility study and prior to the commencement of the development full details of the method of draining the site 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 Local Plan Strategy and the National Planning Policy Framework.

- 12 A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by the provisions of PPG16 - Archaeology and planning.

- 13 The development shall be undertaken in accordance with Section 10 of the Ecological Assessment by MAB submitted with the application dated February 2016 with details to be submitted to and approved in writing by the Local Planning Authority prior to such relevant works.

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

- 14 Prior to the commencement of the development, a drawing indicating the alignment of the protective fencing in accordance with the recommendations in BS 5837:2012 around trees to be retained shall be submitted to the Local Planning Authority for approval in writing. The approved fencing shall be erected prior to the commencement of the development including any demolition or soil stripping and shall be labelled 'Tree protection area – keep out'. Once erected the fencing shall remain in-situ until the completion of the development.

Reason:- To ensure that the trees to be retained are not damaged as a consequence of the development, and in accordance with Policy SP20 of the Local Plan Strategy.

- 15 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 Local Plan Strategy.

- 16 Any surface water discharge into Rilington Beck shall not exceed 1.4litres/second.

Reason: In order to protect against flooding within the IDB network and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 17 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement of that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

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

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

E12/5666/04E

E12/5666/06

AP 180 : 104 B

AP 180 : 102 C

AP 180 : 103 C

E12/5666/05

AP 190 : 100 A

- 19 Highway conditions as recommended

#### **INFORMATIVES:**

- 1 The applicant / developer is advised to adhere to the Considerate Construction Scheme.
- 2 The applicant/developer is advised that the designs and appearance of the proposed dwellings is not approved and these issues will be considered at Reserved Matters Stage.

#### **Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties