

**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

Item Number: 6
Application No: 17/01450/FUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application
Applicant: Thomas Crown Associates
Proposal: Erection of 6no. three bedroom terraced dwellings along with parking areas and shared amenity space
Location: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Registration Date: 30 November 2017 **8/13 Week Expiry Date:** 25 January 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Housing Services	Off-site Affordable housing condition requested
Historic England	On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
Countryside Officer	Recommend conditions
Archaeology Section	I have no objection to the proposal and have no further comments make.
Highways North Yorkshire	Recommend conditions
North Yorkshire Fire & Rescue Service	No objections
Sustainable Places Team (Environment-Agency Yorkshire Area)	No further comments
Yorkshire Water Land Use Planning	Recommend condition
Vale Of Pickering Internal Drainage Boards	
Environmental Health Officer	Noise response - concerns
Parish Council	Comments made but support in principle
Lead Local Flood Authority	Recommend conditions

Neighbour responses: Liz And Paul Banks, Mr Keith Stevenson, Mr John Barrett, Mr Michael Gray, Mr And Mrs M. I. Dowson, Ms Helen Beaumont, , Mr Brian Bancroft, David And Judith Turnball, Miss Polly A Baldwin, Mrs Elizabeth Banks, Mr Paul Birchall, Ravenswick Estate, Kirkbymoorside Town Brass Band (Mr John Wright), Mrs Ann Gray,

Overall Expiry Date: 15 March 2018

INTRODUCTION:

This application was deferred from the March 2018 Planning Committee at the applicant's request in order to try and address the three recommended reasons for refusal. These were:

PLANNING COMMITTEE

5 June 2018

1. The proposed residential accommodation is located in very close proximity to the Kirkbymoorside Band Hall, (which has planning permission for an extension), and is likely to create complaints regarding the noise and operations of the band hall. The Band Hall is an important community facility and a use protected in accordance with Policy SP11 of the Local Plan Strategy. Noise and activities from the Band Room will be likely to have an adverse effect upon the amenity of occupiers of the proposed residential accommodation which would be likely to generate complaints regarding the Bands' operations. The proposed development is thereby contrary to the requirements of Policies SP11 and SP20 of the Ryedale Plan - Local Plan Strategy.
2. The proposed residential development (including the outdoor amenity area) by virtue of its close proximity to the outer valley side, and the inter-relationship with the Band Hall is not considered to ensure a satisfactory level of residential amenities for occupiers of the proposed dwellings and be contrary to the requirements of Policies SP4 and SP20 of the Ryedale Plan - Local Plan Strategy.
3. It has not been demonstrated that the proposed development has met the requirements of the Exception Test as set out within para 102 of the National Planning Policy Framework 2012 and Policy SP17 of the Local Plan Strategy.

The previous Committee Report and Update Report has been consolidated within the report below. Members are asked to refer to their March 2018 agendas for details of this application, attached to this report is relevant information received after the March 2018 meeting.

SITE:

This site is located towards the northern end of Kirkbymoorside, and to the north of Manor Vale Lane. Manor Vale Lane runs through the application site and becomes a single track road which provides vehicular access to the Kirkbymoorside Golf Club (located further north of the application site).

The application site was previously used as a Highway Depot for North Yorkshire County Council. The site also comprises a former quarry. Various buildings and structures occupy the eastern part of the site which lies beneath a cliff face. These buildings consist of offices, stores and garaging, whilst to the north of the buildings is a hard-surfaced area. At present that site is derelict, and with the exception of the roadway, it has security fencing around its inner sides.

To the west of the application site, are two community halls, one of which is used as a Scout Hut and the second of which is a Band Hall. The Band Hall has been granted planning permission to extend onto the site occupied by the Scout Hut to create a Concert Hall. Residential development is located on top of the cliff to the western and eastern sides of the application site. To the south, there are dwellings of varying styles located on Manor Vale Lane. These properties comprise the approach to the site from the town.

Part of the site lies immediately within the development limit for the town but to the north of the Kirkbymoorside Conservation Area. The land immediately to the north is within the Area of High Landscape Value (Fringe of the North York Moors), and contains a designated Site of Importance for Nature Conservation, along with Ancient Woodland. A small area of the site is located outside of the development limits of the Town, this area is proposed to be used as communal garden area.

An area to the north-east and immediately adjacent but outside the application site is designated as an Scheduled Ancient Monument (Neville Castle).

PROPOSAL:

The proposal is a Full application for 6no. 3 bed dwellings, arranged as a terrace dwellings. All of the dwellings are in the form of frontage development which runs along the eastern side of the roadway, with a central access to the Golf Club running through the application site. The communal area of

garden is to be located to the northern side of the proposed dwellings, and measures approximately 10m by 12m.

The building comprising the 6no. terraced dwellings in total will measure 41.2m in width and 7.8m in depth, the proposed dwellings measure 4.5m to the eaves and 8m to the ridge height. The agent has confirmed the dwellings are proposed to be constructed from 100mm bed random coursed stone under a clay pantile roof with timber windows and doors. Parking areas are proposed to the south and north of the proposed dwellings with permeable paving.

The application is accompanied by the following reports:

- Planning Statement;
- Landscape and Visual Appraisal;
- Noise Assessment;
- Tree Survey;
- Asbestos Demolition Survey Report;
- Archaeology assessment;
- Contaminated Land Report - Phase 2 report;
- Drainage details;
- Flood Risk Assessment;
- Design & Access Statement; and
- Ecology surveys.

These reports are able to be viewed on the Council's website.

HISTORY:

Recent planning history includes:

2017: Planning application refused for the erection of 6 dwellings. Appeal lodged but subsequently withdrawn.

2015: Planning application for residential development withdrawn.

2014: Planning application for B1 and B8 use- dismissed on appeal.

2014: Change of use of office to a dwelling refused - dismissed on appeal.

2014: Two planning applications for residential development withdrawn.

2013: Demolition Consent granted to demolish the redundant buildings on the site.

2008: Planning permission refused for residential development - dismissed on appeal. (Note: This was a larger site than is currently proposed)

POLICY:

National Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

Local Plan Strategy

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 SP11 - Community Facilities and Services
Policy SP12 - Heritage
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
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 are:-

- The principle of the proposed residential development;
- Flood Risk;
- The siting, scale and design of the proposed scheme;
- Whether the proposed dwellings will have a satisfactory level of residential amenity;
- The impact of the proposed development upon surrounding properties;
- Heritage impacts;
- Drainage;
- Archaeology;
- Highway safety;
- Affordable Housing;
- Contaminated land and ground stability;
- Ecology and the impact of the proposal upon protected species and the Manor Vale SINC;
- Tree and Landscape Impact;
- Other Issues; and
- CIL.

A previous application for 6 dwellings, comprising a pair of 3 terraced dwellings, was refused planning permission last year, by Planning Committee. The reasons for refusal related to absence of a flood risk Sequential Test and possibility of increased flood risk to other properties; the impact of the development upon the Band Hall; and the limited amenity for the occupiers of the dwellings as a consequence of the close proximity of the development to the outer sides of the quarry and the Band Hall. This current planning application was originally submitted alongside an appeal against the earlier decision of Planning Committee, that appeal has subsequently been withdrawn.

This application was been submitted with new information; a new Noise Assessment; a Drainage Site Plan; Surface Water Drainage Calculations; Updated Flood Risk Assessment and Updated Design and Access Statement. Revised Plans have also been submitted showing a single building block comprising 6 terraced dwellings.

Following discussions with the agent, the current planning application has been further amended; to be a FULL application; an additional area of communal amenity space for the 6 dwellings has been proposed to the northern side of the dwellings, a revised internal layout is proposed with all habitable rooms on the rear elevation; additional drainage information; a schedule of external materials; and a Sequential Test.

The principle of the proposed development

The proposed 6 no. dwellings are located within the development limits of Kirkbymoorside. In accordance with Policy SP2 of the Local Plan Strategy, it is considered that the development of the application site within development limits can be regarded as 'infill' development and acceptable in principle.

Flood risk

The site is located within Flood Zone 1, in terms of its risk of flooding from coastal and river flooding. The site was originally within Flood Zone 3 of the Strategic Flood Risk Assessment, however that was subsequently amended to Flood Zone 1, being the lowest risk of Flooding. That was because surface water flooding and coastal and river flooding were separated. A separate Surface Water Flood Map was developed and the advice from the Environment Agency was to consider all the maps and designated areas together. The Environment Agency Surface Water Flood Map identifies the application site within an area at high risk of flooding from surface water.

It is understood the surface water flows from higher land to the north, and at times of heavy rainfall flows through the application site and pools to the south of the application site. Photographs and videos of a serious flood event involving the flooding of the dwelling immediately to the south have been submitted in response to an earlier application for residential development on this site. There is strong concern locally regarding the flooding of this area. The agent has submitted photographs of the previous flood event, and these are appended to this report for Members information.

Para. 101 of NPPF states:

'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'

and para. 103 of NPPF states:

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'*

Para. 101 and para. 103 of NPPF and Policy SP17 of the Local Plan do not exclude surface water flood risk from the sequential test. In this case, the site does flood and surface water comes from the higher land to the north down through the steps at Manor Vale Wood (eastern side) and across the application site. The water is then known to pool to the south of the site in Manor Vale. A map provided to the Local Planning Authority in 2011 annotated the whole site as flooding at that time. The photographs annotated to this report clearly show the access road that runs through the application site to flood. There has also been a Court decision that confirms even where part of the site is at risk of flooding the entire proposal has to be sequentially tested.

After initially disputing that it is required, the agent has submitted a Sequential Test. The Test is whether the development, in this case 6 terraced dwellings in a similar form to that submitted can be located on any other sites in Kirkbymoorside, which are at a lesser risk of flooding. NPPG requires a

pragmatic approach to this test and to take account of the type of development proposed. The relatively high density and urban form of development is considered to be more appropriate in a built-up area as opposed to a Greenfield location. The Sequential Test has, however, analysed sites in and around Kirkbymoorside to establish if there are any suitable and available sites for this type of development. The Test has also been discussed in detail internally with colleagues working on the recently submitted Sites Document. On the basis that there are no other suitable or available sites for the type and form of development proposed, it is considered that the Sequential Test has been met, in this case.

With the Sequential Test met, it is then appropriate to consider the Exception Test for this proposed use. Turning to the first part of the Exception Test, as outlined above in Para 103 of NPPF, it is noted that the buildings on site are in a poor state of repair and this is also a brownfield site that would benefit from being developed. Officers regularly receive complaints about the condition and appearance of this site. The opportunity to provide an appropriate redevelopment of this Brownfield site that is located in a sustainable location is considered to be a significant material planning consideration.

Regarding the second stage of the Exception Test, the mitigation proposed is to raise finished floor levels above current ground levels by 0.45m. Information has been submitted that demonstrates to the satisfaction of the Lead Local Flood Authority (LLFA) that the development of the site is not likely to increase the risk of flooding elsewhere by virtue of the surrounding ground levels. The LLFA are also content that a route away from the site in the event of a flood event is not required. Again this is because of the topography of the site. In view of the advice from the LLFA and the above assessment it is considered that the Exception Test has been met on this site. Subject to the detailed conditions recommended by the LLFA there are no flood risk objections to the proposals.

The siting, scale and design and materials of the proposed development

The 2008 Outline application that was dismissed on Appeal, proposed residential development along the eastern part of the site and opposite the Band Hall. The Inspector in 2008 stated:

'The appellant argues that the layout would 'break up' the development although in my view its suburban estate style layout would appear alien in its disused quarry setting, neither reflecting its industrial heritage nor enhancing its landscape setting.'

'.. I conclude that the proposal would be harmful to the character and appearance of the site, including both parts within Kirkbymoorside's defined development limits and parts of it within Kirkbymoorside's development limits and the parts within the AHLV'

Policy SP16 of the adopted Local Plan Strategy requires:

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being. To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*

- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail'*

In this case, 6 terraced properties are proposed, with parking areas to the northern and southern sides. The scheme is now a FULL application and includes elevations to be considered. The proposed dwelling are designed as 2 storey properties with 2 no. dormer windows on the front of each property and accommodation in the loft areas. There is some concern at the number of dormer windows, and consequent number of down pipes required on the front elevation. However, this form of development is considered to be acceptable in this location and to respect the traditional form of development in the wider area. It is considered that this form of development is more appropriate than detached or suburban type housing.

On the whole it is considered that the design and appearance of the development is acceptable. As the site relates to 6 dwellings, there are considered to be sufficient views retained elsewhere of the outer valley sides. It is considered, on balance, that the development is acceptable and to meet the requirement of Policy SP16 and Policy SP20 of the Local Plan Strategy.

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

Policy SP20 of the Local Plan Strategy states:

'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.'

The following issues are considered to be particularly relevant in this case:

- The potential for noise and disturbance from the adjacent Band Hall
- The position of the cliff faces on the western and eastern sides measuring up to 10m above the site level proposed for the houses

(i) Noise and the Band Hall implications

Kirkbymoorside Band Hall is located opposite the site, together with an existing Scout Hut. Planning permission (15/00644/FUL) was granted last year for an extension of the band hall onto the site of the Scout Hut to create a Concert Hall. The Band Hall is an important community and recreational facility that is afforded protection within the Local Plan Strategy.

Policy SP11 of the Local Plan Strategy states:

'Existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the vitality of the towns and villages and the well-being of local communities will be protected from loss/redevelopment unless it can be demonstrated that:

- there is no longer a need for the facility or suitable and accessible alternatives exist, or
- that it is no longer economically viable to provide the facility, or
- Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision'

There is considered to be a significant an issue with the co-existence of housing and the Band Hall. Particularly the degree of noise that future occupiers will be subject to, and the likelihood that this will create complaints about the operations of the Band Hall. As noted above in Policy SP20, the Local Planning Authority requires the highest standards in relation to noise for new residential developments.

On the earlier Appeal Decision, the Inspector stated:

'The appellant argues that the affected houses could be designed with measures to protect their occupants from the noise, although I am not persuaded that this is practical: even if double or triple glazing in the houses were to be effective in blocking out the music, the residents would be unable to have their windows open in warm weather and, in any case, they would not be able to enjoy their gardens on summer evenings without the disturbance of the band.'

A new Noise Assessment has been submitted with this application that has sought to engage with the Band Hall representatives. The Noise Assessment has demonstrated that the rear elevations of the proposed dwelling even with windows open could meet the relevant noise standards that the Council applies. The scheme has been re-designed with all habitable rooms located on the rear elevations. The Environmental Specialist has been consulted and has stated:

'I still have concerns with regard to noise disturbance to these dwellings. Whilst I acknowledge the improved internal layout in relation to noise disturbance from the band room during band practice, section 1:3 of the "YES" noise assessment executive summary states:

"If windows to both hall and residential properties were open whilst band practice is taking place the noise levels in the proposed dwellings would not be acceptable and would result in a significant adverse effect".

This development, therefore does not meet the highest standards required by Ryedale District Council that internal noise levels should be in line with the World Health Organisation (WHO) guidelines with partially open windows. The occupants will have no jurisdiction over whether the band room will have their windows open or closed and therefore cannot control the levels from the band room itself.

The plans show on the first floor elevation a study, I have reservations that should this be used as a fourth bedroom then noise levels would result in a significant adverse effect. I still have concerns to the outside courtyard area, this could not be used as an amenity to the dwelling as noise levels to this area would be totally unacceptable.'

There has also been an objection from the Band Hall representatives and from other third party objectors regarding the potential implications for the Band Hall. There is concern that the proposal could create complaints regarding nuisance which could curtail the Band's Operations. The objections raised consider the Noise Assessment to be much better than the previous Assessment but nonetheless still consider it to be partially inadequate. The Band Hall representatives are also keen to emphasise that they practice outside and with their doors open during warmer months. The Band Hall is 14.5 metres away at its closest the proposed dwellings.

The applicant's Noise consultant has responded with the following:

'In the YES Consultancy's noise report (page 23) we advise that when windows to the band hall are opened, then sound levels inside the rooms to the front facades of the property are predicted to increase such that windows to the rooms would need to be closed in order to ensure compliance with the design

standards of BS8233 and the WHO guidelines, with suitable acoustically treated ventilation provided. Also if band hall windows were closed then internal levels in the proposed properties would be well below the World Health Organisation and BS8233:2014 internal criteria levels.

As a result I do not think it would be necessary for any mitigation to be provided in terms of sound insulation of the band hall building but it may be worth considering provision of mechanical ventilation/air conditioning for the band hall such that windows to the hall could remain closed and thus reduce noise breakout.

Within the objection from the brass band they make a number expressions of concern regarding numbers of band practices, times of practices, loudness of band practices (with senior bands considered to be louder). In addition they state that noise from the band would increase when band practice takes place outside during the summer months, this was not something which was mentioned during my long discussions with the band.'

Again, in my view, the provision of any artificial ventilation/air conditioning would help control these aspects too. Obviously noise levels from outside practice wouldn't be affected by any changes to the building but I am not 100% sure that this would be classified as reasonable if they have a perfectly adequate indoor space for practicing.'

Members will appreciate in the previous Update Report to committee that the Band Hall Representatives dismissed the applicant's offer to triple glaze their windows and install mechanical ventilation. That is a separate matter to this planning application. Officers consider that the application is finely balanced. With the layout of the proposed dwellings together with the current Noise Assessment it appears difficult to sustain an objection to the proposal based on the proximity of the Band Hall. However, Officers retain reservations about the co-location of the two uses. The Noise Assessment and layout of the proposed dwellings with habitable rooms on the rear elevation appears to demonstrate a satisfactory solution.

Regarding the comments of the Environmental Specialists, it is correct that the study could be used as a bedroom, and that the Local Planning Authority could not control this aspect. To try and do so, is considered to be unenforceable and unreasonable. It is to an extent, the future occupier's choice as to how they use rooms in their homes. Within the planning system Officers have ensured that 3 bedrooms for each property can achieve the required noise standards. Regarding the proposed shared amenity area, the agent considers acoustic fencing around this area to be unsightly and the aim was that this was an open area. The communal area is not joined to the individual domestic curtilages, with each of the 6 proposed dwellings having their own private domestic curtilages that meets the relevant noise standard. It is therefore considered that the noise requirements in respect of the shared communal area can be considered more flexibly.

It is unfortunate that no agreement has been achieved between the Band Hall representatives and the applicant. Based on the current proposals it is considered that the scheme has afforded sufficient protection to the Band Hall in terms of its design and layout and on balance, the proposal is not considered to be contrary to Policy SP11 and SP20 of the Local Plan Strategy. The re-development of this Brownfield site and other associated planning benefits with its development need to be considered in the planning balance, before a recommendation is made.

(ii) Proximity to the eastern outer side

In terms of the proximity to the outer sides of the valley. The proposed dwellings have limited rear gardens and they are in close proximity to the outer cliff sides. Officers maintain concern that this arrangement will not provide a satisfactory level of amenity for the proposed occupiers. The cliff side has the potential to reduce daylight and sun light and creating an over-dominating sense of enclosure to the rear of the proposed properties.

It is noted that the Inspector in the earlier decision stated the following:

'The majority of the dwellings would be located in close proximity to the site's east quarry face. Given the height of the cliff and the dense line of trees on top of it, I envisage that the outlook from, and light in, the rear facing rooms of most of the properties would be so restricted as to provide unacceptable living conditions for the residents of the dwellings. I appreciate that the trees on the cliff top are deciduous, although their branches appear to be dense and I envisage that, together with the cliff face itself, they would restrict light to the properties even when not in leaf. I recognise that the positioning of windows does not form part of this outline application. However, given the shape of the properties and the presence of adjacent dwellings/garages to the side elevations of most of the houses (as shown on the layout plan), it appears to me that, despite them facing south west, it would not be possible to design the majority of the proposed properties such that all their main rooms would receive adequate light and provide a satisfactory outlook'

It appears the very same issues remains with the current scheme to those previously addressed by the Inspector. In this case, the application is now a FULL application with elevations and window positions shown. Furthermore, the majority of the trees on the upper sides to the east have now been removed. This will afford more light to the rear elevations of the proposed dwellings than when the Inspector assessed the earlier outline application in 2008. The application site is also much reduced to that considered by the Inspector previously. It is considered that there will not be a particularly good outlook from these properties. In mitigation, the agent has amended the layout plan to show a shared amenity area to the north of the dwellings (as discussed above), thereby increasing the level of general amenity space available to the 6 properties. Officers still have reservations about this arrangement so close to the eastern side of the former quarry. However, this is not considered to be a strong reason for refusal and again needs to be weighed in the planning balance on this scheme.

It is noted that in the report below, the Council's Specialist requires the remaining trees on the eastern side to be appropriately managed, and a condition is recommended. It is considered that such a condition should also address the heights of the retained trees to maintain adequate amenity for the occupiers of the proposed dwellings.

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

The proposed residential properties themselves are not considered likely to be prejudicial to the amenities of surrounding properties, by virtue of the separation distances to those properties on Manor Vale and by virtue of the levels changes to those properties on higher land to the eastern and western sides of the site.

Impact upon the setting of Heritage assets

Kirkbymoorside Conservation Area boundary lies to the south of the application site. The Scheduled Ancient Monument of the former Neville Castle is to the north eastern side. There are also 7 grade 2 listed buildings in the locality. High Hall and Low Hall to the eastern and south eastern side (and accessed via Castlegate) and No. 10,12,14,18, and 20 Dale End. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S72 of the Act also requires the Local Planning Authority has special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In addition Policy SP12 of the Local Plan Strategy also seeks to protect the significance of heritage assets.

There is not considered to be an adverse effect upon the setting of these nearby listed buildings given the levels and separation distances. The character and appearance of the Conservation Area and views from the Conservation Area looking north along the road are considered to be preserved.

Heritage England do not object to the setting of the Scheduled Ancient Monument. It is not considered that the proposed development will have an adverse effect upon the setting of the Scheduled Ancient

Monument given the site's location on substantially lower ground. It is therefore considered that the Local Planning Authority has fulfilled its obligations in relation to the aforementioned legislation and Policy SP12 of the Local Plan Strategy.

Drainage

Foul water is proposed to be drained via the mains sewer. Yorkshire Water has no objection in principle to this method of drainage.

Yorkshire Water has accepted that surface water can enter the mains sewer in the event that the site was not suitable for sustainable drainage, they have recommended a condition in respect of a restricted discharge rate into their sewer. Following advice from the LLFA, surface water drainage is now proposed to be drained via soakaways which have been demonstrated to be effective through percolation tests. The LLFA therefore has no objections, subject to conditions.

Archaeology

NYCC Heritage has raised no objection to the proposal.

Highway safety

It is noted that the adopted public highway does not currently extend through the application site, the proposal is to extend the adoptable highway further north into the application site. The Highway Authority has considered the application and responded with the following comments:

'The supporting Design and Access Statement refers to the section of road within the application site becoming an adopted highway. The existing public highway limit is at the southern end of the site, and the extension proposed to serve new residential development would be in line with the county council policy whereby six or more new dwellings should be accessed off a road laid out and constructed to a standard such that its adoption as public-maintained highway could occur.'

Given the previous use of the site, no highway authority objections are raised in principle. However, referring to the proposed plans, the following will need to be addressed as part of the submission of plans for such adoption:

- a) The proposed turning head should be included as part of the adoptable area, and be positively-drained rather than constructed in permeable paving.*
- b) The upgraded road should be engineered for a 20mph design speed, using appropriate control measures in agreed locations.*
- c) The submitted site drainage survey has identified the existing road having two gullies and connections going into the existing system which connects into a public combined sewer further down Manor vale Lane.*

As part of the adoption arrangements, the highway drainage will need to be separated from the surface water drainage proposed for the new dwellings. There should also be a requirement to install an underground storage and attenuation structure within the blue land (under the applicants' control) to the north which could help alleviate the flood flows that have been shown to use the existing road as an overland flow route from higher ground, and thereby reduce the likelihood and/or intensity of such flows running onto the adoptable road, together with a throttle discharge into the new surface water system.

It is presumed that all the existing site drainage will be abandoned and replaced with separate new dwelling foul and surface water drainage subject to incorporating any existing connection from third party premises, together with a new highway drainage system as mentioned above.'

Consequently the Highway Authority recommend that planning conditions be imposed to address the above issues. The conditions recommended cover details of the layout of the roadway and footway; construction of roads and footways prior to occupation; discharge of surface water; pedestrian visibility splays; approval for works in the highway; completion of works in the highway before occupation; details and provision of an access turning and parking area; and the provision of electric charging points for each dwelling.

In reaching this judgement the Highway Authority has considered the capacity of the road network to accommodate the additional traffic safely, and the required layout for adoption purposes. In the circumstances there are considered to be no grounds to object to the application in terms of highway safety. If the application were to be considered favourably, the applicants would need to ensure the proposed drainage works were re-located or agreement is reached for them to be located under the adopted highway. The requirement for the electric charging point is not supported by a Local Plan Policy requirement and the LPA has not sought such charging points from this scale of development previously. Neither is the site in a location with known Air Quality problems. It is therefore not considered to be reasonable or necessary to impose a condition in respect of the charging points. If approved, an informative could, however, be added.

Affordable Housing

On sites for between 6-10 dwellings in locations such as Kirkbymoorside, the Planning Committee agreed at its July 2016 meeting, a financial contribution should be provided in lieu of affordable housing provision. This followed a Court case and change to National Planning Policy. In accordance with National Policy Guidance, there should also be a credit for any vacant buildings on the site. The Council's Rural Housing Enabler has calculated the contribution on this site to be £37k. If this application were to be considered favourably, this contribution will need to be delivered via a S106 agreement.

Contamination and ground stability issues

The Council's Environment Specialist has stated:

'The 'GEO Environmental Engineering, Revised Phase 2: Ground Investigation Report 2016', referenced 2013-512, details results of contamination testing that reveal elevated levels of organic contamination on site that poses a potential significant risk to the proposed end users. The report also details visual/olfactory evidence of fuel type contamination within the materials on site, the presence of which has been analytically confirmed in shallow soils.

Elevated levels of leachate contamination have also been identified that are considered as posing a potential future risk to controlled waters and the environment.

For the above reasons the report recommends that further risk assessment (Detailed Quantitative Risk Assessment - DQRA), remediation or protection measures are required. Consideration should be given to revealing 'hotspots' of contamination not yet identified.'

The submitted reports identify significant ground contamination on the site, accordingly the Environmental Specialist recommends detailed planning conditions in regard to the Phase 2 Contaminated Land Report on this site and requires further detailed assessment of potential contaminants on the site, if this application were to be approved.

There are understood to be caves under or near to the site, and there are some reservations about ground stability for the construction of the proposed dwellings. However, the Local Planning Authority does not have any evidence with regard to ground stability issues on the site and there is no evidence to substantiate this as a reason for refusal. If the application is approved, a 'grampian' style pre-commencement condition could be required for the applicant to demonstrate the ground is stable and

capable of accommodating the proposed development. In view of the above objections, however, this has not been requested from the applicant prior to the determination of this application. Moreover, if approved, the safe construction of the development in relation to ground conditions will be addressed in accordance with Building Regulations.

Ecology and the impact of the proposed development upon protected species and Manor Vale SINC

Ecological and Protected Species surveys have been undertaken. They have confirmed that there would not be a material adverse effect upon Manor Vale Woodland (SINC) to the north. Mitigation recommendations are contained within the Surveys.

In response to this application, the Council's Specialist has stated:

'The proposed layout would not interfere with the protected species and habitats detected within the site. Provided the method statement in section 10 is followed. A badger licence may be required should the caving club license not be granted.'

In principle there are considered to be no ecological/wildlife objections to the proposed development. Policy SP14 is therefore considered to be satisfied.

Trees and Landscape impact

It is noted that trees have been felled on the outer sides of the site. These trees were not protected. The Tree and Landscape Specialist has been consulted on the previous application and no objections have been raised. The Tree and Landscape Officer stated the following in relation to the previous planning application:

'These trees were not within the Kirkbymoorside Conservation Area boundary or the subject of a Tree Preservation Order. However, I understand that the Forestry Commission are investigating the felling to determine whether or not a felling license would have been required. Although the trees have been severed close to ground level their root systems have been retained which will promote extensive re-growth in the coming year, and contrary to belief by some objectors to the development the felling of the trees should not compromise the stability of the bank as the roots are retained.'

'Should this application be approved I would recommend a condition requesting the submission of a woodland management plan for the regeneration of the woodland along the eastern boundary of the site.'

It is understood that a Felling Licence was issued. There are therefore, considered to be no objections subject to planning conditions to the proposal, in terms of trees and landscaping on the site.

Given the surrounding topography and the site's location within the Town's development limits there is considered to be no wider adverse effect upon the surrounding landscape. The proposal is considered to comply with Policy SP13 of the Local Plan Strategy.

The Council's Specialist in relation to this application has also stated:

'It is unclear how the area of woodland to the East of the site is to be managed in the long term, much of the existing trees have been removed in recent years but regeneration is likely to occur and this area needs to be retained as semi natural woodland.'

It is considered therefore that a condition should be imposed on any approval to manage the eastern part of the application site in respect of landscaping and trees.

Other issues

North Yorkshire Fire and Rescue has not objected to the application.

The Town Council have agreed that the proposal would benefit the site on the provision that measures are implemented to reflect the detailed reports, and providing the scheme is not detrimental to the Band Hall. The Town Council are supportive of the principle of residential development on this site. The Town Council are, however, also concerned regarding surface water flooding and they have made reference to the previously submitted photographs and videos of the flooding events in Manor Vale that occurred in the winter of 2015-2016.

One letter has been received stating no objection to the development providing the existing drainage problems can be addressed. There have also been 14 responses from third parties raising objections/concerns.

The issues raised in the objections relate to:

- The risk of surface water flooding and increased risk to existing properties;
- The ability of the existing drainage network to accommodate the proposed additional discharge;
- Whether if approved, another application would be submitted for more housing on the wider area;
- Implications for the Band Hall facilities;
- The principle of the proposed development;
- Drainage infrastructure;
- The loss of trees on the outer sides of the quarry and possible land stability problems;
- Access and highway safety related matters;
- That vehicular charging points are not catered for;
- Noise and implications relating to the Band Hall and whether complaints about statutory nuisance could be made about the Band Hall by future occupiers of the proposed dwellings;
- Inaccuracies and discrepancies with the Noise Assessment;
- The previous history relating the location of the Band Hall;
- That the Band does practice with windows/doors opened and also outdoors in the summer months;
- The condition and appearance of the site;
- Questioning why RDC keeps accepting further planning applications on this site;
- No visitor parking spaces
- No natural surveillance of the parking areas;
- The consultation period running over the festive period; and
- Whether this housing is sustainable and questions regarding the need for the development.

The condition and appearance of the site is self-evident. The site would benefit from appropriate development. The issue of the principle of the development, noise, surface water flooding, the impact of the community facilities, trees, and highway safety have been addressed earlier in this report. There is considered to be no policy requirement to impose a condition regarding vehicle charging points. Any future applications for residential development on the wider site would be considered on its individual merits against the development plan at that point in time. The Local Planning Authority has a statutory duty to determine planning applications, and there is no reason for the LPA to refuse to entertain this application. The Tree and Landscape Officer has previously stated that the tree felling on the outer sides has not removed the root systems so the stability of the land should not be adversely affected. The parking areas are located in areas with passing traffic and pedestrians. The level of surveillance is considered to be acceptable. The consultation period did include the festive period, like many other planning applications. It is considered that reasonable time was allowed for third party comments and further re-consultation has taken place.

All of the individual comments raised can be viewed online under the application reference number.

Community Infrastructure Levy

Community Infrastructure Levy (CIL) is chargeable on this proposed development, at a rate of £85m2.

Conclusion

In view of the above assessment together with the appropriate redevelopment of this Brownfield site, on balance it is recommended that the application be approved subject to a S106 agreement in respect of Affordable Housing.

RECOMMENDATION: APPROVAL – subject to the completion of a S106 Agreement in respect of Affordable Housing

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 Notwithstanding the submitted details and 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 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.

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

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

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

b. 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:

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

c. Full highway construction details including:

- 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
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

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

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

h. 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.

INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: In accordance with Policy SP20 of the 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.

- 7 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 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.

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

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

- 9 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre 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 the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 10 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 of a pedestrian route along the whole length of Manor Vale Lane on the east side of the existing carriageway to be lined out with appropriate road markings and symbols at a width of 1.0 metres together with appropriate warning signs and supplementary plates on poles all in accordance with the relevant Diagram Numbers of the Traffic Signs Regulations and General Directions 2016 (TSRGD16).

b. Alteration and addition to the existing 'GIVE WAY' road markings at the junction of Manor Vale Lane with Dale End to re-position the lines at the front of the adjacent on-street parking

area immediately to the east of the junction and defining the parking area to the front of Nos. 12 to 22 Dale End to separate the junction and parking area all in accordance with the relevant Diagram Numbers in TSRGD16.

(iii) A programme for the completion of the proposed works has been submitted to and approved in 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.

- 11 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 5 (above):

Road markings and traffic signs as described in that condition.

INFORMATIVE

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.

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

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

- a. cycle parking
- b. refuse/recycling bin storage and collection arrangements.

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

- 13 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12:

- a. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these 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

appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 14 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

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

- 15 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 16 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 17 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas

designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

18 Prior to the commencement of the development hereby approved the following information shall be submitted in writing and agreed with the Local Planning Authority:

- A detailed, risk assessment (Detailed Quantitative Risk Assessment - DQRA) shall be undertaken at the site to establish the extent of the contamination identified in the GEO Environmental Engineering, Revised Phase 2: Ground Investigation Report 2016', referenced 2013-512. This will include further sampling and analysis across the site as required.

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.

19 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.

20 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.

21 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. An appropriate investigation and risk assessment must be undertaken, and 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.

22 The development will be undertaken in accordance with the submitted Flood Risk Assessments and Drainage information from Dudleys.

Reason: In order to ensure the site is effectively drained and to satisfy Policy SP17 of the Local Plan and NPPF.

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

KWL/093/03/14 Rev. H
KWL/093/12 Rev. F
KWL/093/03 Rev. P
KWL/093/003/11

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

24 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.

25 The development hereby approved shall be undertaken in accordance with the Noise Assessment by YES Consulting including all required mitigation measures.

Reason: In order to protect the residential amenities of future occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Addition to the roof of a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

27 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials 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 Policy SP20 of the Local Plan Strategy.

28 The demolition of existing buildings and groundworks shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

(a) A licence issued by Natural England pursuant to The Protection of Badgers Act 1992 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 take account of protected species and to satisfy Policy SP14 of the Local Plan Strategy.

29 All ecological measures and/or works shall be carried out in accordance with the details contained in Section 9 and 10 of the Ecological Assessment for the Old Council Depot Kirkbymoorside (MAB 2016) as already submitted with the planning application and agreed in principle with Local Planning Authority prior to determination.

Reason: In order to take account of protected species and to satisfy Policy SP14 of the Local Plan Strategy.

30 Prior to the occupation of the dwellings hereby approved precise details of speed bumps/rubble strips within the application site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of the surrounding occupiers and to satisfy Policy SP20 of the Local Plan Strategy.

31 Prior to the commencement of the development hereby approved a 20 - year woodland management plan for the trees on the eastern boundary of the application site shall be submitted to and approved in writing. The management plan will contain details of the heights of the retained trees and any new planting on the application site.

Reason: In order to protect and manage the existing trees and to satisfy Policy SP20 of the Local Plan Strategy.

32 Prior to the commencement of the development a ground condition/structural survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the ground is capable of safely accommodating the development proposed and to satisfy NPPF.

33 Prior to the commencement of the development precise details of the management and maintenance of the shared communal area shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the area is available for its intended purpose and to protect the amenity of the surrounding area and to satisfy Policy SP20 of the Local Plan Strategy.

INFORMATIVE(S)

- 1 The applicant/developer is advised to consider the contents of the Environment Agency's consultation response dated 15 December 2017.