

**Item Number:** 11  
**Application No:** 22/00262/MFUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Smith (Moorside Development Ltd)  
**Proposal:** Erection of 4no. three-bed terraced houses and a block of 6no. two-bed apartments with associated parking and landscaping and formation of new vehicular access (revised details to planning approval 19/01059/MFUL dated 22.01.2020).  
**Location:** Bright Steels Building 1 Beverley Road Norton Malton North Yorkshire YO17 9BD

**Registration Date:** 15 March 2022  
**8/13 Wk Expiry Date:** 14 June 2022  
**Overall Expiry Date:** 27 April 2022  
**Case Officer:** Niamh Bonner **Ext:** 43325

#### CONSULTATIONS:

<b>Environmental Health</b>	Recommend Condition
<b>Designing Out Crime Officer (DOCO)</b>	No Comments
<b>Archaeology Section</b>	Comments, No Condition Necessary
<b>Housing Services</b>	
<b>Yorkshire Water Land Use Planning</b>	Recommends conditions
<b>Flood Risk</b>	Comments
<b>Norton Town Council</b>	
<b>Highways North Yorkshire</b>	Recommend Amended Conditions

#### Representations:

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#### SITE:

The application site is located on the corner of Wood Street, Little Wood Street and Beverley Road, Norton. The site is currently under construction, with the approved scheme 19/01059/MFUL being built out. This scheme granted approved for the demolition of the existing offices and factory buildings and erection of 4no. three bedroom terraced dwellings and a block of 6no. two bedroom flats with associated access, parking and landscaping.

The wider locality incorporates predominately residential and industrial uses, with residential properties adjoining the site to the north, east and south. The application site is no longer under the ownership of Bright Steels, who retain the works to the north west and west of the application site and office buildings to the south.

This is located within Norton Development Limits and within an archaeologically sensitive area.

#### PROPOSAL:

This application seeks permission for the 'Erection of 4no. three-bed terraced houses and a block of 6no. two-bed apartments with associated parking and landscaping and formation of new vehicular access (revised details to planning approval 19/01059/MFUL dated 22.01.2020).'

The 19/01059/MFUL application was approved by Members of Planning Committee at the January 2020 meeting.

This application is back before members of Planning Committee as under the scheme of delegation, due to the size of the scheme (which has been submitted as a full planning application) it constitutes a major application. If a Section 73 application would not have required reconsideration. No letters of objection have been received from any members of the public.

Limited alterations are proposed, including the following elements:

- Amendment of brick type, from Yorkshire Clamp to a Britannica Rustic Red Brick
- Omission of approved whole house ventilation system (Passivehaus or other) with standard ventilation proposed to meet building regulations requirements. This is further detailed by the Agent in Paragraph 12 of the D&A. It is noted that this previous scheme did not require the whole development to be constructed to Passivehaus standards, but rather a Mechanical Ventilation and Heat Recovery System was proposed to secure appropriate noise internal levels with closed windows that would provide indoor air quality and this element would have been equal to Passivehaus standards. This was secured by condition 22.
- Omission of proposed gates to the site, the previously approved boundary treatments of walling and fencing would remain.
- Installation of a new drainage channel to the front of the site and omission of previously approved gates.

Paragraph 12 of the D&A notes the following:

*12.1 The site lays within a residential area with a Steel warehouse to the east. We do not believe any excessive noise to be coming from the warehouse and it only operates weekdays 9am to 5pm in any case. The only time there is any noise in the area, is when parents pick their children up from the local primary school and the noise of overexuberant happy children can be heard.*

*Therefore, the main reason for the new application is we do not agree with parts of condition 22 of the planning permission 19/01059/MFUL. While the windows are not an issue, as the standard white UPVC windows we use give a superior rate of 30 dB Rw+Ctr. Our application is based on not using a whole house ventilation system Passivhaus or other, but just using standard ventilation as specified under the building regulations for England and Wales. Our application is also based on the dwellings meeting the air leakage figures as required under the building regulations for England and Wales, not as detailed in condition 22.*

*We will however be constructing the dwellings using Robust details for sound insulation, as specified by the NHBC (National House Building Council) who's primary purpose is to raise the construction standards of new homes within the United Kingdom.*

## **HISTORY:**

19/01059/MFUL: Demolition of existing offices and factory buildings and erection of 4no. three bedroom terraced dwellings and a block of 6no. two bedroom flats with associated access, parking and 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 SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

## APPRAISAL:

The main considerations within the determination of this application are:

- i. The Principle of Development
- ii. Character and Form
- iii. Impact upon Amenity
- iv. Access and Highway Safety
- v. Other matters, including consultation responses.

### i. The Principle of Development

The Ryedale Local Plan Strategy is the Development Plan and Policy SP1 (General Location of Development and Settlement Hierarchy) notes that Malton and Norton is the principle town in the district, which is the primary focus for growth for the majority of new development and growth including new housing, employment and retail space.

Policy SP2 (Delivery and Distribution of New Housing) notes support for the “*Conversion and redevelopment of previously developed land and buildings within development limits.*” Support is also noted for “Infill development (small open sites in an otherwise continually built up frontage.”

In this instance given that this is within the town development limits and would result in the redevelopment of previously developed land and buildings, the principle of new replacement residential dwellings is considered acceptable. A proposed development of this scale in Norton would not trigger any requirement for affordable housing, however Community Infrastructure Levy would be chargeable. The principle of the development had been previously established as part of the original scheme.

This proposal continues to be in accordance with Policies SP1 and SP2 of the Ryedale Plan, Local Plan Strategy, subject to the assessment of the other identified main considerations.

### ii. Character and Form

The original Officer’s report is appended to this report. In visual terms there are very limited amendments to the approved scheme and it is considered that this amended scheme would continue to result in significant visual enhancement upon the previously unoccupied industrial site, particularly given its prominence in this town centre location. The high quality design is sensitive to the surrounding residential dwellings in terms of scale, appearance and positioning, whilst also appearing cohesive with the local architectural vernacular.

The amended brick type has been approved formally, as there was a concurrent discharge of conditions application running alongside this application. The bricks that have been used are considered to be acceptable.

Confirmation has also been received to confirm that the brickwork of the boundary wall will match that of the dwellings, which is considered acceptable and consequently, this will be controlled by condition.

The revised plans indicate precisely the type of hard surfacing within the site and a condition in this regard is no longer necessary.

Details of lighting for use within the site have been provided. A specific specification for the lighting to the front elevation of the terraces and the front elevation of the flats has been provided which will total 6 lights. This would be a modern lantern style and incorporates motion sensor and dusk – dawn sensors with a 600 lumen level. A single PIR sensor light is proposed within the garden area of each of the terraced properties. This would have a lumen level of no greater than 800 lumens. These lights are considered acceptable and the agent has advised that there are no other lights proposed. A condition will be recommended to ensure if any other lighting beyond that approved is required, the prior written approval of the Local Planning Authority will be required.

A landscaping scheme has also been submitted which includes low level planting fronting the highway to soften the development and the introduction of areas of grass and limited planting internally at the site. This is considered acceptable and will be controlled by condition. The Case Officer is currently awaiting final confirmation of planting heights, if this is received and is satisfactory, this will be conditioned for accordance, however at present, the a full landscaping condition has been recommended. Members will be updated on this point.

### iii. Impact upon Amenity

As noted in the previous scheme, it is not considered that the scheme would result in any harm to the amenity of surrounding existing dwellings.

The critical aspect in the determination of the previous application is whether the proposal would provide a sufficient level of amenity for future occupiers of the dwellings in relation to noise, due to the close proximity of the existing factory operations and the highway.

As noted, this current scheme seeks to omit the previously conditioned whole house ventilation system. Careful consideration has been given to this aspect and detailed negotiation has been occurred between the Council's EHOs and the Agent's Acoustic Consultant.

This Noise Assessment was undertaken with external day and night time measurements during a four day period in September 2022. This was concluded that the attenuation afforded by the proposed glazing strategy was sufficient to meet the relevant British Standards, this would include trickle vents for ventilation as the assessment was undertaken on the basis of closed windows. External noise was also considered to be acceptable. The EHO team originally sought further information on ventilation and whether this would adhere to the newly introduced higher level 'Part O' requirements of the Building Regulations. However, the North Yorkshire Building Control Partnership Development Manager confirmed that this site is not required to meet Part O as this is a relatively new requirement and only came into effect 15th June 2022 and Building Regulations application for these works was submitted on 15th March 2022.

They would have to meet the previous version Part L1A. The Building Control Manager noted "*Effectively, for Building Regulations purposes there would be no control of overheating, the units would just need to meet the requirements of Part L and F.*" The Agent has confirmed that they would meet the requirements of Part L and F.

The following final consultation response was received from the Council's Environmental Health Officer following the submission of a revised noise assessment dated 5th January 2023 (Dragonfly Consulting)

*"As a result of this application, I would suggest amendment of the previous condition to*

*Unless otherwise agreed in writing with the Local Planning Authority, all habitable rooms on the north and south elevations must be constructed with improved acoustic performance as follows:*

*\* Glazing to windows and doors to units 1 to 6 to be rated at 29 dB Rw+Ctr.*

*\* Glazing to windows and doors to units 7 to 10 to be rated at 25 dB Rw+Ctr.*

*\* Satisfactory ventilation shall be achieved without compromising acoustic performance of the façade, and without causing excessive overheating*

*\* External amenity areas, where provided, shall be acoustically protected from industrial and traffic noise, to achieve as a maximum 50dB LAeq.*

*Reason: To ensure a satisfactory level of residential amenity to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy."*

It is noted that the supporting statement which indicates that have an even higher rating of 30 dB Rw+Ctr indicates that compliance with the requirements of the conditions should be achievable. It is considered that on balance, the scheme whilst not meeting the highest standards of the WHO requirements does incorporate a high quality arrangement for future residents as a result of the glazing

strategy and the associated condition.

Fundamentally, the site is an urban site and this presents an opportunity to regenerate what was disused industrial land in very close proximity to existing residential dwellings. The preferred use of this site would be residential rather than the continuation of the previous lawful industrial use associated with the site.

#### iv. Access and Highway Safety

The onsite parking provision of 14 spaces remains consistent with the approved scheme, meeting the minimum requirements. It is noted that the car parking and access areas are to be laid with permeable block paving.

Four of the spaces would include EV charging points, which were a recommendation previously from NYCC Highways rather than a requirement. These are afforded to the four terraced properties, as there are more challenges in installing private electric charging points in communal parking areas for flats, including upkeep, financial charging and maintenance. This is considered to be an acceptable compromise. It is noted that there are public charging points in close proximity to the site.

The plans also indicate the omission of the previously approved gates to the site and installation of a drainage channel where the site meets the highway to prevent surface water spread.

In their consultation response dated 27th April 2022, the NYCC Highways Team confirmed *“There are no local highway authority objections to the proposed development. Condition Nos. 10 to 16 of planning approval 19/01059/MFUL (highway conditions) should be considered for inclusion on any subsequent grant of permission. The approved drawing number should now be regarded as being S138.03.02. Please note that Condition 11 applies to the construction phase of the development. NB. The proposed Pyracantha boundary planting for the site should be maintained within the site as the shrubs mature and not allowed to grow out over the adjacent highway footway. I shall be pleased to know from the applicant what the intention for planned landscaping maintenance is in this respect.”*

As part of the ongoing discharge of condition application a Construction Management Scheme had already been agreed and within the consideration of this scheme, further details to satisfy or partially satisfy these highway conditions were provided. In light of this, the Case Officer put to the Highway Officer a set of suggested conditions to update where possible the previous conditions 10 – 16 reflecting this new information. The Highways Officer confirmed they were content with all the updated versions of the conditions on the 9th February 2023 and confirmed the previous conditions 13 and 14 could be entirely omitted.

It is therefore considered that this scheme remains acceptable in terms of access and highway safety.

#### v. Other Matters, including consultation responses

The Town Council had as part of the approved scheme noted their recommendation for approval. As part of this scheme, they emailed to seek clarification on what the differences were between the schemes. The Case Officer noted in an email dated 6th May 2022 the differences to the brick and the omission of the whole house ventilation system. No further comments were received from the Town Council. It since became clear that the omission of the gates was proposed, together with a limited additional drainage channel but these aspects are considered minor in nature.

Given the archaeologically sensitive nature of the site, North Yorkshire Archaeology were consulted on the original scheme and recommended a Written Scheme of Investigation. This was provided alongside a follow up report. The NYCC Archaeologist confirmed in an email dated 8th February 2023 that this was sufficient to address the previous conditions and consequently no further conditions will be recommended.

The Designing Out Crime Officer confirmed *“Thank you for giving North Yorkshire Police the opportunity to comment on this planning application. In relation to designing out crime, having*

*reviewed the documents submitted, I have no comments to make regarding the proposal.”*

In relation to drainage, The submitted Drainage Statement highlights that the proposed development will reintroduce some soft landscaping to the site, with substantially less buildings proposed than are currently present and water butts will be incorporated for the terraces properties. The foul and surface water will continue to be directed to the combined public sewer network, but within the site will be dealt with separately should the public sewer be separated in the future in this location. The surface and foul water discharges will be verified by Building Control Officers.

The Lead Local Flood Authority confirmed no comments to make due to this scheme being categorised by them as a minor development. *“We would agree that the surface water risk is limited and therefore have no further comments to make unless you would like further information. I believe you mentioned a standard drainage condition yesterday, ensuring the development is built in accordance with building regulations?”*

This condition will be attached, but the Agent noted that *“All drainage is installed and inspected by Building Control, without this a completion certificate will not be issued. Without a building control completion certificate, the properties cannot be sold or rented out.”* This is agreed and this condition will just reinforce this.

It is noted that a response from Yorkshire Water was not believed to have been received as part of the original scheme and this was not registered in the LPA’s Development Management System as is usually the case upon receipt. A response has been received this time seeking the inclusion of conditions relating to connection to the existing combined sewers and following discussions with Yorkshire Water, a copy of a response drafted for the 2019 application was provided.

As noted, the original scheme has been approved without any drainage conditions from Yorkshire Water and it is this previous scheme which has been enacted by the Developer. Negotiations have been undertaken with Yorkshire Water which are appended to this report, should Members wish to view these. The difficulty of the situation is that given the part retrospective nature of the application, the drainage element has already been constructed, with the agent advising the connection to the combined is sewers complete. The conditions from Yorkshire Water recommended for this amended scheme seek further details of whether it would be feasible to separate the foul and surface water discharges at the site and if that was not feasible, the following additional information would be sought:

- “a) demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;*
- b) evidence of existing positive drainage to public sewer and the current points of connection; and*
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. (To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)*

The drainage strategy does note that soakaways have been discounted and makes the point that rather than historic arrangement which incorporated a totally impermeable area with significant amount of roofs and a small section of concrete, this application would present a significant reduction of roof areas, together with the use of permeable hard surfacing and planting. This would therefore significantly reduce the surface water from non-porous surfaces discharging to the sewer and represents a betterment to the original site.

At the time of writing, the most recent email from the Case Officer to Yorkshire Water (16th February 2023) noted the following *“Given there is an existing permission which has been issued by the LPA and implemented without the conditions from Yorkshire Water and this application is not seeking alteration to the previously approved drainage details, I think we would question whether it would be ‘reasonable’ in terms of the tests of soundness of planning conditions outlined within the National Planning Policy Framework to apply a more restrictive condition at this stage on an application which is just altering limits aspects such as windows and brickwork.*

*Although I completely appreciate Yorkshire Water's position, I believe this would be open to challenge and as there is the fall-back position of addressing this through the separate legislation you have indicated, I think we are of the view that recommending an informative to ensure the Agent is fully aware of their separate requirements, and providing him with our correspondence will be the most suitable way of addressing this. I think this will be likely still to be a suitable mechanism to achieve the end goal, of having the further information from the Agent and a drainage scheme which meets with YW's requirements and which will be controlled by the s106 consent. When this is being negotiated I do hope there is some scope for flexibility on this given the overall improvements within the site and the issues faced by the Agent/Developer in the absence of conditions on the first scheme which is regrettable but which was outside of their control."*

For the avoidance of doubt, the reference above to separate legislation relates to the requirement upon the developer to secure permission from Yorkshire Water for connection to their sewer under a Section 106 Sewer Connection Agreement. This would be an obligation upon any developer outside of the planning process. It is therefore considered that whilst this situation is not ideal, pragmatically, this can be best addressed directly between the Developer and Yorkshire Water, which will be highlighted via an informative.

The Council's Environmental Health Officer also previously recommended conditions in relation to land contamination given the former industrial use of the site and demolition. Further information/contamination reports were provided to the LPA previously and a remediation strategy has been agreed, there is no need to reattach these conditions, with the exception of the 'verification report' and 'unexpected contamination' condition.

No responses have been received by any neighbouring residents.

It is therefore concluded that that this scheme is acceptable in terms of policy. The proposed flats and terraced properties are considered to relate to a high quality, sustainable design with modest but sufficient outdoor amenity space. This proposal results in an enhancement upon the existing unused industrial site, securing wider visual improvements within the local streetscene. It is not considered that this would result in harm to residential amenity and that the development can be undertaken without any adverse impacts to access and highway safety, with appropriate off street parking provision secured.

In light of the above considerations, subject to the recommended conditions, this proposal is considered to satisfy the relevant policy criteria outlined within Policies SP1, SP2, SP12, SP16, SP17, SP18 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. This application is therefore recommended for conditional approval.

**RECOMMENDATION:                      Approval**

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

Site Location Plan (Drawing no. S138.03.01)  
Site Plan As Proposed (Drawing no. S138.03.02 Rev A)  
Proposed Elevations (Drawing no. S138.03.04)  
Floor Plans (Drawing no. S138.03.03)

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

- 2 In relation to the 4no. terraced dwellings, notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse  
Class B: Roof alteration to enlarge a dwellinghouse  
Class C: Any other alteration to the roof of a dwellinghouse  
Class D: Erection or construction of a domestic external porch  
Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

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

- 3 Unless otherwise agreed in writing with the Local Planning Authority, the internal and external boundary walls within and surrounding the site shall be constructed from the approved brickwork utilised in the construction of the residential dwellings.

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 Unless otherwise agreed in writing with the Local Planning Authority, beyond the specific lighting specifications and numbers of lights agreed by the Agent on the 17th February 2023 (including 6no. lantern style lights to the front elevation of the terraced properties and flats and 4no. PIR Security lights to the rear elevation of the terraced properties) no additional external lighting shall be installed within the communal areas of the application site, nor on the exterior of the building housing the 6no. flats without the prior written approval of the Local Planning Authority.

Reason: To ensure any additional lighting in this residential area does not result in harm to residential amenity in discordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the above ground construction of the dwellings, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy



- 6 Unless otherwise agreed in writing by the local planning authority, the dwellings shall not be occupied until the approved scheme of remediation (as agreed under Discharge of Conditions file 21/01545/COND and the submitted DeltaSimons Remediation and Verification Strategy May 2022) 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.

- 7 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.

- 8 Unless otherwise agreed in writing with the Local Planning Authority, all habitable rooms on the north and south elevations must be constructed with improved acoustic performance as follows:

- o Glazing to windows and doors to units 1 to 6 to be rated at 29 dB Rw+Ctr.
- o Glazing to windows and doors to units 7 to 10 to be rated at 25 dB Rw+Ctr.
- o Satisfactory ventilation shall be achieved without compromising acoustic performance of the façade, and without causing excessive overheating
- o External amenity areas, where provided, shall be acoustically protected from industrial and traffic noise, to achieve as a maximum 50dB LAeq

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

- 9 Prior to the commencement of the residential accommodation hereby approved, the 4no. electric charging points to serve the 4no terraced dwellings must be installed and functioning.

Reason: To facilitate the use of low emission vehicles in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 10 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be undertaken in accordance with the programme approved in writing with the Local Planning Authority in consultation with the Highway Authority based on the information submitted by the Agent via email on the 9th February 2023 before the first dwelling of the development is occupied. Any variation to this programme must be approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 11 No dwelling to which this planning permission relates shall be occupied until the approved measures to prevent surface water from non-highway areas discharging on to the existing or proposed highway (as detailed on Drawing no. S138.03.02 Rev A) are implemented in accordance with the approved details and programme.

Informative: You are also reminded that as part of the CMP requirements, the Applicant agreed measures to prevent surface water discharge with the Local Highway Authority in an email dated 18th May 2022. These measures are still required during the remainder of the construction phase.

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

- 12 Unless otherwise approved in writing by the Local Planning Authority, no dwelling at the site shall be occupied in advance of or until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details shown on Drawing Number S138.03.02 Rev A and/or Standard Detail number A2 (Revision E) - crossing point only (copy attached). Any making good of the existing footway around the site shall be in accordance with Specification Standard Detail E50 (Revision A) (copy also attached).

e. Any gates or barriers shall be erected a minimum distance of 7.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

i. Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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

- 13 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved Drawing Number S138.03.02 Rev A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 14 The development hereby approved shall be undertaken in full accordance with the Construction Method Statement approved as part of the discharge of conditions file 21-01545-COND which pertained to previous approval 19-01059-MFUL. This was sent to the Local Planning Authority on 22nd March 2022 and also includes subsequent emails dated 16th May 2022 and 18th May 2022.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to secure appropriate standards during the construction phase in the interest of safety and the general amenity of the development.

#### **INFORMATIVE(S)**

- 1 The Developer/Agent/Applicant is advised that there is a requirement under separate legislation to secure a Section 106 Sewer Connection Agreement with Yorkshire Water.