

Item Number: 11
Application No: 22/00539/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Mr M Gibson
Proposal: Erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping
Location: Middleton House Finkle Street Sheriff Hutton North Yorkshire YO60 6RD
Registration Date: 26 May 2022
8/13 Wk Expiry Date: 21 July 2022
Overall Expiry Date: 12 October 2022
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Foss Internal Drainage Board	Recommend condition
NYCC Natural Services	Recommend condition
Tree & Landscape Officer	Recommend condition
Yorkshire Water Land Use Planning	Recommend condition
Environmental Health	
Archaeology Section	Recommends Conditions
Historic England	No comments
Building Conservation Officer	
Sheriff Hutton Parish Council	Objects
Highways North Yorkshire	Recommend condition

Representations: Mrs Gabrielle Potter, Mrs And Mr Louise And Alan Dawson, Mr & Mrs A J Thompson, Mrs Lynne Blair, Mrs Sylvia Roberts, Mr Nigel Webb, Mr Kieron Morris, Mrs Gillian Newman,

SITE:

The application site relates to a parcel of land which includes the detached residential property of Middleton House, its domestic curtilage and an area of what appears to be open grassed paddock located to the north of Finkle Street in Sheriff Hutton. This site, which spans to c0.28 hectares in total lies within the development limits of Sheriff Hutton. The southern half of the site appears relatively flat in form, whereas the land rises on the northern half of the site.

The site at its maximum point spans c92.1m from north to south and c45m from east to west. The site is directly adjoined by 3 residential properties, these include Cherry Tree Cottage to the north, Coney Garth to the east and Meadowcroft to the west. Residential properties are also located to the south, beyond the highway on Finkle Street.

It is important to note that the adjoining paddock to the west (outside of the application site) has a live planning permission which has not yet been implemented for 2no. dwellings approved under application 19/00888/FUL.

The submitted Phase 1 Geo-Environmental Assessment (PAW Geo-Environmental Ltd January 2022)

notes that historic mapping indicates this site from around 1856 to 1958 appears to have operated as a brewery, known as 'The Castle Brewery.' This is also confirmed by the North Yorkshire County Council Ecologist.

This site does not lie within the Village Conservation Area, nor a Visually Important Undeveloped Area (VIUA). The village Conservation Area boundary runs to the rear of the properties to the south of Finkle Street, beyond which the Scheduled Ancient Monument of Sheriff Hutton Castle is located. The site is however located within an Area of Archaeological Importance. The site is also indicated to be an archaeologically sensitive area.

Forward of the principle elevation Middleton House is bounded by a low brick wall to the south. The remainder of the parcel of land, including the open grassed paddock is bounded by trees and hedging to the north, south, east and west.

Middleton House is presently accessed via a vehicular access from Finkle Street to the south and the paddock incorporates a field access from Finkle Street to the south, close to the boundary of Coney Garth to the east.

PROPOSAL:

This application seeks permission for the erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping.

The scheme as outlined above includes the proposed extension of Middleton House, with a detached double garage to serve this property. The proposed part two/part single storey extension would replace an existing part two/part single storey extension to rear and the plans indicate that this would utilise the existing side western wall. The two storey element would incorporate a lower span from the original rear wall of the property of c9.50m, in contrast to the current projection of c11.5m. It would be slightly wider by c0.85m and would broadly maintain the current pitched roof form and proportions – it appears that an increase of c0.2m upon the existing ridge height is proposed, which would remain set down from the host dwelling. This would be completed in brickwork with feature windows to the rear north and would involve the repositioning of windows. A small single storey element would be present to the side east of this two storey element completed with black timber composite cladding. The existing porch would be removed from the existing principle elevation and this would be reinstated to become a further window. The main access to the dwelling would be repositioned to the western elevation, where an oak framed porch is proposed. The Middleton House plot would incorporate use of the proposed new shared access, with a new double garage proposed. This would be positioned to the north of the dwelling and would incorporate a footprint of c6.7m x c6.6m, completed with black timber composite cladding on a brick base. This would incorporate a pitched roof design with an eaves height of c5.2m.

During the application period, this garage was repositioned eastwards to limit impacting the root protection zone of Tree 9 and Tree 11 (outside of the application site) following review with the Council's Tree and Landscape Officer.

Plot 3 is located to the north of Middleton House. It is a two storey 4 bedroom dwelling that following the submission of revised plans now incorporates an attached garage accessed from the eastern elevation. This would be located c17.16m from Middleton House at the nearest point but this measurement includes the non-habitable attached garage and it would also be separated by the detached garage of this neighbouring plot. Plot 3 would incorporate a broadly 'L' shaped layout, with the two storey element (excluding the attached garage) spanning a maximum of c10m from north to south and c9.5m from east to west. This would incorporate two adjoining pitched roof sections, with a maximum ridge height of c7.15m. The dwelling would be constructed of brick, with concrete roof tiles and the garage would also be completed with black timber composite cladding on a brick base. Amendments have been made to this plot to omit habitable rooms having openings on the side western elevation, with 'blind' style detailing proposed, together with a single bathroom window at first floor level serving an ensuite. This will be discussed further in the amenity section. Within this plot a double hedge with a

1.8m high fence has been added to the north of the site to secure a private amenity space for future occupiers and this is shown on the revised plans.

Plot 4 is located to the northernmost part of the site, at a distance of c16.7m from Plot 3. This plot proposes a two storey 5 bedroom dwelling and detached garage with playroom/office above, accessed via an external staircase, both orientated with the principle elevation's facing southwards. The main section of the dwelling would span c11.3m in width x 7.6m in depth, with a pitched roof form incorporating a ridge height of c7.8m. This would be completed with brickwork, red concrete roof tiles and sliding sash windows. This property would incorporate a rear set down element, spanning c3.6m from and c4.65m along the rear elevation, with a pitched gable fronted roof set down by c0.8m from the main section of the dwelling.

The detached garage would incorporate a footprint of c7.5m in width x c6.5m in depth and would incorporate a large garage door along the southern elevation. As noted, this would incorporate a study/games roof at first floor level accessed via an extant staircase to the west. This would incorporate black timber composite cladding on a brick base to the western and southern elevations and brick to the north and east, as a result of responding to concerns raised by the occupier of the property to the east, Coney Garth.

Plot no. 2 is the remaining plot towards the south east of the site. This proposed a 4 bedroom 2 storey dwelling, with a footprint spanning c10.9m in width x c8.5m in depth. This would include a ridge height of c8.10m (Middleton House incorporates a ridge height of c8.2m for context.) This would be completed predominantly with brickwork, red concrete roof tiles and sliding sash windows. A further small single storey element is proposed in black timber composite cladding and a traditional pitched roof porch canopy to the front. A detached single garage is proposed, with a footprint of c6.5m x c4.65m, with a ridge height of c5.25m, as before, this would be completed with black timber composite cladding on a brick base. This was reduced from a double garage and set away from the boundary following review of a neighbouring consultation letter from the occupier of Coney Garth. It had been identified within incoming representations that the occupiers of this neighbouring property hold a right of access over this part of the site. The Agent has made these amendments attempting to accommodate this. This has been readvertised and no further response made by the occupier of Coney Garth to date on this element of the application within the additional 14 day period.

As noted, the 4 properties would be served via a new access from Finkle Street, with the existing access serving Middleton House closed off. This would incorporate a width that would allow two properties to pass and the access road would provide access to the individual properties.

The existing planting and wall along the southern boundary of the site would be removed and a low level 600mm wall provided, to ensure the visibility splay for the access would be provided. Internally at the site there would be extensive use of hedging, with more limited hard boundary treatments to serve the dwellings. Additional planting is also proposed and it is noted that some trees were lawfully removed prior to the application being submitted. A bin store for use on bin day is proposed close to the access, for the temporary holding of bins.

The overall site layout plan indicates that this scheme would incorporate a pavement forward of the site along Finkle Street, from which pedestrian accesses to Middleton House and Plot 02 are proposed. There also is an internal pavement indicated within the proposed cul-de-sac.

PLANNING HISTORY:

There is no site specific planning history considered to be relevant, however the following live planning permission in the paddock to the west is considered relevant:

19/00888/FUL: Erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access and associated landscaping. Approved.

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 SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS

The Parish Council made the following representation on the 13th June 2022:

Sheriff Hutton Parish Council OBJECT to planning application 22/00539/FUL, on the following grounds:-

The parish council have grave concerns regarding access and visibility onto an already dangerous corner.

The proposed housing types are not required in the village.

If the application was to be approved, the parish council would wish to see a restriction on the number of properties the road serves to 4.

The following summarised objections were received between the 10th June 2022 and the 24th June 2022 from the occupiers of 2 Castle Side, 4 Castle Side, 6 Castle Side, 8 Castle Side, 10 Castle Side, Park View Finkle Street, Moatside Finkle Street and Coney Garth Finkle Street.

Members will be able to read these in full on the planning file.

- Concern over increased traffic and the safety of the proposed access on a difficult corner with restricted view in both directions, extra vehicles could generate 12/15 vehicles using this access, which is very likely to cause accidents. Previous owners usually had a person to stand on the other side of the road to assist. There is no footpath on the Middleton House side, so unsafe for pedestrians. Although there is a 30mph limit vehicles frequently speed. Traffic coming through village includes HGVs and farm traffic.
- The planned access road links up to an adjacent site where permission has been granted for a further 2/3 houses which would cause an extra hazard when using the same ingress (Case Officer note: the approved scheme of 19/00888/FUL indicates that the access would be taken an alternative way and presently what is closest to this proposed cul-de-sac on the adjacent site is garden space.)
- The front hedge has got progressively higher and wider in recent years since the owner Mr Megginson died we trust that this would be lowered to 1 metre at the highest as this is the height stipulated by the highway department when we had our drive authorised for the hedge to the left of our driveway for visibility. We are also worried about cars turning left out of the new driveway when we are turning right in such close proximity to each other. (Specifically from occupiers of Coney Garth to the east.)
- Size and type of houses are not needed in the village, smaller houses for younger couples and children to attend the local school, as well as older people downsizing/retiring are needed to maintain a mixed population. Sizeable development of large houses on what was Peckett's Yard at the east of the village.
- Design and size of properties out of scale and character with the surrounding properties, will be an eye sore and impact upon the character of the village.
- Applicant circulated information to not that there would be no loss of trees or hedgerows, since the sale of the property there has been extensive landscaping carried out including the removal

of trees, including a splendid healthy copper beech. This scheme would incorporate the substantial loss of hedgerows and trees on the site.

- Overdevelopment of the site.
- Loss of valuable open space from the village and from around neighbouring properties, which contributes to village character. In this context the argument that ‘infilling’ in this area is acceptable and has precedent is spurious.
- At present, there is no footpath on that side of Finkle Street, on the plan there appears to be a footpath showing, however, this is on what is presumably council owned land. Where will the proposed pedestrian access be to this site? If a footpath is to be created on that side of the road and pedestrians are using it then arguably they will be in the way of the visibility splay.
- Impact upon residential through noise, loss of privacy within garden and rooms within the rear of the dwelling (specifically from the occupiers of 10 Castle Side.)
- Overshadowing - House Type W is too close to the road. Most houses on Finkle Street are set back. If built, we consider that House Type W will overshadow Finkle Street.
- Plot 02 is too close to the front boundary in our opinion and would obscure our view to the right when we are coming out of our drive onto the main road. Plot 02 also seems to have incorporated the existing black iron gate next to our exit into its plot and blocked the open hedging near our drive. The garage also right next to the hedge where we have the right of way up. We have vehicular and pedestrian access through the metal gate and a width of 10 feet across up the side of the hedge on the Middleton house side of the boundary as stated in our deeds. (Specifically from occupiers of Coney Garth to the east.)
- Plot 04 we want to know if the house and garage are going to be set down into the ground because the land rises sharply uphill towards the back and our house is a bungalow meaning that it would dwarf our house and block out natural light and sunlight into our rooms and garden at the side of our property. Also very concerned that the garage is going to be very high as its two Storey and looks like it will be used for additional accommodation/work premises it has dormer windows in so must be going to be some form of room also the windows would overlook our garden encroaching on our privacy. We think that in order to keep our natural light /sunlight it should be single Storey with a hip roof. (Specifically from occupiers of Coney Garth to the east.)

Following further consultation undertaken following the receipt of revised plans, the following summarised objections were received between the 3rd September 2022 and thefrom the occupiers of 4 Castle Side, 10 Castle Side, Moatside Finkle Street and Coney Garth Finkle Street.

These included the continued highlighting of the concerns identified above. In addition to those, the following summarised points were made, as noted, these can be reviewed in full by Members on the Planning File.

- Reviewed the highways report and they say that due to an absence of collisions outside the property this estate is considered safe. There have been very few exists from this property over the last five years as the owner did not drive. When there was a car, the owners had to stand on the opposite side to signal to the drive when it was safe to cross.

A final consultation period of 14 days has been undertaken between the 28.09.2022 and 12.10.2022. This was to further consult upon revised plans, particularly designs to address the concerns raised by the occupier of Coney Garth in relation to rights of access etc. Alterations to the plans included as noted the reduction of the garage at Plot 02 to form a single garage and the retention of an existing access from the driveway of Coney Garth, as it was identified within incoming representations that the occupiers of this neighbouring property hold a right of access over this part of the site. This has been readvertised and no further response made by the occupier of Coney Garth to date on this element of the application, nor from any other third party.

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development
- ii) Character, Form and Landscaping
- iii) Impact Upon Heritage Assets and their settings.
- iv) Residential Amenity
- v) Access and Highway Safety
- vi) Ecology
- vii) Drainage
- viii) Other matters, including Consultation Responses

- i) Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

The development plan should be read as a whole, however Policy SP1 and SP2 of the Ryedale Plan - Local Plan Strategy provide the development Strategy for the district. Most development will be located in the more sustainable parts of the district. This is the market towns, and a limited number of larger villages which are identified as service villages.

Sheriff Hutton is allocated as a ‘Service Village.’ In Service Villages, development is supported in the following instances:

- Housing Land Allocations in and adjacent to the built up area
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- Replacement dwellings
- Sub-division of existing dwellings
- Infill development (small open sites in an otherwise continually built up frontage)
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

Whilst the entirety of the three new plots could perhaps not be considered to be traditional ‘infill’ it does have a direct access to Finkle Street and would mirror the form of development approved under 19/00888/FUL and elsewhere in the village, thus it would not appear at odds with the existing pattern of development. It is also noted that each of the properties could have a direct access from a shared cul-de-sac which is considered beneficial. Furthermore, historic mapping indicates that this site has previously been developed, although it maintains an open verdant appearance at present.

It is noted that the consultation responses from the Parish Council and occupiers of neighbouring properties indicate in their view, the village is in need of smaller properties for young families and downsizing older households. This may be the case, however this could not form a material reason for refusal for an application for larger properties in planning terms.

It is therefore considered that there is no significant conflict with the requirements of Policies SP1 and

SP2 of the Ryedale Plan - Local Plan Strategy. This will however be subject to full consideration of the other relevant material planning considerations below.

ii. Character, Form and Landscaping

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.

Paragraph 130 of the National Planning Policy Framework notes "*Planning policies and decisions should ensure that developments*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit"

The site as a whole presently incorporates a mixed appearance, with the paddock presently incorporating a verdant undeveloped appearance, alongside the residential property of Middleton House. The site is also surrounded by residential dwellings, together with the paddock to the west where residential development has been consented.

In terms of layout, it is considered that this proposal is of an appropriately low density and would not result in the overdevelopment of the site. There is sufficient space around the dwellings, with private amenity spaces of an appropriate scale. Care was taken specifically to ensure that Plot 03 had a suitable level of private space afforded to it, with a double hedge and higher fence requested and included. This property as outlined above was also subject to specific negotiation to ensure that the lack of standard windows along the western elevation at first floor level (necessary to prevent amenity issues) did not visually detract from the character and appearance of the building. A tailored design solution including 'blind' window detailing was secured.

The alteration of the double garage at Plot 02 to a single garage is noted, together with the other alterations to the materials of the garage at Plot 04. These are considered acceptable in design terms.

It is considered that the scale of the individual dwellings are acceptable, with Plot 02 incorporating the highest proportions, however as noted, this is commensurate with Middleton House and is located at a similar distance from the highway. Although this was raised as potentially overshadowing within the streetscene, the coherence with Middleton House is noted and it is not considered that this would be unacceptable in design terms. Due to the significant scaled proportions of Plot 02 and given the rising

land levels at the site, in this instance, it is considered necessary to seek a condition to secure details of existing and proposed land levels within the site prior to the commencement of development to ensure that the dwellings assimilate appropriately in this location.

In principle the use of brickwork, with areas of black timber composite cladding, together with concrete roof tiles are considered acceptable and represent a cohesive design strategy, including Middleton House. A condition will be applied to ensure that notwithstanding the approved plans further details and samples of all materials to be used in the exterior of these buildings shall be submitted to and approved in writing by the Local Planning Authority. A condition to seek a sample panel will also be attached. This will ensure that the final appearance of the building is high quality in visual terms.

The Council's Tree and Landscape Officer visited the site with the Case Officer and provided a formal consultation response dated 22nd June 2022. This identified that several trees have already been removed. The removed trees appear to be those already proposed for removal. This response queried whether it would be possible to retain the hedge to the front, and if the garage for Middleton House could be moved to prevent impact upon off site trees T9 and T11. Improvements to the variety of proposed trees were also made.

Revised plans were submitted and these included the garages to the west of the site being moved eastwards to prevent impacts. It was impossible due to the visibility splays to retain the front hedge and a low wall was instead proposed. Updates to the proposed landscaping scheme were made. This plan would contain the installation of 12no. extra heavy standards, the retention of the existing boundary hedging and installation of new internal hedging, with the retention of a number of existing trees.

In a final response dated 20th September 2022, the Tree and Landscape Officer noted *"I can support this subject to landscaping in accordance with the landscaping plan (dated 04.04.22) and tree protection for the retained trees."* A condition to seek adherence to the landscaping scheme and the Tree Protection and Impacts Plan considered acceptable to the Council's Tree Officer will be recommended. A further condition to seek details of all proposed boundary treatments within the site is also recommended, including a sample of the low level wall to the front prior to its installation.

A condition will be attached to seek details of domestic lighting prior to the occupation of the dwelling. This is not always requested, however given the current unlit nature of the site, this is considered reasonable. Only low level lighting which assimilates well would be permitted.

It is also considered appropriate to remove householder permitted development rights to ensure an acceptable appearance and level of neighbouring amenity in the future.

Subject to the aforementioned conditions, it is not considered that the proposal would be detrimental to the wider landscape character of Sheriff Hutton, given the traditionally designed dwellings, quality materials, detailed landscaping scheme, tree/hedgerow protection condition and proposed layout.

iii) Impact Upon Heritage Assets and their settings.

In relation to potential impact upon heritage assets, as a precaution, this application was advertised as affecting the setting of a Conservation Area with the Building Conservation Officer consulted, Historic England and the NYCC Archaeologist consulted.

It is considered that there is actually a significant barrier from the nearest part of the Conservation Area by virtue of the properties to the south of Finkle Street.

The Building Conservation Officer was consulted on this scheme and the revised scheme and made no comments.

Historic England in their consultation response dated 5th July 2022 noted *"Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application."*

It is not considered that this would affect the setting of the Conservation Area, nor the Scheduled Ancient Monument of Sheriff Hutton Castle.

The proposed application site does however fall within an area of archaeological interest. In their consultation response dated 7th June 2022, the NYCC Archaeologist noted “*The proposed site is the location of the former Castle Brewery, of which Middleton House is the only upstanding remnant. Historic maps indicate that the majority of the area previously contained densely packed ranges of brewery buildings (other than the rectangular paddock to the north that has been used in recent years for allotment type activity).*”

There is little information on the former brewery which appears to have continued in use until at least the 1960s. The brewery is presumed to date to the early to mid-19th century but could have earlier origins.

The brewery occupied the rear of one of the long medieval plots that run back from West End to Finkle Street. It is close to Sheriff Hutton Castle but is clearly outside of its immediate curtilage. It is not clear if buildings were present this far south on Finkle Street in the medieval period or if the land here was used for agricultural purposes. In either case the development of the brewery in the postmedieval period will have had an impact on medieval remains should they have been present. The proposal will have an impact on the below ground remains of the former brewery and possibly medieval features beneath. The types of archaeological feature anticipated would be of local or regional interest and would not preclude redevelopment of the site.

I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.” The recommended condition will be attached.

It is therefore considered that subject to this recommended condition, this proposal would not have any adverse impact upon any heritage assets, nor the setting of heritage assets and suitable provision has been made in terms of archaeological mitigation.

iv. Residential Amenity

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

“Amenity and Safety

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

Paragraph 130 (f) of the National Planning Policy Framework notes that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

It is noted that the main dwelling of Plot 04 would be located at a distance of c 22.35m from the residential property of Coney Garth, which is a chalet style bungalow positioned to the east. This proposed dwelling would incorporate no openings at first floor level on the facing eastern elevation and it is not considered that this would result in any harm to the privacy of this neighbouring property. Between the two dwellings, Plot 04 would incorporate a proposed garage with office/games room above. This would only include windows on the principle southern elevation at first floor level, which is orientated to the south west. The design has also been updated to complete the rear northern and side

eastern elevations in red brick rather than dark cladding to address concerns raised by the occupiers of Coney Garth in terms of loss of light and overbearing development. This building would be located at a distance of c11.65 m from Coney Garth at the nearest point. It is not considered that either of these elements would relate to unacceptable material impacts upon privacy or overbearing development for the occupiers of Coney Garth. It is however considered appropriate to remove permitted development rights to create openings at first floor level within the side elevations of this the dwelling at Plot 04 and the proposed garage/outbuilding to secure this continued level of amenity in the future.

As noted, a condition relating to existing and proposed levels will be recommended also due to the topography within the site. This will ensure that the approved dwellings do not appear harmfully elevated in the plot.

It is also not considered that any of the other properties would result in material impacts upon privacy being experienced by the occupiers of Coney Garth. Plot 02 also contains no first floor windows on the side eastern elevation and it is orientated so that the rear elevation is facing a more north westerly position. This would prevent direct overlooking of the garden area, which for Coney Garth appears to be to the side/forward of the dwelling, with this dwelling positioned to the rear of the plot. Again, a condition to prevent first floor level windows in the side elevations on this property will be recommended.

It is also considered that all properties proposed within the site will incorporate a layout that will retain sufficient amenity space. It is noted that due to the orientation of the garden space of Plot 03, a specific 1.8m high fence has been proposed (completed with hedging on both sides) to the north to ensure that a private amenity space is available and that the future occupiers would not experience potentially harmful overlooking by virtue of the positioning of Plot 04. It is noted that this property would be sited c17m from the windows serving the front elevation of Plot 04, however this relates to 'front to back' distances and there is a roadway intervening. This is considered to be acceptable.

It is furthermore not considered that the properties to the west of the site would be adversely affected as a result of this proposed development. The letters of objection from the occupiers of Castle Side, some of which refer to loss of privacy are noted, however these are at a significant distance from the site, with a minimum of 35m between the site boundaries and therefore it is not considered that material overlooking would occur. Furthermore, care has been taken during the consideration period in relation to potential impacts to the amenity of future occupiers of the scheme approved in the field to the west (19/00888/FUL) for 2 properties. It was noted that there is still opportunity for a lawful start to be made on this scheme by November this year. The Case Officer made contact with the Agent in relation to the earlier schemes to note that Plot 3 as originally proposed would have resulted in habitable windows being c16m from one another and the proposed new dwelling at Plot 03 being positioned c5.2m from the garden associated with this adjoining plot, however this would be slightly offset. Revised plans were received to redesign this dwelling, with the garden space positioned to the north, rather than the west. This would be positioned c2m further westwards and c2.2m further northwards. These plans also indicated that the only first floor level opening would be a bathroom window and to enhance the design 'blind' style indented window features were proposed. This bathroom window being obscure glazed and the opening being top hung would be controlled by planning condition. The proximity of the house is slightly closer to the boundary but following review of the approved plans for the adjoining plot, it is noted that the side western elevation of Plot 03 would not extend directly behind the approved scheme. It is not considered that this would relate to harmfully overbearing development.

It is not considered that the development at Middleton House would result in harm to the neighbouring amenity of the occupiers of the adjoining property to the west Meadowcroft, due to the positioning of the two properties within their plots.

It is furthermore not considered that the additional three dwellings would result in adverse impacts due to noise or disturbance in what is an existing residential area. A Construction Management Plan will be conditioned to secure on site parking and hours of working, to prevent harmful impacts during the construction phase.

It is therefore considered that this element of the proposal is in accordance with Policy SP20 of the

v. Access and Highway Safety

Throughout the determination period, North Yorkshire Highways have been involved in negotiations and have sought further information from the Agent, including a request for swept path information, visibility splay information, the setting back of the access further than originally proposed and removal of the originally proposed replacement hedgerows to the front elevation to be replaced with low 600mm walls to secure visibility splays. The points raised locally about concern with the highway is noted and the Highways Officer did confirm in an email that *“This is not considered a low speed road or indeed lightly trafficked as it provides a route south to the A64 and York.”*

In their final consultation response dated 14th September 2022 the Highways Officer noted *“In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The design standard for the site is Manual for Streets and the required visibility splay is 2.4m x 43m. The applicant has demonstrated how this can be achieved on site. It is noted that a new footway is proposed along the site frontage. A dropped kerb pedestrian crossing point will be required here and directly opposite to provide an accessible crossing point for pedestrians.”*

A number of conditions were recommended which will be attached. Therefore whilst there have been concerns raised about the suitability of the access, it is considered that this can be safely upgraded to the required standard and is suitable for the level of dwellings proposed. Any concerns that this access may be used to serve the development approved under 19-00888-FUL could be reviewed or addressed should that proposal be formally submitted to the LPA. As it stands, the area adjoining the end of the cul-de-sac in the paddock to the west is shown on those approved plans as a garden area. Any change such as this would be material, would require a planning application and would be subject to full consultation.

It is considered that the parking provision within the site is sufficient for the cumulative 4no. dwellings, with both external and internal garage spaces available and secured by condition. Therefore the proposal is therefore considered to be in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

vi) Ecology

A Preliminary Ecological Appraisal Report (Root 3 April 2022) was submitted in support of this proposal. This identified that there were no statutory designated sites within 2km of the application site and that there are two Sites of Nature Conservation Interest within a 2km boundary, but they would not be likely to be affected by the proposal. The habitats at the site were reviewed and an initial bat roost potential assessment undertaken. An associated Biodiversity Net Gain report has been submitted (Root3 18.03.2022.)

This document noted “was used to quantify the anticipated losses and gains in biodiversity that would occur as a result of the development taking place. The results would help determine whether a net gain in biodiversity, as required under the National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2018), has been achieved. The results based on the Landscape Plan (Appendix A) indicate that the development would result in a 25.14 % decrease in habitat biodiversity units and a 39.81% increase in hedgerow units. The habitats therefore do not meet the net gain that would be required to meet the needs of the NPPF.

It is therefore recommended that a financial contribution is made by the developer towards delivering habitat biodiversity units off site, to compensate for the loss of biodiversity on site due to the development.”

In their response dated 7th June 2022, the NYCC Ecologist noted *“Thank you for consulting the NYCC ecology team regarding this application, which is supported by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) report. Based on the information provided in the PEA, the site*

raises few issues in relation to protected species or priority habitats although there would be some loss of established trees and internal garden hedges.

A number of ecological mitigation and enhancement measures are proposed in section 4.3 of the PEA report including: provision of 2 integral bat boxes within the proposed development; measures to reduce risks to Hedgehogs during construction; use of Hedgehog-permeable boundaries between properties; carrying out site clearance outside the bird breeding season or following appropriate checks; installation of 3 bird nest boxes on retained trees; removal of potentially invasive Rosa japonica. Should Ryedale District Council be minded to approve this application, we would suggest a Condition to adhere to these recommendations.

The BNG report identifies a 25% net loss of area-based habitat units but a 40% increase in hedgerow units post-development. This is a small site containing no priority habitats and the net loss of 0.32 biodiversity units is relatively minor. As far as we know, there is no offsetting scheme operating locally, so Ryedale District Council will need to consider how to deal with this small deficit in the planning balance. A financial contribution towards native tree planting in the vicinity of Sheriff Hutton might be considered.”

As noted, amendments were made to the scheme to omit hedgerow to the southern boundary of the site to secure highways visibility splays, but a double hedge was proposed to the north of Plot 03. The NYCC Ecologist was consulted.

On the 24th August 2022 the NYCC Ecologist noted *“Thank you for consulting the NYCC ecology team regarding the amended plans for this application. The revised layout proposal seems close to the original in terms of provision of trees and hedgerows, so the Biodiversity Net Gain calculation should remain similar. We have no further comments.”*

It was noted that the NYCC Ecologist had not had sight of a Small Sites Metric Calculation submitted by the Agent, so this was provided on the 16th September 2022 and his views on the BNG contributions in the local area were sought. It was also verified that the Act which outlines requirements for BNG contributions would not actually come into place until Winter 2023. The NYCC Ecologist responded on the 19th September to note *“The Small Sites Metric calculations show a net loss of area-based habitat of 23.7% but the actual area is small (0.3 habitat units) and no priority habitats are affected. There is a significant net gain in terms of hedgerows, which are measured separately. Given that there is no ready means of delivering off-site compensation, I think it’s reasonable for Ryedale District Council to weigh this up in terms of the overall planning balance. While the NPPF establishes the principle that developments should deliver net gains for biodiversity, you’re correct in saying that use of the Biodiversity Metric is not yet mandatory and the Regulations implementing relevant parts of the Environment Act 2021 have yet to be published.”*

On the 29th September 2022, the Agent noted *“As stated, the applicant is willing to pay an off-site contribution and I have referred to the ecological consultation response suggestion of a financial contribution towards native tree planting in the vicinity of Sheriff Hutton, which is considered to adequately address the minor net loss of biodiversity units.*

In addition I thought it would be helpful to provide information from Kirklees Council, who have a Biodiversity Net Gain Technical Advice Note (June 2021) which includes information relating to off-site compensation. Please see the below extracts:

3.4.3 Off-site compensation will need to be secured through an appropriate legal agreement for a minimum period of 30 years, or for the lifetime of the development.

3.4.4 Off-site compensation schemes that involve land allocated for development within the Kirklees Local Plan, including safeguarded land, or within protected sites will not be considered appropriate compensation for development impacts occurring within the district.

3.4.5 Off-site compensation can be secured through one, or a combination of, the following.

- *Management of land within the control of the developer;*

- Purchase of the required compensation value from a Habitat Bank;
- Payment of a commuted sum to the Local Planning Authority; or
- A combination of all or some of the above.

I look forward to hearing from you in relation to the above.”

Therefore, it is noted that the requirement to provide financial contributions to ensure Biodiversity Net Gain is not as yet a legal requirement. This is likely to become a requirement in late 2023. However the Agent has confirmed their willingness to provide a financial sum to Ryedale District Council in this regard and have made a calculation of circa £10,000 which is very strongly welcomed. The LPA do not as yet have an identified mechanism for collecting funding relating to BNG and the Case Officer has been exploring different avenues, liaising with other teams internally, NYCC Ecology and the AONB. The Agent confirmed on the 6th October “The agreed off site compensation sum can be included within a legal agreement to be spent by the Council over a specified timescale (10 years?), which we understand from our ecologist is a process accepted by other authorities. The applicant is happy to enter into a legal agreement or work with local groups recommended by the Council to establish an agreed local project to benefit from the funding.”

The Case Officer noted in an email dated 12th October to the Agent “*I presume with these, there may be a radius in which such money should be spent to the application site, ie. 10/15 miles, is this something you are aware of? Also, it would be useful to know generally at what point would such a sum be transferred, upon the commencement of development?*

I believe at this point, whilst these questions around the BNG sum are still being worked out, I should proceed with the committee report but seek the delegation of the decision to officers “upon the satisfactory completion of the mechanism to deal with the BNG funding proffered by the Applicant.”

The Agent was satisfied with this approach.

It is considered that a mechanism to collect this funding can be identified internally and this money secured for funding applications relating to ecological improvements within Sheriff Hutton and the surrounding Parishes and as such, Members are requested to support this approach of delegation to Officers.

vii) Drainage

It is noted that the proposed connection to the mains sewers is proposed for both surface water and foul waste. The Foss Internal Drainage Board (IDB) and Yorkshire Water (YW) have been consulted on this scheme. It is not considered appropriate to consult the Lead Local Flood Authority (LLFA) due to the scale of the application not meeting their thresholds for consultation. It has been verified that that the site is in proximity to separate surface water and foul water sewers running through Finkle Street to the south.

Detailed drainage information was submitted in support of this scheme and further information was received following review undertaken by the IDB. It was identified that testing for soakaways was undertaken in accordance with the relevant BRE Digest 365, but that the site did not pass the soakaway tests. Consequently a connection for surface water into the main public surface water sewer is proposed, which is believed to be how the site is currently drained. The IDB would not agree the originally proposed 3.5litres per second discharge in principle and revised plans were submitted to show this reduced to 2.6 litres per second discharge though the use of a hydrobrake and on site storage (through oversized pipes) following the comments from the IDB.

The final response from the IDB notes “*The Board notes that the applicant is proposing to discharge into the nearby surface water mains sewer. This appears to ultimately then discharge into a watercourse. The Board are therefore just looking at this matter from the perspective of the amount of water which could ultimately discharge into a watercourse within our district.*” A condition is recommended by the IDB as whilst the proposed surface water drainage mechanism appears to be acceptable in principle due to the unsuitability of soakaways and reduced surface water flow, further

information to evidence the points made is needed. It was noted that the submitted drainage plan (Version 3) could be agreed subject to evidence of the existing impermeable area discharging into the mains surface water sewer and an 'in accordance with' style condition, however the Agent did not have this evidence available to them at this point and the fuller condition was applied. The final IDB response noted that evidence of an existing positive connection from the existing impermeable area of 0.027 hectares prior to the agreement of a proposed discharge rate of 2.6 litres per second (otherwise a lower greenfield rate will be sought) together with other aspects. It is noted in their response that the IDB are not the approving authority for onsite surface water systems, but due to the scale of the site, it is not appropriate to consult the Lead Local Flood Authority. Consequently, a standard condition (in addition to the others) to recommend that the surface water and foul water connections are considered acceptable by an approved Building Control Inspector will be recommended.

Yorkshire Water had also recommended conditions in their original consultation response dated 24th June 2022. This sought a condition to ensure separate systems of drainage for foul and surface water on and off site (which should be achieved given the separate FW and SW sewers.) The second condition recommended by YW notes that if connection to the public sewer for surface water is necessary that there should be evidence to prove infiltration could not be achieved (which the agent has provided) and that the rate of discharge should be no greater than 3.5 litres per second (which the IDB wish to see lower.) Yorkshire Water were consulted again on the 23rd August 2022, as the updated drainage information had been scanned to the system, but no further response was received. In light of this, for the avoidance of any doubt, the Case Officer will consult with YW and check the suitability of the second condition, as it seems pragmatic to ensure that the surface water discharge rates as recommended by the IDB and YW should tally. Potentially they may feel that the imposition of only the IDB conditions may be suitable and both parties could be consulted as the Discharge of Conditions point.) Members will be updated on this aspect but the second Yorkshire Water condition and informatives have not been included on the proposed conditions list at this stage. The confirmed versions of these will be recommended going forward.

Subject to the suitable final drainage details, which will be secured via the imposition of the relevant drainage conditions, it is considered that this site can be appropriately drained and this is considered to be in accordance with Policies SP17 and SP19 of the Ryedale Plan, Local Plan Strategy.

viii) Other matters, including Consultation Responses

It is noted that a Phase 1 Geo-Environmental Assessment (PAW Geo-Environmental Ltd January 2022) has been submitted with the application. This recommends that further intrusive investigation is recommended for environmental and geotechnical purposes. This is considered likely to require the standard suite of contamination conditions recommended for development proposals where contamination may be present. Environmental Health were consulted on this proposal, but to date no formal response has been received. Their views will be sought in advance of the Committee Meeting and reported to Members.

In conclusion, the application for the erection of three new dwellings is considered to be acceptable in principle and also in terms of scale, form, materials, layout and design, subject to conditions on levels, boundary treatments, landscaping and provision of material samples, including a sample walling panel and lighting.

It is considered that this points raised in the incoming consultation responses have been addressed within the report above.

It is not considered that this scheme would result in harm to the character of the settlement by virtue of incongruous design. It is considered that subject to condition these would not result in adverse impacts upon neighbouring amenity in terms of loss of privacy not overshadowing or overbearing development. It is considered that this development would not impact upon protected species, heritage assets nor their settings, nor result in harmful impacts in terms of drainage, nor access and highway safety.

The proposal is therefore considered to be in accordance with Policies SP1, SP2, SP12, SP13, SP14,

SP16, SP17 and SP20 of the Ryedale Plan, Local Plan Strategy and the requirements of the NPPF and National Planning Guidance.

RECOMMENDATION: Approval, with decision to be delegated to Officer's subject to satisfactory conclusion of the Biodiversity Net Gain Agreement and if necessary, inclusion of updated Drainage and Contamination conditions.

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. WBA-SI-XX-DR-A-PL_001 Rev P1)

Proposed Site Layout Plan (Drawing no. WHARF-WBA-SI-XX-DR-A-PL_021 Rev P9)

Plot 02 GA Plans & Elevations (Drawing no. WHARF-WBA-XX-ZZ-DR-A-PL_100 Rev P2)

Plot 03 GA Plans & Elevations (Drawing no. WHARF-WBA-XX-ZZ-DR-A-PL_101 Rev P4)

Plot 04 GA Plans & Elevations (Drawing no. WHARF-WBA-XX-ZZ-DR-A-PL_102 Rev P3)

Plot 04 Garage Side and Rear Elevations (Drawing no.

WHARF-WBA-XX-ZZ-DR-A-PL_103 Rev P1)

Middleton House Proposed Floor Plans (Drawing no. WBA-XX-ZZ-DR-A-PL_211 Rev P1)

Middleton House Proposed Elevations (Drawing no. WBA-XX-ZZ-DR-A-PL_212 Rev P1)

Proposed Site Access (Drawing no. AMA/21504/SK007)

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

3 Prior to any above ground construction of the dwellings hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all 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 SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Prior to any above ground construction of the dwellings hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of 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 SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwellings hereby approved, 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, including a sample of the proposed walling material along the southern elevation of the site. 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 Conservation Area, as required by Policy SP12, SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, all planting seeding and/or turfing comprised in the scheme detailed within the Landscape Plan (Drawing no. R3-543-03-LA-02 Rev B) 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 in accordance with policy SP20 of of the Ryedale Plan - Local Plan Strategy.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, the tree and hedgerow protection measures indicated within the Tree Protection and Impacts Plan (Drawing no. R3-543-03-AR-03 Rev A) shall be installed. These shall not be removed without the prior written approval of the Local Planning Authority.

Reason: To protect the existing landscaping within the site and to enhance the appearance of the development hereby approved in accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The development shall be carried out in full accordance with the following ecological measures:

i) Section 4.3 of the Preliminary Ecological Appraisal Report (Root 3 April 2022) was submitted in support of this proposal) and the ecological enhancements proposed (including but not limited to 2no. bat boxes and 3no. bird boxes.)

Reason: In the interest of ecological protection and mitigation in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

- 9 Unless otherwise approved in writing with the Local Planning Authority, no further doors, windows, or other openings shall be installed at first floor level on the east or west elevations of the properties known as Plot 02 and Plot 04, or the western elevation of the property known as Plot 03.

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

- 10 Unless otherwise agreed in writing with the Local Planning Authority, the window on the western (side) elevation of Plot 03 at first floor level shall all be obscured glazed to the highest level of obscuration (Pilkington Glass Level 5 or equivalent). This shall be retained for the

lifetime of the development.

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

- 11 Unless otherwise agreed in writing with the Local Planning Authority, prior to its installation, full details of any lighting within the application site shall be submitted for the prior written approval of the Local Planning Authority.

Reason:- To prevent inappropriate lighting in this village location and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 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: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance and in accordance with Policy SP12 of the Ryedale Plan, Local Plan Strategy.

- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage)

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy

- 14 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings hereby approved, the provision of surface and foul water discharges must be completed to the satisfaction of an approved Building Control Officer.

Reason: To ensure that no 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

- 15 No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, has approved a scheme for the disposal of surface water and foul sewage.
Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- o For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- o If an existing connection cannot be proven, then the discharge rate shall be the greenfield run off rate of 1.4 litres per second per hectare.
- o Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy

- 16 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: Porches

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).

- 17 The development must not be brought into use until the access to the site at Finkle Street has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

1. The access must be formed with 4 metres radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 5 metres into the site must be constructed in accordance with specification shown on Standard Detail number E50 Rev G.
2. The existing gully adjacent to the proposed access shall be relocated to a location agreed in writing by the Local Planning Authority in consultation with the Highway Authority

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-C New and altered Private Access or Verge Crossing -(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Road%20and%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

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

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

- 19 There must be no access or egress by any vehicles between the highway and the application site at Finkle Street until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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-D Visibility Splays -(MHC-05)

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

- 20 The following schemes of off-site highway mitigation measures must be completed as indicated below:
- o Two metre wide footway along the site frontage to include a drop kerb pedestrian crossing point with tactile pavements on both sides of Finkle Street prior to the occupation of any dwelling.
- For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-F Delivery of off-site highway works -(MHC07)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

- 21 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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 in accordance

with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 22 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. the parking of contractors' site operatives and visitor's vehicles;
 2. areas for storage of plant and materials used in constructing the development clear of the highway;
 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 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.

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

- 23 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.

- 24 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.

25 Unless otherwise agreed in writing by the local planning authority, the new residential accommodation hereby approved shall not 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.

26 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.

27 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.