

Item Number: 16
Application No: 19/00890/FUL
Parish: Whitwell-on-the-Hill Parish Council
Appn. Type: Full Application
Applicant: Mrs Sarah and Miss Serena Brotherton
Proposal: Erection of 2no. two bedroom semi-detached dwellings with associated access, parking and landscaping (part retrospective)
Location: Land Adj To North Lodge Main Street Whitwell On The Hill Malton

Registration Date: 6 August 2019
8/13 Wk Expiry Date: 1 October 2019
Overall Expiry Date: 16 September 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Foss Internal Drainage Board	No comment
Paul Jackson AONB Manager	Comments
Yorkshire Water Land Use Planning Environmental Health Officer	Recommend conditions
Whitwell-on-the-Hill Parish Council	Objections
Highways North Yorkshire	Recommend conditions
Public Rights Of Way	Recommend informative
Archaeology Section	Comments

Neighbour responses: Ms Jo Denton, Janie Bell, Trevor Howe, David Barker, C J Gillam, Mr Edward Wilkinson (Cundalls) Mr Tom Watson (Cundalls), Mr Julian Boddy, Amanda-Jayne Gartland, Paul Potts, Gabby Parsons, Robin Cathcart, RL Cordingley (Stephensons Rural)

SITE:

The application site is approximately 0.015 acres of garden land, associated with The Gardens, directly to the east of the site. This is situated to the north of Main Street in Whitwell on the hill, with residential dwellings to the north west, west and east, with open land to the north and south.

The site falls within the village development limits and the Howardian Hills Area of Outstanding Natural Beauty. A public right of way runs along the easternmost boundary of North Lodge, which directly adjoins the site to the west.

There has been some excavation of top soil from the site prior to the submission of this application. Recently land levels have been significantly reduced within this site.

PROPOSAL:

The proposal seeks planning permission for the erection of 2no. two bedroom semi-detached dwellings with associated access, parking and landscaping (part retrospective)

PLANNING HISTORY:

There is no relevant planning history at the site.

POLICIES:

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

The Parish Council have responded with the following comments:

1. The site is not big enough for two houses. It will not allow much garden or play space
2. The proposed parking area does not include a turning area, which was a requirement on other approvals in our joint parishes. The application instead shows 2 narrow drives with barely enough room to open the car doors next to the proposed buildings. The angle of the drive seems to not give adequate entry onto the highway without predictable risks to the individual's safety such as pedestrians using the public foot path.
3. To have vehicles having to be reversed on the road at this point where there already exists 5 other properties that feed in immediately adjacent to the western boundary, appears to be contravening highway safety.
4. We understand that the hedge on the western boundary is a joint hedge, in consequence the applicants do not have full jurisdiction and cannot comply with the removal of the required length.
5. Removal of more hedge on the eastside will lead to a loss of privacy for occupants of adjacent houses.
6. Height of the proposed building should not overshadow North Lodge.
7. It is noted that the previous new semi detached houses built by the applicant, appear to have no been build to planning approval. Such that the roof height appears just under half a meter taller than the adjacent existing building, which is not congruent with the approved plans.
8. As a matter of urgency, it is recommended than an enquiry is made of the building regulations of this previous build.
9. It is preferable that the stone used for the possible build is brown sandstone with slate roof to match the neighbouring properties.
10. Major concern was voiced over the initial excavation of this site prior to any planning and the removal of all deposits without any archaeological consultations. This is within a medieval plot, (please refer to the archaeologist report which states that any potential of undisturbed medieval remains were removed as the site was reduced by at least half a meter and the deposits spread over the field opposite)
It was agreed that it is inevitable that a build will take place, a single dwelling with a turning circle and room for a garden would be much preferable to two small semidetached houses, with tight parking at the site.
11. Photo included shows easterly view of the narrow road when the Ryedale Council refuse van has to reverse up the whole length of Main Street as there is no turning area as it is a no through road. Date Taken 6.9.19.

Four original letters of objection have been received from the occupiers of the following properties; Manor House, North Lodge and Whitwell Hall. Additional correspondence was subsequently received from the occupier of North Lodge. These raised the following summarised points, which are available to view in full on the planning file:

- Object to the principle of 2 no two-bedroom semi-detached dwellings, there is a more sustainable economic, social and environmental alternative.
- If we have to accept building here then a single house, preferably a single storey would be a more favourable proposition and would reduce the question of light pollution to adjacent houses. A small space to cram in two houses with the essential off street parking.
- To achieve a balanced housing stock as per the local plan policies a single dormer bungalow is considered more in character to this part of Main Street. This was previously suggested for the small plot adjacent to The Gables and would provide a lifetime opportunity as fully accessible accommodation.
- The applicants have already built 7 dwellings on the village street and three more in the yard at the back of village farm, the addition of two more is starting to change the character of our small village. How much more can a small village be expanded.
- There are no amenities in the village with the exception of the church, the village hall and shop have long disappeared (developed as housing by the applicant) the playground which was next to the cricket pitch has been disbanded (the landowner was concerned about insurance) and therefore there is no open space for the ever increasing children population, which pushes them into the street to play. Yet more cars will add to the safety problem.
- Will there be a demonstration of affordable rents in these new houses.
- A number of recent projects carried out by this development are starting to change character of this medieval village.
- Suggest that the roof materials are slate rather than pantiles to match the adjacent cottages. It is important that the scale and size is matched to the original c1950s vernacular to maintain the character of the village.
- The ridge height is shown to be 900mm higher than North Lodge, recommend reduced by 450mm.
- Concerns raised with the roof heights of the new build pair of semi detached cottages to south east of site.
- The developer has removed c20 metres of mature hedging on the street frontage and started ground works without planning permission. This has resulted in destruction of the kitchen garden and wildlife habitats and loss of potential archaeological survey.
- Reassurance for residents of no further breaches of planning and full compliance is sought.
- A detailed drawing in large scale of the boundary adjoining North Lodge is sought.
- Recommend a turning circle is provided to enable access onto highway in a forward gear. This appears to be a planning requirement for new build houses in the Ryedale area. This supports the proposal of a single dwelling for adequate parking facilities.
- The site abuts main street and there is already severe congestion as cars park on both sides of the road and on many occasions vehicle access has been restricted to our property by cars randomly parking by our gateway.
- Recommend back doors have obscure glazing to preserve privacy of adjacent properties. Likely impact upon occupiers of the Gardens. Their outdoor space will be overshadowed due to height of proposed development.
- It has been recommended in previous planning applications for the developer to demonstrate philanthropic ideals for the benefit of the community. The village hall was removed by the developer for housing, with no replacement or philanthropic gesture. Recommend the developer considers this.
- The former dew pond (located to south of site) was infilled by developer. It was a cultural and distinctive feature of the village and significant and a haven for wildlife, lack of environmental awareness and consideration for character of the village. The right of way was rerouted from here denying access to this area.
- The village is predominately owned by investors and with very few owner occupiers in the village the village community spirit is almost non-existent. Villages require a balance and if virtually every property is let to revolving tenants, the village spirit will die.
- Increase traffic and disturbance to this already busy village.
- Every scrap of green land seems to be developed by the applicant. This latest application is unnecessary.

Nine letters of support have been received, 6 from the occupiers of the following properties; 4 Beech

View, 3 Paddock View, Pasture House Farm, Oakcliffe House Crambe, Teazle Cottage, Beechcroft, 2 from Cundalls and 1 from Stephensons Rural. These raised the following summarised points, which are available to view in full on the planning file:

- In support of the application being made by the Brotherton family as part of their continued stewardship of the properties in the village of Whitwell on the Hill.
- Previous developments undertaken on the Main Street and to the rear of Village farm are of a size and character appropriate to the village and finished to a standard which continues to improve the village. This application continues those principles in the use of stone under clay pantiles.
- Support, will be 70 next year and would like their child to be able to live closer to help, they would be looking to rent a small house.
- Support, as a 65 year old, will be looking to retire shortly and watched the Acorn and Teazle Cottage built to such a high specification and blending so well they would love to live in Whitwell. The tenants of those cottages love living in them, they are very well insulated and easy to run.
- Support, our daughter lives in Acorn Cottage which was built by the applicants to a very similar design to the proposed new houses. She loves the house as it is very practical and economic to run. Our other daughter will be looking for a house to rent shortly and it would be wonderful if she could rent in Whitwell on the Hill...it is extremely hard for young people today
- to find nice modern rented accommodation in this area, while they are trying to save up to buy their own house.
- Support – I rent one of the Applicant’s recently built cottage, and find it to be very satisfactory, comfortable and cheap to run with the Solar Panels and Solar I Boost.
- Support, we need to provide good, well designed energy efficient houses for local people to live in. there is a shortage of small houses in the immediate vicinity and this application will help alleviate the problem
- Support , the village has a good bus service to York, Scarborough and Whitby and it also has a church. My son would like to move back to the village and he would be very interested in one of these. He would also be able to join the village cricket team.

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development and Local Needs Occupancy
- ii) Character, Design and Impact upon the AONB
- iii) Impact on Residential Amenity
- iv) Access and Highway Safety
- v) Other Matters, including Consultation Responses

- i) Principle of Development and Local Needs Occupancy

The site is located within the Development Limits of Whitwell-on-the Hill. Whitwell-on-the Hill is classified as an 'other village' within the Ryedale Plan - Local Plan Strategy. Policy SP2 (Delivery and Distribution of Housing) is supportive of infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy within 'other villages'. It is considered that residential development would continue the built form on the southern side of the village. Therefore, the principle of residential development is acceptable in this location, subject to the Local Needs Occupancy restriction. In light of the representations received, it must be noted that the proportion of rental properties to owner occupied within the village is not relevant in the determination of this application. The lack of wider amenities or public spaces within the village is not a material consideration in the determination of this application. It would not be possible for specific off-site ecological improvements/philanthropic works to necessitated as part of an application of this scale. The application would however be liable for a contribution under the Community Infrastructure Levy of which a percentage (15%) would be returned directly to the Parish Council.

The applicants currently provide a large number of rented properties within the village as per the

submitted detail within Paragraph 5.6 of the Planning Statement. They have stated that due to the increased demand for accommodation in this location, they would like to build a further two homes for rental. A letter has also been received from the Estate Agents Routhwaite and Woodhead that outlines there is a significant shortfall of affordable 2/3 bedroom cottages to rent in Whitwell on the Hill and the surrounding area. They are currently trying to find rental properties for 5 individuals and 2 couples who three of whom are moving to the area for work. The adjoining Parishes to Whitwell on the Hill are Welburn, Bulmer, Foston, Barton Le Willows, Crambe and Westow. It is considered that it has been demonstrated that there is a local need for 2 small units in this location and therefore the Local Needs Occupancy restriction can be satisfied. In this instance, there is no policy requirement to demonstrate affordable rent rates.

Therefore this proposal is considered to be in accordance with Policies SP1, SP2 and SP21 of the Ryedale Plan, Local Plan Strategy.

ii) Character, Design and Impact upon Area of Outstanding Natural Beauty

The two bedroom semi-detached properties would be constructed of stone and pantile, with a total width of 10.55 metres along the frontage and run ridge-parallel to the road. They would have a depth of 11 metres including a two storey outrigger element but excluding the external porch. The overall ridge height would span to 7.94 metres with a ridge height of 4.83 metres and solar panels would be included along the southern roof slope. The applicants have recently built properties within the village of a very similar scale, form and design, including the pair to the south east of the site known as Teazle Cottage and Acorn Cottage approved under 16/01824/FUL

The architectural style and materials would accord with the local vernacular however it is recommended that conditions are attached requiring the submission of a sample panel of the materials to be used to ensure a satisfactory external appearance and to ensure the dwellings would comply with of Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy.

As noted, Solar panels are proposed on the southern roof slope, together with electric car charging points which is considered beneficial in terms of sustainability. The Planning Statements notes that where appropriate, nesting boxes will be incorporated within the design.

Within the representations, a request for the use of a slate roof was made to ensure the dwellings assimilate with directly adjoining properties. This was noted, however it is considered that the use of traditional pantiles would not appear incongruous in this location, given that many of the properties along Main Street incorporate pantiles. The request for the alterations to the proposed roof height of the properties is also noted. However it is not considered that the proposed roof height would result in an incongruous appearance or shadowing in this location. The ridge height as indicated by the notional street scene drawing would be approximately 0.85 metres higher than that at North Lodge to the west and 0.12 metres lower than The Gardens to the east. Given that the proposal relates to a pair of semi-detached properties it would not be unusual for these to incorporate a higher ridge height than a detached property and the distance of over 17.5 metres between the proposed dwellings and North Lodge would further limit any visual impact by virtue of the slightly greater roof height. However, a levels condition will be recommended as part of any approval.

It is considered that the proposed development would follow the grain of settlement of Whitwell on the Hill in terms of the scale, siting, orientation, boundaries and spaces between the proposed dwellings. The dwellings also have relatively low but adequate private amenity space commensurate to the size of the dwellings, spanning between c240 and 280 square metres. The remaining amenity space associated with The Gardens would amount to c215 square metres, which is considered to be acceptable. It is therefore considered that the two semi-detached properties can be suitably located within this plot retaining an appropriate level of amenity space. The precise details in relation to off street parking will be reviewed in the relevant section below.

As noted within the Principle Section above, the adopted Ryedale Plan, Local Plan Strategy supports infill development within villages. It is not considered that this would harmfully impact upon the character of the medieval village, nor would it impact harmfully upon the character of the village which

includes linear residential along Main Street, surrounded by an expanse of open countryside.

It is noted within the representations that a large expanse of hedgerow was removed prior to this application being submitted. As this related to hedgerow surrounding a garden, no specific permission would have been required for this. Limited further removal/trimming of the hedgerows within the site will be necessary and a landscaping condition is recommended together with a condition in relation to precise details of any proposed boundary treatments. This will ensure an appropriate appearance is secured.

The proposal is therefore considered to be in accordance with Policies SP4, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

iii) Impact on Residential Amenity

The proposed properties incorporate openings solely on the principal southern elevation and rear northern elevation, with the exception of a single access door to the kitchen on the inset western elevation at ground floor level. Given the relationship with neighbouring properties, it is not considered that there would be any material loss of privacy as a result of the proposed development. A condition removing permitted development rights to create further openings within the side elevation is recommended. It is not considered that this would result in any harmful overshadowing of adjoining properties.

In terms of the privacy of the future occupiers of the dwelling, it is noted that there is one window at first floor level within the side elevation of The Gardens which could result in potentially enhanced overlooking within the private amenity space of the proposed dwellings. The Agent has agreed that a new tree will be strategically positioned to limit direct overlooking as part of the landscaping scheme and some advice has been given in terms of species by the Local Planning Authority. This will be controlled via the landscaping condition.

In terms of amenity, it is not considered that two additional properties would result in an unacceptably enhanced level of traffic noise or disturbance within the village.

It is therefore considered that this proposal is acceptable in terms of impacts upon residential amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

iv) Access and Highway Safety

The proposed plans indicate that the hedges to the western and eastern boundaries of the site would be *“removed to 2.4m from back of highway”* to allow adequate visibility splays and that the hedging to the front of The Gardens would be maintained at 0.65m. The hedge to the front of The Gardens is in the ownership of the applicant and forms part of the application site, as indicated within the submitted location plan. It is therefore considered that this can be appropriately maintained in the future.

The Highway Authority noted within their consultation response that no highway objections are raised in principle to the development. The response noted:

“The proposed vehicular access points lie nearly at the end of Main Street. The design standard for the Manual for Streets and, given that vehicles will reverse out onto the street, the required visibility splay is 2.4 metres by 33 metres to the east and to the end of the street at the adjacent carriageway to the west. The available visibility (with the visibility splay extending over the adjacent property frontages shown as part of the application site is 2.4 metres by +33 metres/end of street.

In terms of connectivity Whitwell on the Hill has a regular public bus service between York, Malton and beyond, with stops on the A64 to the immediate east of the village. It is noted that the proposed dwellings are proposed to have electric car charging points and cycle locking rings affixed to the external walls, as well as car parking to the minimum standard required for a two-bedroom house within a rural area (2 spaces each).

The site rises slightly up from the public highway, and in terms of the proposed tarmac driveways appropriate measures will be required to prevent surface water from running off the driveways onto the public highway, and a condition is recommended below.

No highway authority objections are raised.” Conditions in relation to the verge crossing, surface water, visibility splays, retention of car parking spaces, mud on highway prevention and provision of a construction traffic/storage plan.”

It is acknowledged that there has been concerns raised that the hedge to the west of the site is a shared boundary feature between the site and North Lodge to the west. The Planning Agent submitted the following response *“You quite rightly need to be satisfied, as do the Parish Council that the visibility splays offered and agreed with NYCC Highways to allow safe manoeuvring in and out of the property can be satisfactorily achieved. I can assure you that this is also my and my clients' concern. Before this was agreed in pre application consultation with NYCC Highways, we checked this against Land Registry plans and the area concerned is well within my clients' sole ownership (as are the properties to the east). Please find attached Land Registry plans showing both my clients' ownership and that of the adjoining landowner. You can see that my clients' land ownership matches the application boundary. I can therefore confirm that there is no problem legally with my clients implementing the proposed works in due course or maintaining the hedge thereafter.”* The land registry plan was also submitted.

Following this a further consultation response was received from the occupier of North Lodge, confirming that this hedging falls within their land. This submission included an excerpt of their deeds and further photographs, with a supporting statement indicating that they would not give permission to cut down further hedging on their land.

This was brought to the attention of the Planning Agent and additional supporting information was submitted including a supporting letter from a solicitor. The letter from Wrigleys Solicitors dated 25 October 2019 confirmed that the triangular section of land in which the hedge is located does not form part of the registered freehold for North Lodge. The Agent has reconfirmed in an email dated 28th October *“As a result my clients can undertake and complete the required works previously agreed with Highways prior to the application being submitted and as shown on the application drawings.”*

The issue of shared boundaries and ownership is ultimately a civil matter in which the Local Planning Authority cannot become involved or attempt to resolve. The condition recommended by the Highway Authority in relation to visibility splays states that *“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 splays are provided giving clear visibility along the total site frontage.”* This condition continues to make reference to how they must be measured *“2.4metres back from the carriageway edge.”* Therefore if this is not achievable, the development could not lawfully commence. The agent has however reconfirmed that they believe this is achievable having taken legal advice on the matter.

The North Yorkshire Highways Officer, as the statutory consultee in relation to access and highway safety has indicated their satisfaction with the proposed layout including parking provision subject to the recommended conditions. Therefore whilst the points raised within the representations in relation to traffic, parking and safety are acknowledged, North Yorkshire Highways are clear in their position of support and it would not be justifiable to insist upon specific turning areas in this location.

The photograph submitted by the Parish Council in relation to the refuse wagon is noted, however this is an occasional occurrence. The current situation is that the wagon cannot turn and this situation will not be likely to be made materially worse by two additional properties in this location.

v) Treatment of foul and surface water

It is proposed that the foul sewage would be discharged to the existing foul sewer network and the application form noted that surface water will be discharged to an existing water course. There is a 3 inch water pipe running through the site from north to south, positioned in close proximity to the western boundary.

Yorkshire Water have provided the following revised consultation response including conditions:

Water Supply

No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of 3" Upvc pipe, a protected strip width of 6 (six) metres, that crosses the site. (In order to allow sufficient access for maintenance and repair work at all times)

1) *There can be no building of a solid structure built 3m either side of the 3" Upvc pipe.*

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority . (To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network)

1) *It is noted from the submitted planning application that surface water is proposed to be drained to an existing watercourse.*

The Foss Internal Drainage Board originally recommended the imposition of planning conditions

However in a response dated 1st October 2019, an updated response confirmed following direct correspondence with the applicant "the Board is satisfied that surface water is not being discharged into the Board's district. The Board therefore removes its request for conditions and informatives (as noted in its letter dated 23 August 2019) and now has no comment to make on the proposal." It was further confirmed in this response that the Applicant has provided evidence that the site is connected to a watercourse within Main Street and this in turn flows into a local pond. The pond appears to have no outfalls into any nearby watercourses.

The Agent has confirmed verbally that the development would not encroach within 3 metres of the water pipe and the condition can be complied with. Given the response from the IDB, It is considered that the proposed method of surface water disposal is likely to be acceptable, however the second Yorkshire Water condition will be added, to ensure that these arrangements are formalised with the LPA.

vi) Other Matters, including Consultation Responses

North Yorkshire Archaeology provided the following consultation response on the application:

"Whitwell on the Hill is mentioned in the Domesday Book of 1086 AD. The present village takes the traditional Norman layout of two opposing rows of properties in regular narrow plots, terminating at a back lane with evidence for a ridge and furrow open field system beyond. The proposed development site lies on the street frontage within a medieval plot. This will have been in semicontinuous use for at least 800 years. Recent archaeological monitoring of the new development adjacent to 'Two Gables' revealed a sequence of well preserved deposits dating from the 11th-14th centuries. The current site appears to have been deserted by the time of the 1st edition OS Map of the mid 19th century. There is therefore considerable potential for undisturbed remains of medieval date to exist within the site.

In assessing the site I have consulted the aerial photographic images available on Google Earth. These indicate that the site was recently reduced in level by at least half a metre and the arising's spread in the field opposite (the eastern half of this field also appears to have been heavily disturbed). Unfortunately this activity will almost certainly have destroyed any archaeological deposits that may have been present (the depths of deposits at the site adjacent to Two Gables was approximately 0.3m).

Had the site not been subject to previous disturbance my planning recommendation would have been

- 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 The development hereby permitted shall be carried out in accordance with the following approved plan(s):
Site Location Plan (Drawing no. PD288-05 Rev B)
As Proposed Site Block Plan (Drawing no. PD288-04 Rev D)
As Proposed Elevations and Streetscene (Drawing no. PD288-02 Rev A)
As Proposed Floor Plans (Drawing no. PD288-01 Rev A)
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:
* Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
* Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
* Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
* Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years
Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.
- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (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: Roof alteration to enlarge a dwellinghouse
Class C: Any other alteration to the roof of a dwellinghouse
Class D: Erection or construction of a domestic external porch
Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure
Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).
- 5 Prior to the above ground construction of the dwellings, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development hereby approved Policy in

accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

- 6 Prior to the above ground construction of the dwellings, unless otherwise agreed in writing with the Local Planning Authority, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, complying with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 7 Prior to the commencement of the development hereby permitted, details of levels of the proposed development shall be submitted to and approved in writing by the applicant. Such details shall include existing levels across the site, together with finished floor levels, access and drainage runs.
Reason:- In the interests of the character of the area, the amenities of neighbouring occupiers and to satisfy Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 8 Prior to the commencement of the above ground works of the development hereby permitted 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 buildings 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 SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 9 Prior to the commencement of the above ground works of the development hereby permitted or such longer period as may be agreed in writing with the Local Planning Authority, 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 stonework to be used in the construction of the development hereby approved . 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 SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 10 No further doors, windows or any other openings shall be created within the eastern or western (side) elevations of the dwellings hereby approved at first or second floor level.
Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 11 During the development any unforeseen land contamination found shall be notified immediately in writing to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority has been completed. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work.
Reason: To satisfy the requirements of Policy SP17 of the Ryedale Plan - Local Plan Strategy.
- 12 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of 3" Upvc pipe, a protected strip width of 6 (six) metres, that crosses the site. (In order to allow sufficient access for maintenance and repair work at all times.)

Reason: To ensure the Local Water Network is not adversely impacted as a result of the proposed development in accordance with Policy P17 of the Ryedale Plan - Local Plan Strategy
- 13 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water

have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network)

Reason: To ensure the Local Water Network is not adversely impacted as a result of the proposed development in accordance with Policy P17 of the Ryedale Plan - Local Plan Strategy.

- 14 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- a. The crossing of the highway verge and/or footway, shall be constructed in accordance with the approved details and/or Standard Detail number DC/E9A in order to cater for construction / delivery traffic during the build phase and use by the occupants / visitors etc thereafter. The existing footway along the site frontage, exclusive of the proposed vehicular crossings, shall be repaired at the rear edge in order to provide a 1.5 metre wide footway constructed in accordance with the approved details and/or Standard Detail No. E6.
 - b. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 of the Ryedale Plan, Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 15 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 splays are provided giving clear visibility along the total site frontage (including the two adjacent cottages to the east shown in red as being under the control of the applicant) from a point on the centre-line of each proposed vehicular access measured 2.4 metres back from the carriageway edge. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction in excess of typically 0.65 metres and retained for their intended purpose at all times.

INFORMATIVE: An explanation of the terms used above is available from the Highway Authority.

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

- 16 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number PD288-04-D. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
- 17 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 18 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
Reason: In accordance with Policy SP20 of the Ryedale Plan, 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

INFORMATIVE(S)

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.