

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

Item Number: 6
Application No: 20/00714/OUT
Parish: Rillington Parish Council
Appn. Type: Outline Application
Applicant: Mr Sturdy (A & D Sturdy)
Proposal: Erection of 8no. dwellings with garaging following demolition of existing buildings - access and layout to be considered (site area 0.29ha)
Location: 26 Scarborough Road Rillington Malton North Yorkshire YO17 8LH

Registration Date: 6 August 2020
8/13 Wk Expiry Date: 1 October 2020
Overall Expiry Date: 14 October 2020
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Rillington Parish Council	Comments
Highways North Yorkshire	Recommend conditions
Highways England	Recommend conditions
Environmental Health	Recommend conditions
Archaeology Section	Recommend condition
Yorkshire Water Land Use Planning	Recommend condition

Representations: Mrs Jill Marr, Miss Stella Harlow, Mrs Evelyn Wolstenholme, Mrs Margaret Paterson,

SITE:

The application site is approximately 0.29 hectares of land, presently occupied by A&D Sturdy Builders, with an office building, commercial yard and separate storage building. The outdoor storage of building materials is also undertaken.

The site is accessed via a driveway taken from between no. 26 and no. 28 Scarborough Road Rillington and the main site area is surrounded by residential properties to the south (along Long Meadows) and to the east (along St Andrews Court.) The site is bounded to the north by residential properties and a car sales garage fronting Scarborough Road and to the west by rear gardens associated with properties along Long Meadows and Scarborough Road.

The main area of the site (excluding the access) whilst irregularly shaped includes a maximum measurement of approximately 63.5 metres from north to south and 63.8 metres from east to west. The site also falls within an archaeologically sensitive area.

PLANNING HISTORY:

There is no directly relevant planning history within the application site.

Previously the same Applicant successfully gained planning permission for adjoining land outside the

PLANNING COMMITTEE

15 December 2020

red line (properties no's 2, 4 and 6 St Andrews Court and the associated access) under the following applications:

04/01078/OUT: Residential development. Approved.

05/00663/FUL: Erection of 3 no. three-bed dwellings with detached single garages and formation of vehicular access. Approved.

PROPOSAL:

The proposal seeks planning permission for the erection of 8no. dwellings with garaging following demolition of existing buildings. The application is in outline with access and layout to be considered.

Appearance, Landscaping and Scale would be matters reserved.

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 SP6 Delivery and Distributing of Employment Land and Premises
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 SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

The following consultation summarised consultation responses have been received. Members can review these in full on the planning file:

2 St Andrews Court – 21st August 2020

- Currently all of the existing detached properties in St Andrews court have a minimum of one garage separating each property. The proposed plans show the closest property to be built next door will be very close to our property with no garage separating the two properties resulting in reduced privacy in our garden and kitchen.
- They would like their privacy to be maintained
- We have no objections to the build but our request is that our property is separated from the new build by a garage as it the case of all existing properties in St Andrews Court.

28 Scarborough Road - 26th August 2020

- Reservation about the access road up to proposed development as we live adjacent to access road.
- The access road is higher than our property and when there is heavy rain water runs down from road and enters our garage and down our path leading to our patio area resulting to deep standing water until it eventually subsides.

28 Long Meadows – 28th August 2020

- The lack of information raises privacy concerns e.g. windows overlooking my garden
- The Proposed Site Layout document shows incorrectly the extent of the current hedge. It also shows that there will be proposed buildings bordering the boundary fence. This would mean removal of the hedge and my neighbour's property (26 Long Meadows), who is also very concerned about her privacy.
- The hedge and boundary fence are owned by Sturdys. After the development, who will be

responsible for maintenance? If the hedge is to be removed I am concerned about my privacy, which I have had for 25 years and do not wish to lose.

- I only have objections to this development if my privacy is compromised.

1 St Andrews Court – 21st September 2020

- The development of 8 properties will increase amounts of traffic exiting St Andrews Court onto the A64, which is already a problem and the extra traffic will exacerbate this, making it dangerous.
- As the demolition progresses we will be subject to excessive noise, dust and inconvenience, having health problems this is not acceptable.
- The cul de sac will lose its quiet appeal.

Revised plans were received which showing revised site access for all properties to be taken via St Andrews Court only, reorientation of Plots 7 and 8 and amendments to Plots 2 and 3, to include the provision of a detached garage adjoining no. 2 St Andrews Court. The following consultation responses were received following their readvertisement:

2 St Andrews Court – 1st October 2020

- Previously objected and continue to do so having seen the revised plans which show that access to the two proposed properties will no longer be via Scarborough road instead access to all eight properties will be via St Andrews court.
- Concern over number of cars passing their property on a daily basis which is currently a quiet cul-de-sac. It is already extremely difficult to enter to and from St Andrews court via the A64 and the increased traffic will only make things worse.
- Disappointed to see that there has been no amendment to the plan showing the nearest proposed property to us having a garage between. We feel very angry that our privacy will be taken away and we will become overlooked. The proposed plans show there will be a road built directly in front of our property and we are concerned about the access to and from our property. This will impact our property the most as we are closest to the proposed development. By not having a garage separating our property from the proposed new build will mean our property will be the only house in the cul-de-sac like this and we are concerned it will devalue our property. We are extremely disappointed that no consideration has been given to the people currently living in St Andrews court which is currently a small quiet cul-de-sac which will double in size taking away the appeal. We would never have moved here knowing this would happen.

Following receipt of this email the occupier of no. 2 St Andrews Court was contacted by the Case Officer on the 1st October. It was highlighted that the most recently revised plans did incorporate an amendment to show a detached garage directly abutting their boundary as was requested. This email from the Case Officer noted:

“Thank you for your email. I have received revised plans and asked for them to be formally reconsulted on. I believe letters/emails were created yesterday so you may have received one of these via email. I would note however that unfortunately there has been a short delay on the plans being scanned in and you may be looking at older plans. The revised plan which will be online today indicates in addition to amendments to the access arrangements, there is also amendments to the position of the detached garage serving the plot nearest you and amendments to the layout of the dwelling. Should you wish to make revised comments on this most recent plan I would be happy to accept these.”

9th October 2020 – 28 Scarborough Road Rillington

- We live at number 28 Scarborough Road adjoining access road to yard with access to our garage.
- Due to the amended plans we have found there is no space to manoeuvre a car in/out of our garage to face forward down access road merging with A64.
- We have tested with our own small car according to the amended plans and have found there is simply not enough space to safely do a 3 point turn.

- (The new positioned wall will block us from driving forward enough to back into our garage)

28 Long Meadows – 13th October 2020

- Further to my original comments (document 2097235) and your responses document numbers 2104909 and 2104910.
- I am concerned about the condition of the hedge and attached fence. The state of it is appalling and is not acceptable to be left in this state.
- I have sent pictures of the state of the hedge and fence to the following email addresses:
- <removed> (agent)
- dm@ryedale.gov.uk (RDC)
- As you will see from my pictures the state of the boundary hedge and fence is appalling and a complete mess. The fence is anchored to the hedge at various points in a haphazard manner with nails and pieces of wood on the applicants land.
- I also must stress I still need my privacy which I hope will be addressed in future plans.

21st October 2020 – Letter from occupier of no. 1 St Andrews Court to Applicant – copied to the Planning Department

- Wishes to object to this on health grounds, their position at the boundary of this development will mean the amount of dust produced will be detrimental to health including their asthma and stress.
- They will not be able to open our windows or doors, they have only one door which faces the development.
- The distress and anxiety this will cause will mean this will have to be put on the market and will cause upheaval.

Parish Responses

26th August 2020:

The parish councillors have considered planning application ref: 20/00714/OUT. Whilst we realise this is for outline planning permission only and specific points can only be raised when inspecting the actual detailed application when it is made.

Given that it is an “outline” planning permission we are therefore only able to give an “outline” response. There has been a great deal of development in Rillington over recent years with local infrastructure straining almost to breaking point as a direct result. In general terms the parish council feels that further development is unwise as the village is already becoming over developed.

The use of the A64, which is already a very busy road effectively splitting the community into two halves due to traffic volume is unsuitable for use as a local vehicle entrance/exit to such a development.

We trust the planning committee will take these points into account when making a decision.

1st October 2020

We responded to the “Outline application” on 26th August 2020. The points raised remain valid. We do of course need to see sight of the actual detailed planning application before we can make further comment as the details are far to vague to make a judgement.

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development
- ii) Character, form and design
- iii) Impact on Residential Amenity
- iv) Access and Highway Safety

v) Other matters, including consultation responses

i) Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that Rillington is a Service Village and is therefore a tertiary focus for growth within the Ryedale District. Policy SP2 (Delivery and Distribution of New Housing) indicates support for infill development within Service villages (which would not be subject to Local Needs Occupancy) and also the conversion of previously developed land and buildings within the development limits. The redevelopment and effective use of previously developed land within development limits is supported by the NPPF (paragraph 117)

The principle of developing the application site is therefore considered to be acceptable.

ii) Character, form and design

Policy SP16 of the Ryedale Plan - Local Plan Strategy states that *'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.*

Policy SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy notes that:

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. It further notes that*
- *The design of new development will follow the principles established in Policy SP16.*

As noted above, at this stage this outline application seeks approval for access and layout only, with appearance, scale and landscaping matters to be reserved for a future reserved matters application.

During this application, the access arrangements were updated so that access to all 8 properties, rather than just the 6 previously indicated would be taken from St Andrews Court. Other minor amendments including the reorientation of Plots 6 and 7 and the repositioning of a garage at plot 2 were also proposed. The proposal was subsequently re-advertised.

In terms of layout, the proposed site layout plan illustrates a mix of bungalow, 1 and ½ storey and two storey dwellings. Each property would appear to have a proportionate amount of residential amenity space afforded to it, with a detached garage available for each property in addition to further off street parking.

As noted, the access would be extended from the existing public highway, with what is presently a 'cul-de-sac' at St Andrews Court. The business premises retains an existing pedestrian gate onto this 'cul-de-sac'. This pedestrian access would be widened to the south using land which has been legally retained in the ownership of the Applicant but which has been used as part of the front garden area of no. 2 St Andrews Court. This would be bordered to the north by the side garden of no. 1 St Andrews Court. The development and formalisation of this as a vehicular access is not considered to be a matter that would be harmful to the character and form of the area. It is acknowledged that the front garden space to no. 2 St Andrews Court would be reduced, but it would be commensurate with the front gardens of the adjoining properties no. 4 and no. 6. Therefore this loss would not be considered harmful and it is noted that this plot incorporates a private rear garden space. The access to the site presently taken off the A64 would be closed off via a new boundary wall.

It is noted that this scheme would have the opportunity to result in the rejuvenation of previously

developed land and buildings, including the demolition of a large commercial storage building. It is considered that subject to a sensitive design and the submission of an appropriate reserved matters scheme, this could have the potential to improve the overall character of the area and streetscene.

The traditional settlement pattern of Rillington is based along Scarborough Road, Westgate, Low Moorgate and High Street, with linear development along these streets. There are many examples of estate development in Rillington and therefore it is not considered that this proposed scheme whilst arguably backland in nature would be harmful to the character of the area, or dissimilar to the development to the south and east. This is particularly the case, as it would result in the redevelopment of existing land and buildings and appears to be a natural westwards extension of St Andrews Court. It is therefore considered that it respects the pattern, design and character of the surrounding residential development.

It is also considered that the site can be developed with sufficient separation between existing properties, in order to protect the amenities of the adjoining residential properties.

The design details will be considered as part of the 'appearance' and 'scale' considerations at the Reserved Matters Stage and accordingly conditions in relation to materials, samples, window details, landscaping, boundary treatments and hard surfacing have been recommended.

iii) Impact on Residential Amenity

Due to the layout, the positioning and the indicated form of the buildings, being single, 1 and ½ storey and 2 storey, it is considered that the site can be developed with sufficient separation between existing properties, in order to protect the amenities of the adjoining residential properties in terms of overshadowing and privacy (subject to consideration on window placement and design).

Whilst no firm confirmation on design or has been submitted as part of the outline permission, within the reserved matters application the LPA will be looking to ensure that these properties are designed to take into account the proximity and positioning of surrounding dwellings. Discussions to this effect have already begun with the Planning Agent.

It would be expected in the reserved matters (appearance and scale) that the positioning and treatment of windows in the southern elevations of units 2,3 and 4 would require particular consideration to minimise overlooking of neighbouring properties. Furthermore, the positioning and treatment of windows in the northern, southern and eastern elevations of Units 5,6 and 7 would also require detailed consideration. This will be controlled via a specific planning condition requiring details of position, numbers, opening and glazing types of all new openings at first floor level within the side and rear elevations of all 8 properties to be submitted to and agreed in advance by the LPA, with details for any openings within the side and rear roofslopes also required.

Whilst this aspect can be agreed in advance of the construction, in order to prevent any issues beyond this in the future, a separate planning condition will be attached to prevent the installation of any new first floor level windows or windows within the roofslopes which are not obscure glazed.

Appropriate designs for the existing properties of 2, 4 and 6 St Andrews Court were secured previously with the only openings at first floor level in the southern elevation being rooflights. These are positioned along the same building line as the proposed units 2,3 and 4 and this demonstrates it was possible to undertake residential development in this location without material overlooking occurring.

The concerns raised by the occupier of no. 28 Long Meadow are noted and whilst landscaping forms part of the matters reserved, a landscaping condition will be attached to this application, in addition to a condition seeking details of boundary treatments. This, in conjunction with the appropriate positioning of openings (controlled by condition) will afford the LPA the opportunity to ensure that privacy is appropriately maintained.

The concerns raised by the occupier of no. 2 St Andrews Court in relation to privacy are noted. As detailed above, further details on landscaping, boundary treatments and positioning of openings are to be provided. However as per their request, the garage was repositioned to directly abut their shared boundary with the development site, which is considered to have hopefully addressed some of their concerns raised.

In terms of enhanced noise and disturbance, it is not considered that the proposed development would materially affect the residential amenity of surrounding neighbouring properties. Traffic would now pass the residential properties along St Andrews Court, however this would be at relatively low speeds and would not pass any private amenity spaces. Consequently it is not considered to be dissimilar to the circumstances of much of the surrounding residential development in the locality.

iv) Access and Highway Safety

As noted originally access to the site was proposed to be taken for two properties from the A64 and for the remaining 6 properties from along St Andrews Court.

Highways England sought further information to assess the impact this application may have on the strategic road network. The Agent opted to reconfigure the scheme so that all 8 properties were accessed from St Andrews Court. Reconsultation was then undertaken with both the Local Highway Authority and Highways England.

The Local Highway Authority within their response *“The Planning statement provided with the outline planning application documents state that there is a right of access available from St Andrews Court, however there does not appear to be a blue line plan to verify this. If the Local Planning Authority are satisfied that a right of access is available from St Andrews Court, the Local Highway Authority does not raise objection to the proposed development, subject to the following conditions.”* A series of conditions are suggested which will provide the opportunity to provide detailed specification in due course.

The Planning Agent has confirmed to the Case Officer that a right of access is available directly onto the adopted public highway at St Andrews Court. This was further discussed with the Highways Officer and they subsequently confirmed the following via email on the 4th December 2020: *“I can confirm that the existing pedestrian access which will form the new vehicular access from St Andrews Court, directly abuts highway maintainable at public expense.”* A supporting map to demonstrate this was also provided. This matter is therefore considered appropriately concluded.

Highways England responded to the revised scheme with a confirmation of no objection and three conditions to be attached. One of these conditions slightly overlaps with the Local Highways Authority’s Condition but this will be attached in full for the avoidance of doubt. During a discussion with the Highways England Officer, they confirmed that Condition no. 28 could be reworded to make clear that the required use of St Andrews Close was only required for future residential traffic, as they advised construction traffic using the existing A64 access would not be an issue.

The consultation response received by the occupier of no. 28 Scarborough Road Rillington is also noted, including their concerns that the new boundary wall to the north of the site would limit their manoeuvring capabilities to and from their detached garage in this location. A detached garage for 28a is also located adjoining this. The Case Officer visited the site and took measurements and whilst perhaps initially not easily to ascertain based on the submitted plans, it appeared that the current fencing opposite the garage doors would be moved back approximately 3.5 metres eastwards. The occupiers of no. 28 Scarborough Road confirmed verbally they would have no objection if this were the case.

However for the avoidance of doubt, the Case Officer sought a revised additional plan from the Agent to illustrate the existing and proposed fence line, to confirm that this is the case. This plan (Boundary delineation plan – 171 221-02) was received on the 4th December 2020 and it clearly showed the

existing distance between the garage of no. 28 and the fencing is currently 8.76m and this distance will extend under the new scheme to 12.41m. This is considered a distance that will avoid any future parking difficulties for the occupiers of no's 28 and 28A Scarborough Road, Rillington. It will form part of the approved plans condition.

The point raised by the Parish Council and in some of the neighbour representations received about the unsuitability of further residential development in Rillington due to highway capacity is noted, as were wider concerns raised about highway safety within the consultation responses. However having carefully considered this, North Yorkshire Highways have not objected to the proposal. Furthermore, the current use as a commercial site will itself have an unrestricted level of daily journeys. It is not considered that this would relate to a material reason for the refusal of this application.

v) Other Matters, including Consultation Responses

The points raised by the occupiers of no. 1 St Andrews Court in relation to dust, noise and disturbance is noted. However the demolition is likely to be undertaken relatively quickly which would be the most significant producer of dust. An informative in relation to the Considerate Constructors scheme will also be recommended.

A construction management plan condition for small sites has been recommended by North Yorkshire Highways and is considered proportionate to the scale of the proposed development. With their permission was amended to include the requirement for submission of details of what boundary treatments would be present during the construction works. This would include confirmation on the retention of any existing boundary treatments and what, if any additional proposed boundary treatments would be installed. This would require the prior written approval of the LPA and will ensure that appropriate separation of the construction site from the surrounding residential properties can be achieved.

The NYCC Archaeologist has also been consulted, as the site lies within an archaeologically sensitive area. They have provided detailed comments including that the adjacent housing site to the east was subject to archaeological assessment in 2004, which identified a number of features of interest, including a human burial. It was acknowledged that as the current site is entirely covered with hardstanding/buildings this will have caused some level of disturbance, but that this is not quantified and it is likely that archaeological preservation will vary across the site. An appropriate condition to ensure a scheme of archaeological mitigation is undertaken. This would require the provision of a comprehensive and full Written Scheme of Investigation prior to the commencement of works, to be agreed and signed off in advance by Archaeologists working within North Yorkshire Archaeology.

Yorkshire Water have responded to recommend a relevant condition to ensure the site will be developed with separate foul and surface water drainage systems and to ensure that surface water details are submitted in advance. This response noted various other technical aspects in relation to sewers. An informative will be attached to ensure the applicant/agent are aware of this advice. A further condition will be recommended to ensure that the surface water disposal proposed to be directed to soakaways is undertaken to the satisfaction of an approved Building Control Officer. If this cannot be achieved an alternative method of surface water disposal must be agreed in advance with the Local Planning Authority.

A contamination screening assessment was submitted with the original application. The Council's Environmental Health Officer reviewed this and confirmed "Based on the industrial use of the site, the bulk storage of fuels and machinery I would recommend that the following conditions be applied in relation to land contamination." The four standard conditions will be listed below and will ensure that there is no adverse effect on health as a result of potential contamination. .

Therefore subject to the proposed conditions and the submission of the relevant reserved matters application, this outline application for access and layout is considered to meet with Policies SP1, SP2, SP6, SP12, SP16, SP17 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the of the

Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework. PPF. In light of the above the recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

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

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

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

- (i) The scale of each of the properties and garages,
- (ii) The appearance of each of the properties and garages, including a schedule of external materials,
- (iii) The landscaping of the site

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

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

Site Location Plan (Drawing no. 171 221 LP)

Proposed Site Layout Plan (Drawing no. 171 221 – 01 Rev A) (Version scanned by the LPA on the 1st October 2020)

Boundary Delineation (Drawing no. 171 221 02)

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

- 4 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 and the new boundary walls 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.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, 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(s) of the external walling(s) to be used in the construction of the development hereby approved. The panel(s) 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.

- 6 Notwithstanding the submitted details, prior to their installation, details of all windows, doors and garage doors and roof lights, including means of opening, depth of reveal and external

finish shall be submitted to and approved in writing by the Local Planning Authority. These shall be shown on a 1:10 scale drawing.

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

- 7 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: Roof alteration to enlarge a dwellinghouse

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

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

Class F: Provision of hard surfaces incidental to the enjoyment of a dwellinghouse

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 8 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, a scheme to protect the amenity and prevent overlooking/loss of privacy of the occupants of surrounding residential dwellings shall be submitted to and approved in writing to the Local Planning Authority. This shall include the provision of a plan and supporting information detailing the number, positioning, opening methods and glazing type of all new openings at first floor level within the side/rear elevations of the dwellings proposed and within the side/ rear roofslopes.

Reason:- This scheme must have a design which protects the privacy of adjoining properties and does not result in overlooking of neighbouring properties, to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) unless otherwise agreed in writing with the Local Planning Authority, no further doors, windows or any other openings shall be created within any of the dwellings hereby approved at first floor level within the side and rear elevations or roofslopes, with the exception of obscure glazed and non opening windows.

Reason:- To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Prior to the above ground construction of the development hereby approved, 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

- 11 Prior to the above ground construction of the development hereby approved, 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 in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 12 Prior to the above ground construction of the development hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority precise details of the ground floor surface 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.
- 13 Archaeology
A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance and in accordance with Policy SP12 of the Ryedale Plan, Local Plan Strategy.
- 14 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.
- 15 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.
Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer.

- 16 Unless otherwise agreed in writing with the Local Planning Authority, all surface water from the development hereby approved shall be directed to a soakaway in accordance with the British Standard requirements to the satisfaction of an approved Building Control Inspector. If this cannot be provided satisfactorily, the LPA must be advised and prior written approval for another method of surface water disposal agreed in writing.
Reason: To ensure that no foul discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy.
- 17 Prior to the commencement of the development hereby approved precise details of existing spot ground levels and proposed finished ground floor levels measured in related to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.
- 18 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.
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 in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.
- 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 in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.
- 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.
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 in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 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, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.
- 22 **MHC-01 Detailed Plans of Road and Footway Layout**
Except for investigative works, no excavation or other ground works or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.
- MHi-A Other Permissions required from the Local Highway Authority (Informative)**
Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).
Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.
- MHi-B Detailed Plans of Road and Footway Layouts (MHC-01) (Informative)**
It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.
To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.
The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition
- 23 **MHC-02 Construction of Adoptable Roads and Footways**
No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

24 MHC-06 Pedestrian Visibility Splays at proposed access to land at 26 Scarborough Road from St Andrews Court

There must be no access or egress by any vehicles between the highway and the application site at proposed access to land at 26 Scarborough Road from St Andrews Court until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

MHi-E Pedestrian Visibility Splays -(MHC-06) (Informative)

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

25 MHC-15B Construction Phase Management Plan- Small sites

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
7. details of existing site boundary treatments to be retained during the proposed construction works, together with any proposed site temporary boundary treatments to be installed prior to and retained during the construction works.

Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

26 There shall be no entry or egress by any construction vehicles prior to construction other than for site investigation until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on the Strategic Road Network by vehicles travelling to and from the site have been submitted and approved in writing by the Local Planning Authority. These precautions shall be made available before any excavations or depositing of material in connection with the construction commences on site and shall be kept available and in full working order and used until such a time that the Local Planning Authority agrees to their withdrawal.

Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 27 The developer must ensure that any land under the control of the Secretary of State for Transport, specifically the highway verge / bus stop to the northernmost extent of the development plot, is kept clear of construction vehicles at all times. This is in order to safeguard any necessary access by Highways England maintenance operatives or utility service operatives.
Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.
- 28 Highways England will require vehicular access and egress to the site for occupiers of the future residential properties is provided via St Andrews Court, as detailed on dwg no. 171 221 01 rev.A, titled 'Proposed Site Layout'.
Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

INFORMATIVE(S)

- 1 The applicant/developer is advised that the development should be undertaken in accordance with the Considerate Construction Scheme to protect the amenity of surrounding occupiers.
- 2 The Applicant's attention is drawn to the information provided within the consultation response of Yorkshire Water dated 24th August 2020.