

North Yorkshire Council

Community Development Services

Thirsk and Malton Constituency Area Planning Committee

19 OCTOBER 2023

23/00196/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF 19 NO. DWELLINGS WITH ASSOCIATED HIGHWAYS AND DRAINAGE WORKS - ACCESS, SCALE AND LAYOUT TO BE CONSIDERED (SITE AREA 0.89 HA) ON LAND AT KELD HEAD ROAD, KIRKBYMOORSIDE ON BEHALF OF MRS E HUMBLE

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an outline planning application for the erection of 19 no. dwellings with associated highways and drainage works - access, scale and layout to be considered (site area 0.89 ha) on land at Keld Head Road, Kirkbymoorside.
- 1.2 The application is reported to the Area Planning Committee for determination at the request of the Planning Manager.

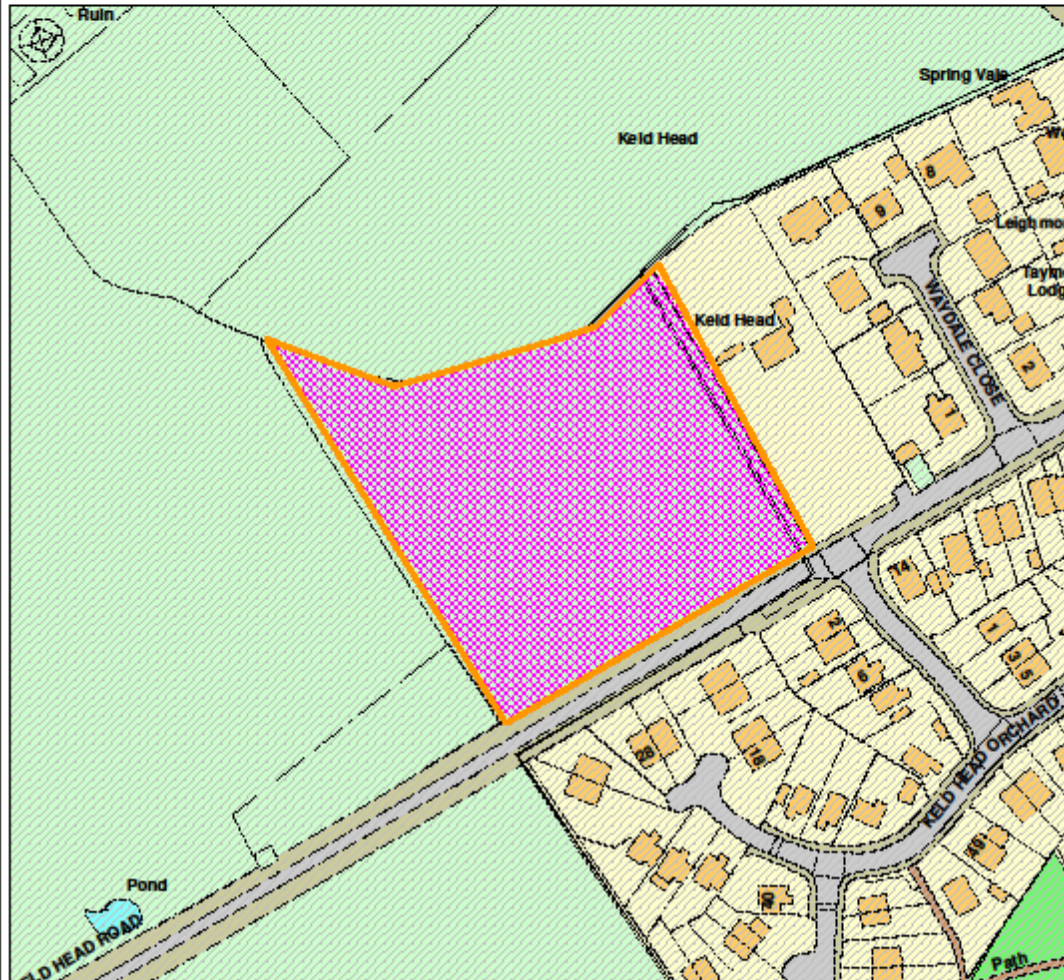
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The proposed development comprises the erection of 19 no. dwellings with associated highways and drainage works. The application is made in outline with access, scale and layout to be considered.
- 2.2. The application site amounts to approximately 0.89 hectares and is land on the north west side of Kirkbymoorside to the west of Gillamoor Road. The site is within the development limits of Kirkbymoorside and is allocated for housing within the Development Plan.
- 2.3. The general principle of housing development on this site is established through the housing allocation (Policy SD8) in the Ryedale Plan- Local Plan Sites Document (2019).
- 2.4. The main issues through the course of the application have been the layout, scale, residential amenity, highway safety and drainage. It is considered that these matters have been adequately addressed.

23/00196/MOUT

Not Set

**Scale:** 1:1,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	10/10/2023
MSA Number	Not Set

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>
- 3.2. The site is allocated for residential development under Policies SD2 and SD8 within the adopted Ryedale Sites Local Plan document. The Sites Document was formally adopted by the Council in June 2019 and it forms part of the Council's adopted statutory Development Plan.
- 3.3. The following relevant planning history has been identified for the application site which pre-dates its allocation:

3/72/2D/OA Residential development (site area 0.89H) at O.S Field 518A. Refused 06.12.90.

3/72/2C/OA Residential development (site area 0.0869HA) at O.S Field 518A. Refused 06.12.89.

3/72/2B/PA Outline application for the construction of 14 bungalows. Refused 04.02.80.

4.0 Site and Surroundings

- 4.1. The application site amounts to approximately 0.89 hectares and is land on the north west side of Kirkbymoorside to the west of Gillamoor Road. The site is within the development limits of Kirkbymoorside and is allocated for housing within the Development Plan. The Local Plan Sites Document (LPSD) indicates that the site could provide a housing yield of 18 dwellings (Policy SD8). The site has a maximum width of approximately 100 metres and a maximum depth of approximately 120 metres.
- 4.2. The site is Grade 3 agricultural land (single field) used for grazing of livestock enclosed by mixed native hedges, timber post and rail and post and wires fences and deciduous trees. Access (field gate) is gained via Keld Head Road which leads to Keld Head Farm to the west. The road narrows to a single car width track where it passes the southern boundary of the application site. The site is elevated in relation to Gillamoor Road and there is a steady incline up to the site along Keld Head Road. The levels within the site fall away from the north west corner to the south east corner with a level change of approximately 9 metres. The site is wholly within Flood Zone 1 and there are no watercourses within or immediately adjacent to the site.
- 4.3. In terms of neighbouring land use the site is on the edge of a residential area with agricultural land to the north, west and south west. The housing estate comprising Keld Head Orchard (constructed mid to late 1980's) is opposite the site to the south and the detached dormer bungalow 'Keld Head' is to the east beyond which is Waydale Close cul de sac.
- 4.4. The southern and eastern boundaries are field hedgerows and there are a number of mature trees along the western and part of the southern and northern boundaries. The land falls within an Area of High Landscape Value.

- 4.5. There are no public rights of way on or across the site. Public footpath number 25.54/29/1 runs from the housing estate opposite the site and along Ryedale Crescent and West Pasture before crossing fields in a westerly direction 360 metres south of the site.

5.0 Description of Proposal

- 5.1. Outline planning permission is sought to establish the principle of development for 19 dwellings at the site with the means of access, scale and layout to be considered. The appearance and landscaping are to be reserved for future determination.
- 5.2. The proposed 19 dwellings are to be two storey in a mix of detached (11no.) and semi-detached (8no.), with 2, 3 and 4 bedrooms. Overall the density of the site equates to 21.4 dwellings per hectare.
- 5.3. There would be 13 dwellings provided as open market housing (6no. 3 bed and 7no. 4 bed) and 6 dwellings provided as affordable housing (4no. 2 bed and 2no. 3 bed) with a small financial commuted sum equating to 0.65 of a unit. The affordable housing would be semi-detached dwellings (plots 1-4 and 16&17) with the 4no. 2bed 4 person units each having a Gross Internal Floor Area (GIFA) of 79m² and the 2no. 3 bed 5 person units having a GIFA of 93m² to meet Nationally Described Space Standard (NDSS).
- 5.4. It is proposed that the affordable housing tenure comprises 4 no. units for rent and 2 no. low cost home ownership.
- 5.5. All dwellings are to be accessed via an opening in the southern boundary and along the proposed adoptable estate road (cul-de-sac) with no frontage access to individual plots along Keld Head Road. The proposed layout shows that the access road within the site would extend northward into the site between plots 16-19 and 1-4 and then would curve westward to the front of plots 5-9. There would be a turning head between plots 10, 11 and 15 beyond which the road would become a shared surface serving plots 12-14.
- 5.6. All dwellings would have front and rear gardens and in-curtilage parking with each dwelling provided with an electric vehicle (EV) charging point. The two and three bed dwellings would each have two parking spaces (including garage for plots 18 & 19) and the four beds would have three spaces with the third in the form of a single garage. The size of the single garages are in excess of the recommended minimum in order to allow for secure cycle parking inside. Overall there would be 46 parking spaces provided across the site.
- 5.7. The proposed site layout site includes four separate areas of Public Open Space (POS) amounting to 834m² (9.3% of the site area). The largest area of POS is the 'buffer zone' along the southern boundary of the site to the west of the site access. This area of POS would include a footpath link from the site entrance to Plots 11-15 on the western side of the site. In the south east corner a rectangular area of POS would be created above the surface water attenuation tank. The other small areas of POS are located between Plots 10 & 11 in the north west corner adjacent to the turning head and also a small frontage area on the corner of the road to the south of plot 5.
- 5.8. With regard to scale and height the external dimensions of the dwellings are proposed as follows:-
- Widths range from 5.5 metres (2 bed semi) to 9.68 metres (4 bed detached)
 - Depths range from 8.55 metres (2/3 bed semi) to 10.77 metres (4 bed detached)

- Eaves heights range from 4.72 metres to 4.95 metres
- Ridge heights range from 7.37 metres to 8.14 metres

- 5.9. The indicative elevations show that the dwellings are to be constructed from a mix of coursed random rubble limestone and red or orange multi stock facing brick with either natural clay pantiles or natural slate coverings to the pitched roofs. The windows are indicated as being painted timber framed vertical sliding sash or side hung casements with stone heads and sub-cills. Doors would be painted timber and rainwater goods black uPVC.
- 5.10. Boundaries between dwellings at the rear vary between high timber boarded fence and low post and rail. Dwellings adjacent to public space have high boarded fence augmented by planting to the public side. The proposed development provides for the retention of existing landscape features on the site's boundaries and the augmentation of existing hedges by additional infill planting with native species including new trees along the southern, roadside boundary. A section of hedgerow is to be removed to form the improved access roadway.
- 5.11. The proposed surface water system comprises on-site storage and a 3.5l/s restricted flow to the public combined sewer. It is proposed that foul water will discharge to the 150 mm diameter public combined water sewer located within Keld Head Road.
- 5.12. The application is also accompanied by a Planning Statement; Flood Risk Assessment and Drainage Strategy; Archaeological Assessment & Geophysical Survey; Phase 1 Contamination Report; Topographical Survey; Ecological Assessment; Arboricultural Assessment; Landscape and Visual Impact Assessment; a Minerals Safeguarding Assessment and Draft Heads of Terms for a Section 106 agreement.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP15 Green Infrastructure Networks

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Ryedale Plan- Local Plan Sites Document (2019)

Policy SD2 (Residential Land Allocations) states that the site (0.85ha) has an indicative yield of 18 units although the policy acknowledges “the precise number of residential units to be provided on each site will be determined at the planning application stage”.

Policy SD8 (Housing Allocation) sets out the Development Principles applicable to the site. These principles are drawn from information provided as part of the local plan process. It states that detailed proposals for the development of the site shall include:

- An indicative yield of 18 dwellings
- access from Keld Head Road
- retention of mature boundary trees and landscaping scheme to enhance boundary landscaping
- scale of buildings to be limited in height to two storeys
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated.

Minerals and Waste Joint Plan (MWJP) (2022)

The Minerals and Waste Joint Plan was adopted in February 2022 by North Yorkshire County Council (now North Yorkshire Council), the City of York Council and the North York Moors National Park Authority. Information about the proposed safeguarding policies and how it is proposed to use the safeguarding areas, including the consideration of applications in mineral consultation areas, can be found in Chapter 8 of the Minerals and Waste Joint Plan (MWJP).

The site is within a Minerals Safeguarding Area and the following policies contained within the MWJP are relevant:

Policy S01: Safeguarded Surface Mineral Resources

Policy S02: Developments proposed within Safeguarded Surface Mineral Resource areas

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.

Initial consultation

- 7.2. **NYC Natural Services** the applicant will need to demonstrate how they would deliver net gains for biodiversity. Advice in relation to bats and great crested newts noting that the applicant will need to make an application to the District Level Licensing Scheme administered by Natural England. An Ecological Management Plan to be submitted (or conditioned) at reserved matters stage.
- 7.3. **NYC Minerals and Waste Planning** No comments- there are no active quarry sites or waste facilities within 500 metres of this land at Keld Head Road, Keld Head Road, Kirkbymoorside and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in Local Plan).
- 7.4. **Archaeology Section** No objection- the geophysical survey was largely negative and archaeological potential low and further archaeological work is likely to be unproductive.
- 7.5. **Yorkshire Water Land Use Planning** further consideration of means or surface water management required but can be addressed via conditions in relation to foul and surface water drainage.
- 7.6. **Kirkbymoorside Town Council** No objections but the Town Council *"reiterate its concerns regarding the number of houses being built in Kirkbymoorside with no accompanying development of the local infrastructure to support the increased population"*.
- 7.7. **Natural England** No objection
- 7.8. **Environmental Health** Recommend standard conditions in relation to contaminated land and a condition to limit the hours of construction to Monday to Friday 8am to 6pm Saturday 8am to 1pm and no construction works to take place on Sundays or Bank Holidays.

- 7.9. **Designing Out Crime Officer (DOCO)** Comments- advice on creating a safe and secure environment- layout, boundary treatments, access control, lighting and natural surveillance of public open space.
- 7.10. **Highways North Yorkshire** no objections- the site should be developed with an adoptable estate road layout. Parking provision must be in line with NYC guidance on minimum parking standards for new residential developments. A positive outfall for surface water drainage from the new estate road is established at the earliest stage. Off-site works to widen the carriageway to match the existing carriageway width covering the site frontage will be required and should be secured via a Section 278 agreement - the agreement should take into account the site entrance and footway provision up to Keld Head Orchard and additional street lighting and road drainage along Keld Head Road. Conditions recommended in respect of engineering drawings for roads and sewers and programme for delivery; construction of roads and footways; off-site highway mitigation measures (site entrance and footway and tactile crossing); Stage 2 Road Safety Audit; details of access, parking and turning; and Construction Management Plan.
- 7.11. **Housing Services** supports the application and policy compliant on-site affordable housing contribution with commuted sum but requests that the 2no. 3 bed 5 person units be of Intermediate tenure with the 4no. 2bed 4 person units to be social/affordable rent.
- 7.12. **Vale of Pickering Internal Drainage Board** No response received
- 7.13. **Sustainable Places Team (Environment-Agency)** No response received
- 7.14. **Public Rights Of Way** No response received
- 7.15. **Flood Risk** No response received
- 7.16. **Tree & Landscape Officer** No response received
- Re-consultation (Revised site plans and further information in relation to drainage, highway works and boundary treatments)*
- 7.17. **NYC Natural Services** previous comments still apply
- 7.18. **Archaeology Section** no additional observations
- 7.19. **NYC Minerals and Waste Planning** No comments- there are no active quarry sites or waste facilities within 500 metres of this land at Keld Head Road, Keld Head Road, Kirkbymoorside and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in Local Plan).
- 7.20. **Yorkshire Water Land Use Planning** No objection – recommend conditions

- 7.21. **Kirkbymoorside Town Council** no concerns/observations
- 7.22. **Natural England** No further response received
- 7.23. **Environmental Health** No further response received
- 7.24. **Designing Out Crime Officer (DOCO)** noted the response made by the architect in regard to some of the comments made in my original report and it is pleasing to see that they have sought to address a number of the issues raised and have indicated that further matters will be addressed in any Reserved Matters application. I have no other comments to make at this time.
- 7.25. **Highways North Yorkshire** no objections- previous observations and recommendations apply and updated schedule of conditions recommended in respect of engineering drawings for roads and sewers and programme for delivery; construction of roads and footways; visibility splays; off-site highway mitigation measures (carriageway widening, additional drainage, footway and tactile crossing, street lighting); Stage 2 Road Safety Audit; details of access, parking and turning; and Construction Management Plan.
- 7.26. **Housing Services** No further response received
- 7.27. **Vale of Pickering Internal Drainage Board** No response received
- 7.28. **Sustainable Places Team (Environment-Agency)** No response received
- 7.29. **Public Rights Of Way** No response received
- 7.30. **Flood Risk** No response received
- 7.31. **Tree & Landscape Officer** No objections. The Tree & Landscape Officer recommends that, following assessment, a TPO be raised to cover the trees. The Tree & Landscape Officer states that these trees can be safeguarded during development though the threat to the trees, as a result of ownership changes and development, are such that a TPO is justified. The Tree & Landscape Officer also recommends conditions to secure root protection areas and a landscaping scheme.

Local Representations

- 7.32. The LPA has received four representations from local residents. A summary of the comments is provided below, however, please see the Council's website for full comments.
- The site is on higher ground in relation to the adjacent property ('Keld Head') and surface water drainage issues could be exacerbated by hard surfaces
 - The site is at a higher level in relation to the adjacent property ('Keld Head') and the new dwellings might overlook and shadow the house and garden

- The mature trees and hedgerows on the proposed site should be retained.
- The increased traffic that the new development will bring will add to the congestion on Keld Head Road. The location of the access from the new development onto Keld Head Road must be carefully considered to minimise the impact.
- Can the existing infrastructure cope with sewage, top water dispersal etc?
- New housing development in Kirkbymoorside but no new jobs created.
- Are there any proposed developments to increase the size of facilities in Kirkbymoorside to match the number of increased residents. i.e. doctors, schools and shops etc?
- Two storey properties are out of character for the position of the site when it is surrounded by single storey dwellings
- There will be an increase in traffic flow down Gillamoor Road which due to parked cars is already quite hazardous.
- The field attracts frequent visits from Barn Owls.
- There should be no more than a maximum of 19 dwellings to avoid a cramped and overcrowded site.

7.33. The comments relating to private rights of access to maintain boundaries are not a matter of planning control.

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of the development;
- Affordable housing;
- Design, form and scale and impact on the character of the settlement and AHLV;
- Residential amenity;
- Highway safety;
- Landscaping, trees & ecological impact;
- Drainage;
- Archaeology;
- Contaminated Land; and
- Minerals Safeguarding.

10.0 ASSESSMENT

Principle of Development

- 10.1. The site is within the development limits for Kirkbymoorside. Policy SP1 ('General Location of Development and Settlement Hierarchy') of the Local Plan Strategy sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. Kirkbymoorside is a 'Local Service Centre' (Market Town) in the Settlement Hierarchy, a secondary focus for growth. Policy SP1 confirms that the settlement is expected to be subject to "*Limited housing growth to address local employment and housing and community requirements*".
- 10.2. The principal of the settlement hierarchy is to ensure that development is distributed appropriately, to locations with appropriate infrastructure and additionally to ensure that the rural nature of the district, particularly those locations lower down the hierarchy, is maintained. The application site is on the northwestern edge of the town but can be considered a sustainable location within reach of the centre of Kirkbymoorside where there are a range of services and facilities.
- 10.3. Policy SP2 ('Delivery and Distribution of new housing') of the Local Plan Strategy provides guidance on the distribution of new homes within Ryedale with Kirkbymoorside being allocated approximately 10% which equates to circa 300 new homes within the town. In particular, this policy states that site spatial identification will be focused around the identification of small-medium sized sites predominantly to the north of the A170 and to the east and west of the town thereby avoiding coalescence with Keldholme. The site is the last of the three housing allocations within Kirkbymoorside to be brought forward to a planning application.
- 10.4. Policy SP2 sets out the districts aim in terms of housing delivery and importantly, the areas where they wish to see housing schemes come forward. In areas defined as Local Service Centres such as Kirkbymoorside, sites to be considered sources of housing include '*Housing Land Allocations in and adjacent to the built up area*'.
- 10.5. The site is allocated for housing within the adopted Ryedale Plan Local Plan Sites Document (Policy SD8) and, as such, forms part of the adopted statutory Development Plan. Therefore the principle of residential development has been already established by the allocation of the land and the site makes an important contribution towards the supply of deliverable housing. Since that allocation there have been no significant changes at the site, or in policy, that would justify the Council taking a different view with regard to the acceptability of the development in principle. Latest figures (March 2023) continue to demonstrate a housing land supply in excess of 5 years is achievable against Local Plan Housing requirement of 200 dpa, and the Standard Method figure of 186 dpa (rising recently to 193 dpa using new household projections) which is used to assess land supply when the Development Plan is more than 5 years old. Consequently, the Development Plan retains primacy and in accordance with Paragraph 11 of the NPPF it is advised that planning permission should be granted for a development proposal such as this unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits and where the NPPF indicates development would be restricted.

- 10.6. The spatial planning principles established within the Ryedale Local Plan Strategy document were taken into account when the application site was identified as a housing allocation within the Ryedale Local Plan sites document. As such, the principle of proposed residential development on the application site is fully in accordance with the local planning policy objectives and land use.
- 10.7. Should outline approval be granted by the LPA it would be the planning permission for the development of the site, and it is important that the LPA has a clear understanding of how the site will be developed. It is noted that the proposal slightly exceeds the yield (18 dwellings) set out in the Local Plan Sites Document. The fact that the application proposes a number that is in excess of the indicative figure does not amount to a conflict in principle with the Council's policy. Whilst the yield is only an indicative figure of the total number of units to be provided, it nevertheless influences the site layout and can have knock-on effects for other aspects of plan compliance. This outline application seeks approval of access, layout and scale which are considered in detail later in this report.

Affordable Housing

- 10.8. The proposed development would be for 19 units. Policy SP3 (Affordable Housing) requires 35% on site affordable housing provision which equates to 6.65 affordable units to meet the policy requirement. The applicant proposes 6 affordable units comprising 4no. 2bed 4 person units and 2no. 3 bed 5 person units and a financial contribution of 0.65 of a unit (£42,185) to meet the policy requirement.
- 10.9. The proposed Gross Internal Floor Area of the affordable units meet space standards set out in 'Nationally Described Space Standards – Technical Requirements Consultation', dated March 2015.
- 10.10. The Council's Housing Officer supports the application but requests that the 2no. 3 bed 5 person units be of Intermediate tenure with the 4no. 2bed 4 person units to be social/affordable rent.
- 10.11. The affordable housing mix, tenure and minimum floor areas and the commuted sum will be secured via the Section 106 agreement. In light of this it can be confirmed that the application complies with the requirements of Policy SP3.

Design, form and scale and impact on the character of the settlement and AHLV

- 10.12. Policy SP16 (Design) requires development to reinforce local distinctiveness and the location, siting, form, layout, scale and detailed design should respect the context provided by its surroundings and be well related to adjacent buildings. Attention should be paid to the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings.
- 10.13. Paragraph 130 of the NPPF (2021) advises that planning decisions should ensure that developments:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be 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);
- 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;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.14. The site is located within an Area of High Landscape Value. Policy SP13 (Landscapes) provides protection for the distinctive elements of landscape character, topography and long distance views. Policy SP13 states that the loss or degradation of the elements that are integral to the historic landscape character make these landscapes particularly sensitive to change.

10.15. The yield stated in Policy SD8 of the Ryedale Plan Local Plan Sites Document is not an absolute figure and it is accepted that the precise figure is to be determined at planning application stage. The exceedance by one unit is not considered to be significant in this case given that the overall density of development still amounts to less than 30 units per hectare which does not depart from the character of this part of the settlement.

10.16. The residential development will be served by a single point of access connecting to the public highway (Keld Head Road) with no frontage access to individual plots. The internal access road loops through the site providing direct access to all dwellings and two turning heads.

10.17. In terms of housing mix the development layout shows two storey houses comprised in a variety of semi-detached and detached types set within good size and appropriately spaced plots. The variation in building footprint and frontage widths will provide visual interest in the streetscene. No design details or landscape proposals are provided at this stage.

10.18. Keld Head Orchard to the south of the application site is a well-established residential development comprising a mix of single, one and half and two storey dwellings. The proposed development has a similar spatial layout and street pattern to Keld Head Orchard. The 19 dwellings would be located within plots sufficient to provide for adequate spatial distances between the dwellings. The dwellings would be orientated to face the road within the site and sited to provide adequate stand offs from the site boundaries and neighbouring buildings. The proposed dwellings in the southern part

of the development site are to be sited sideways on to Keld Head Road in a similar arrangement to those of Keld Head Orchard.

- 10.19. It is noted that a local resident has expressed concern that the proposed dwellings are all two storey in light of the number of bungalows in the vicinity.
- 10.20. Policy SD8 limits the height of the dwellings to two storeys. All the proposed dwellings are to be two storeys in height although, unlike the bungalows to the south, the buildings will be inset from the site boundary by 8-12 metres and as a result will not dominate the streetscene or the bungalows to the south. A condition shall limit the height of the dwellings to a maximum of two storeys in line with the Development Principles (SD8) for the site. The indicative site sections show how the development would respond to the topography of the site. A condition shall be imposed to confirm final finished floor levels and eaves and ridge heights in line with the scale parameters secured by condition.
- 10.21. The proposed layout provides definition for public and private spaces and the future detailed design will consider the need to reduce opportunities for crime. The proposed layout has taken account of the observations of the Police DOCO and the Public Open Space and footpaths have been revised to improve natural surveillance. The detail of windows, lighting and boundary treatments which contribute towards create a safe and secure environment for all users will be confirmed at reserved matters stage and relevant conditions will be included on the outline permission.
- 10.22. The proposed layout for the development is a template that provides for a high-quality local environment for residents with suitably sized private rear gardens and appropriate off-street parking provision in line with Policy SP4. Each dwelling has dedicated private parking in the form of a driveway to the side of the dwelling and in some cases garages positioned behind the front building line of the host dwelling.
- 10.23. The layout suitably absorbs the parking demands with unobtrusive garages set back so to not dominate the street and in-curtilage parking to minimise the dominance of parked vehicles in the streetscene. It is considered that the residential development is capable of being accommodated without detriment to the character of this part of the settlement.
- 10.24. Landscaping is reserved but the layout identifies areas of landscaping and public open space and the indicative street and plot design seeks to integrate natural landscape features and planting helps to soften the appearance of the development and allow it to suitably integrate with its surroundings.
- 10.25. It is proposed to introduce a new native hedgerow running north to south that splits the site into two linear portions. This feature is a reference to the field patterns in the locality and would form the rear boundary for plots 16-19 located centrally within the site. The final details of the landscaping is reserved but it is clear that, given the change in level across the site, the new hedgerow provides an opportunity to minimise the impact of retaining structures.

- 10.26. The outline application demonstrates that the proposed housing scheme can be delivered in this location to complement the character of the settlement and the locally valued landscape in compliance with Policy SP13.
- 10.27. Appearance is reserved although the application includes indicative detail such as a proposed materials palette and elevations for an example house type accompanied by site and streetscene visualisations. The construction materials that are indicated are in keeping with local vernacular and considered to be acceptable in principle and the suggested detailing for windows, doors and chimneys will add visual interest and suitable variation to the design for each house type.
- 10.28. The final detailed designs of the individual dwellings and the full landscaping proposals remain to be submitted with a future reserved matters application and accordingly conditions in relation to materials, samples, window details, landscaping, boundary treatments, external lighting and surfacing have been recommended. On the basis of what is currently submitted the proposal is considered to be acceptable in terms of layout, scale and access. Overall, there is no reason to conclude that the indicative design, materials and detailed landscaping for the development cannot achieve a high quality development that takes into account local influences, context and distinctiveness as required by Policies SP13, SP16 and the NPPF.

Residential amenity

- 10.29. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having 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. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.30. It is considered that the layout provides for adequate relationships between dwellings within the site and that the separation distances (front to front, back to back, side to rear) between units is acceptable to ensure no loss of privacy between habitable rooms or loss of outlook for future occupants. The siting, spacing, scale and height of proposed two storey dwellings would not give rise to any loss of light or overbearing impacts for future occupants of the 19 plots. Each of the proposed dwellings is provided with off-street parking, appropriately sized private rear gardens and access to areas of public open space within the site which contribute towards a good standard of residential amenity.
- 10.31. To the east of the application site stands the detached dormer bungalow 'Keld Head' which sits within a substantial plot which extends the entire length of the eastern boundary of the application site. At its closest point 'Keld Head' stands approximately 5 metres from the boundary with the application site. The majority of the outdoor space associated with 'Keld Head' is to the front (south-east) but the property does benefit from a private rear garden on its northern side. The occupants of 'Keld Head' have queried the potential for loss of privacy and overlooking of their property.

- 10.32. The dwellings in plots 1-4 are to be sited forward of, and perpendicular to the adjacent dormer bungalow ('Keld Head') with their rear elevations facing across the front garden area. During the course of processing the application the applicant amended the road alignment which allowed the dwellings in plots 1-4 to be moved a further 1.4 metres from the east boundary with 'Keld Head'. As a result the rear elevation of those four dwellings is c.8 metres from the eastern boundary. It is proposed to retain the existing landscape features located on the site's boundaries. The mature hedgerow forming the eastern boundary for plots 1-4 would provide a suitable degree of screening at ground floor level and no loss of amenity for occupants of 'Keld Head' is anticipated.
- 10.33. The dwellings proposed in plots 3 & 4 are the nearest dwellings to 'Keld Head'. The first floor windows in the rear elevation of the dwellings in plots 3 & 4 would face across the front of 'Keld Head'.
- 10.34. To avoid any perceived overlooking of the area for the occupants of 'Keld Head' the applicant has agreed to a condition being imposed that requires any first floor windows in the rear (north-east) facing elevations of dwellings in plots 3 and 4 to be permanently obscure glazed and top hung or fixed (non-opening). The rear garden of 'Keld Head' would not be directly overlooked by any of the proposed dwellings.
- 10.35. The dwellings in plots 1 & 2 are in excess of 20 metres from the front elevation of 'Keld Head' and any views towards the front of the property would be at an oblique angle. Any first floor windows in the rear elevation of dwellings proposed in plots 1 & 2 would overlook the southern end of the front garden of 'Keld Head' furthest from the dwelling itself. This part of the front garden is already subject to overlooking over a similar distance from numbers 1 & 3 Waydale Close to the east and, to a degree, from the public highway to the south and there are no loss of privacy concerns arising from plots 1 & 2.
- 10.36. The two storey dwellings in plots 1-4 do not have excessive proportions with eaves heights of 4.72m and ridge heights of 7.76m. The application site is elevated in relation to 'Keld Head' and the site sections indicate that the eaves of the proposed two storey dwellings in plots 3 & 4 would be approximately level with the ridge of 'Keld Head'.
- 10.37. To ensure that the impact of the development is mitigated the finished ground/floor levels of the proposed dwellings will follow the topography of the site with no significant land raising/levelling necessary. A condition shall limit the height of the dwellings to a maximum of two storeys and will require approval of final finished floor levels and eaves and ridge heights. Taking account of the above no overbearing impacts or loss of light is anticipated for the occupants of 'Keld Head'.
- 10.38. In light of the site's proximity to existing residential receptors to the east and south a condition shall be imposed to limit hours of construction work.
- 10.39. The proposed residential development of the site is considered to be compatible with neighbouring land uses with no unacceptable impacts on the living conditions of occupants of adjacent dwellings in terms of overbearing impact, overshadowing or overlooking/loss of privacy in compliance with Policy SP20.

Highway safety

- 10.40. Policy SP20 (Generic Development Management Issues) advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”*.
- 10.41. Paragraph 111 of the NPPF (2021) advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 10.42. The proposed access point is considered to be suitable and the internal road layout is appropriate. Each dwelling is to be served by off street parking within its curtilage and the provision is in line with NYC guidance on minimum parking standards for new residential developments. There are footpath connections within the site and the development encourages sustainable modes of transport through the provision of secure cycle parking and EV charging points to all dwellings.
- 10.43. The Local Highway Authority (LHA) have confirmed no objections but highlight that the site should be developed with an adoptable estate road layout. The Local Highway Authority request that a positive outfall for surface water drainage from the new estate road is established at the earliest stage. Off-site works to widen the carriageway to match the existing carriageway width covering the site frontage will be required and will be secured via a Section 278 agreement - the agreement should take into account the site entrance and footway provision up to Keld Head Orchard and additional street lighting and road drainage along Keld Head Road.
- 10.44. The LHA recommend conditions in respect of engineering drawings for roads and sewers and programme for delivery; construction of roads and footways; visibility splays; off-site highway mitigation measures (carriageway widening, additional drainage, footway and tactile crossing, street lighting); Stage 2 Road Safety Audit; details of access, parking and turning; and a Construction Management Plan.
- 10.45. The applicant has provided revised site layout plans to reflect the requirement to extend the upgrading of Keld Head Road along the full frontage of the application site. A 2 metre wide footway is shown to one side of Keld Head Road, along the south side, which extends the existing provision, whilst a verge is retained on the north side minimising disturbance to the established trees and hedgerow along this boundary.
- 10.46. The LHA has reiterated no objections and have updated their recommended schedule of conditions to reflect the further detail shown on the revised plans.
- 10.47. The residential development would result in increased vehicular traffic but subject to the necessary road improvements it is not anticipated that the modest intensification of use would give rise to highway safety concerns and it is considered that the proposed development complies with the requirements of Policy SP20 and the NPPF.

Landscaping, trees & ecological impact

- 10.48. The site falls within an Area of High Landscape Value. The landscaping of the development is a reserved matter and is not subject to detailed consideration at this stage.
- 10.49. Whilst there are no TPO trees on site at present the adopted development principles (Policy SD8) require the retention of mature boundary trees and a landscaping scheme to enhance boundary planting. The application is accompanied by an Arboricultural Assessment and the developable part of the site takes account of the required Root Protection Areas (RPAs) of all the trees as recommended in Tree Schedule contained in the Arboricultural Assessment. The Arboricultural Assessment also recommends that a 5 metre root protection area be implemented from the centre line of the hedgerows. The Arboricultural Assessment notes that there are ash trees on the western boundary suffering from ash die back and the potential impact will be kept under review.
- 10.50. The Council's Tree and Landscape Officer has no objections but following consideration of the plans and the Arboricultural Assessment recommends that a TPO be raised to cover several trees of mixed species on the site boundary. The Tree and Landscape Officer has undertaken a TPO assessment and explains that these trees can be safeguarded during development though the threat to the trees, as a result of ownership changes and development, are such that a TPO is justified. The Tree and Landscape Officer also recommends conditions to secure root protection areas and a landscaping scheme.
- 10.51. The proposed site layout provides for the retention of existing landscape features on the site's boundaries and the augmentation of existing field hedges by additional infill planting with native species including new trees along the southern, roadside boundary and in the areas of Public Open Space. A section of hedgerow is to be removed to form the improved access roadway although a new native hedge is proposed to be planted on a north-south alignment through the centre of the site.
- 10.52. The application is accompanied by a Preliminary Ecological Assessment (PEA). The assessment identifies that habitats within the site comprise improved grassland bounded by trees, scrub and species rich hedgerows. In terms of protected species a pond 110 metres south-west of the site has been identified as having a Great Crested Newt population.
- 10.53. The applicant's ecologist has concluded that there is sufficient risk to Great Crested Newts to require either a mitigation under a Protected Species License or an application to the District Level Licensing Scheme administered by Natural England prior to construction work commencing. If Great Crested Newt mitigation is to be dealt with via Natural England's District Level Licensing Scheme which would mean that no further action by the LPA is required with regards to GCN mitigation. A condition shall be imposed in relation to the licensing.

- 10.54. There are no ecological constraints in respect of birds, badger and reptiles and no further surveys recommended. The Council's Ecologist has also provided advice in relation to bats and the assessment recommends that bat and bird boxes are installed around the site and that any lighting scheme be designed with the welfare of bats in mind. A condition will require that an Ecological Management Plan be submitted at reserved matters stage.
- 10.55. The Council's Ecologist has confirmed that the applicant will need to demonstrate how they would deliver net gains for biodiversity. Whilst the 10% BNG uplift is not yet mandatory the NPPF and also Policy SP14 of the RPLPS (2013) require a net gain in biodiversity to be provided as part of new development schemes. In light of landscaping being a reserved matter it is reasonable to condition the requirement for BNG calculations and delivery.
- 10.56. It is considered that the development would not result in adverse impacts on habitats and protected species and appropriate mitigation and enhancement can be secured in line with the NPPF and Policy SP14.

Flood Risk & Drainage

- 10.57. The site is within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment which confirms the low risk of flooding.
- 10.58. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.
- 10.59. Planning practice guidance acknowledges that particular types of sustainable drainage features may not be practicable or appropriate in some locations. The drainage strategy which accompanies this application has indicated that the ground conditions across the site would not be suitable for the use of soakaways. Furthermore, there are no watercourses within or immediately adjacent to the site and it has been established that the site is not within an area covered by an Internal Drainage Board.
- 10.60. The proposed surface water system comprises on-site storage in an underground tank in the south-east corner of the site and a reduced flow to sewers via the use of a hydrobrake system.
- 10.61. In their initial response Yorkshire Water (YW) highlighted that further detail of the means of surface water management is required including consideration of the surface water drainage hierarchy but proposed that the matter is dealt with via conditions attached to an outline permission.
- 10.62. The applicant has opted to provide further information pre-determination and the revised drainage drawing takes account of YW's initial comments. The details confirm the areas of the site where it is possible to locate infiltration systems/soakaways and where it is not, taking account of the underlying clay strata close to the surface. It is proposed that only two dwellings can be served by soakaways (Plots 5 & 10) and YW have accepted the justification for the proposed drainage strategy.

- 10.63. It is proposed that surface water is discharged to the 150mm diameter public combined water sewer located within Keld Head Road via storage with restricted discharge of 3.5 litres/second. The volume of on-site storage to be provided would allow the attenuation of flows to acceptable levels prior to outfall to the public combined sewer.
- 10.64. It is proposed that foul water will discharge to the 150mm diameter public combined water sewer located within Keld Head Road (gravity connection) to the south east of the site. Yorkshire Water has no objection to the proposed amount of domestic foul water to be discharged to the public combined water sewer network.
- 10.65. Yorkshire Water has no objection to the application and is satisfied with the proposed systems, connections and discharge rates for foul and surface water. It is clear that alternative means of surface water disposal have been considered and discounted prior to discharge to the public combined water sewer network. The proposals provide for separate systems of drainage on-site with combined off-site and, overall, represent a reasonable approach to the management of surface and foul water arising from the development in accordance with the NPPF and Policy SP17.

Archaeology

- 10.66. The application includes a report on an archaeological desk based assessment and geophysical survey. The Council's Archaeologist notes that although there is good background of archaeological activity in the wider area the geophysical survey was largely negative. The Council's Archaeologist agrees that the site has some archaeological potential but it is low and further archaeological work is likely to be unproductive. The Council's Archaeologist has confirmed no objections to the application and the proposal complies with the NPPF and Policy SP12.

Contaminated Land

- 10.67. The application is accompanied by a Phase 1 contaminated land report which identifies that the risk of contamination is considered to be very low. Nevertheless, the Council's EHO notes that the submitted report recommends a preliminary investigation is completed comprising dynamic sampling and trial pitting to determine ground conditions; geotechnical testing of the soils to identify volume change potential of cohesive material, concrete classification and predicted CBR values; and should unrecorded potential contamination sources be encountered these will need to be subjected to quantitative chemical analysis.
- 10.68. Therefore, the Council's EHO recommends that standard conditions are imposed in relation to contaminated land investigation and risk assessment to ensure that the proposal complies with Policy SP17.

Minerals Safeguarding

- 10.69. The site development principles set out in the site allocation (Policy SD8) requires feasibility and viability of the extraction/utilisation of the minerals resource to be demonstrated.

10.70. The application is accompanied by a Minerals Safeguarding Assessment which concludes that any mineral extraction at the site would be uneconomical, undesirable and unlikely to occur and should not prevent the proposed residential development coming forward.

10.71. The Council's Mineral's and Waste Planning Team have confirmed that there are no active quarry sites or waste facilities within 500 metres of site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in the Local Plan).

Community Infrastructure Levy (CIL)

10.72. The proposed development is CIL liable at £85 per square metre. This charge would be applicable at the Reserved Matters stage when the floor area of the buildings is known.

Section 106 Legal Agreement

10.73. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. The S106 will secure the on-site open space provision; management and maintenance and also secure the delivery of the on-site provision of 6 affordable dwellings (mix, tenure, minimum floor area, method of delivery, management of the units, timing of construction, transfer, acquisition prices and occupancy) and commuted sum equivalent to 0.65 of a unit. The applicant has submitted Draft Heads of Terms for a Section 106 agreement which, at the time of writing this report, are with the Council's Legal Officer.

Table 1		
Category/Type	Contribution	Amount & Trigger
Affordable Housing	On-site units	6no. dwellings
Affordable Housing	Commuted sum	Equivalent to 0.65 of a unit
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The site is within the development limits of a Local Service Centre and is allocated for housing within the adopted Development Plan. The development of this small size site would contribute towards meeting the 300 home requirement of Kirkbymoorside. The principle of the development is considered to align with national and local planning policy and represents development that accords with the adopted development plan.

11.2. The development proposals in this application would provide an outline template for residential development at the site and the proposed access, scale and layout is

considered acceptable and in line with the adopted Development Principles for this allocated site. Appearance and landscaping are to be reserved for future consideration.

- 11.3. The application is subject to a small number of representations and there are no objections to the application from any consultees or members of the public. The comments and concerns that have been raised by neighbours and the Town Council have been taken into account where relevant to the principle of development; access, scale and layout.
- 11.4. The proposed development is not considered to have an unacceptable impact on the open countryside, landscape, local amenity, highway safety, ecology, archaeology or flood risk. In light of the above assessment, it is considered that the proposal is acceptable and that it complies with the abovementioned listed policies of the adopted Ryedale Plan - Local Plan Strategy; the adopted Sites Document and the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to conditions listed below and completion of a Section 106 legal agreement with regard to affordable housing, commuted sum and Public Open Space as detailed in Table 1.

Recommended conditions:

- 1 Commencement time limit
Application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- The development hereby permitted shall be begun on or before whichever is the later of the following dates:-
- The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.
- Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Reserved Matter approval
No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-
- (i) Appearance; and
(ii) Landscaping.
- Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site Location Plan ref. EX_001, dated 10/2021

Proposed Site Layout ref. PL_001 Rev B, dated 31/08/2023
 Proposed Highways Access ref. PL_002 Rev A, dated 25/06/2023
 Proposed Drainage Strategy ref. PL_003 Rev B, dated 31/08/2023
 Proposed Elevation Studies: Suggested Materials ref. PL_009, dated 02/2023
 Proposed Public Open Space ref. PL_011, dated 02/2023

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

- 4 The details to be submitted for approval of the matters reserved by **condition 2** (appearance & landscaping) above shall be substantially in accordance with the detail shown on Proposed Elevation Studies: Suggested Materials ref. PL_009, dated 02/2023 and that described in Sections 5.1.15 & 8.0 of the Planning Statement dated 16 February 2023.

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

- 5 Housing numbers
 The development hereby permitted shall comprise no more than 19 dwellings.

Reason:- To safeguard the rights of control by the Local Planning Authority.

- 6 Scale
 The height of the dwellings hereby approved shall be limited to a maximum of two storeys. The details to be submitted for approval of the matters reserved by condition 2 shall be substantially in accordance with the approved scale parameters as detailed in the Accommodation Schedule as shown on drawing ref. PL_001 Rev B, dated 31/08/2023.

- 7 Access
 The access to the development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Highways Access ref. PL_002 Rev A, dated 25/06/2023

Reason: To ensure safe and appropriate access and egress to the site in the interests of highway safety in compliance with Policy SP20.

- 8 Detailed Plans of Road and Footway Layout
 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in compliance with Policy SP20.

- 9 Construction of Adoptable Roads and Footways
 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is

constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

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

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

10 Visibility Splays at access at Land at Keld Head Road

There must be no access or egress by any vehicles between the highway and the application site at Keld Head Road until splays are provided giving clear visibility of 45 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 compliance with Policy SP20.

11 Delivery of off-site highway Works

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Carriageway widening and additional drainage at Land at Keld Head Road
- Footway and tactile crossing installation wherever necessary on both sides at Land at Keld Head Road
- Additional street lighting at Land at Keld Head Road

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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in compliance with Policy SP20.

12 Parking for Dwellings

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 compliance with Policy SP20.

13 Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management Plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of the measures to be taken for the protection of trees;
16. details of external lighting equipment;
17. details of ditches to be piped during the construction phases;
18. a detailed method statement and programme for the building works; and
19. 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 compliance with Policy SP20.

14 Electric Vehicles Charging Points

Prior to the commencement of any aboveground construction work a scheme for the provision of one electric vehicle charging point per dwelling shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter, the EV charging points shall be installed in accordance with the approved details prior to occupation of the dwelling.

Reason:- To promote sustainable transport and in accordance with the development principles for the site.

15 Contaminated Land Phase 2

Development shall not begin until a Phase 2 Investigation and assessment, including investigation works as recommended within the PHASE 1 QUALITATIVE CONTAMINATED LAND DESK STUDY RISK ASSESSMENT December 2022 to determine if any contamination is present on the proposed development site and establish if there are any viable exposure pathways and whether there is an unacceptable risk to future end users of the site. The investigation and risk assessment should be undertaken by a competent person with the report findings submitted to and approved in writing by the Local Planning Authority. This report should 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, property, controlled waters and ecological systems. Reports should 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 and to satisfy Policy SP17 and the NPPF.

16 Remediation

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 and to satisfy Policy SP17 and the NPPF.

17 Verification

Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall not be occupied 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 and to satisfy Policy SP17 and the NPPF.

18 Reporting of unexpected contamination

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 and to satisfy Policy SP17 and the NPPF.

19 Site levels

Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished floor levels, eaves and ridge levels measured in relation 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.

20 Materials palette

Prior to the commencement of any aboveground construction work a detailed materials palette accompanied by streetscape visualisations shall be submitted to and approved in writing by the Local Planning Authority. The details shall be substantially in accordance with the details shown on Proposed Elevation Studies: Suggested Materials ref. PL_009, dated 02/2023 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to achieve a high standard of design.

21 Materials (surfaces)

Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

22 Materials (samples)

Prior to the commencement of any aboveground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16.

23 Materials (panels)

Prior to the commencement of any aboveground construction work the developer

shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. 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 Policy SP20.

24 Windows and doors

Prior to the commencement of any aboveground construction work details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20.

25 Lighting

Prior to the commencement of any aboveground construction work a detailed scheme of public lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure safe access to the public open space.

26 Boundary treatments

Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide for a replacement fence along the western side of the public open space parallel to the Balk suitable to ensure the safety of pedestrians using the public open space. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

27 Retention of existing planting

No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value.

28 Tree protection scheme (approval of details)

No development shall take place or any materials brought onto site until the specification for root protection area (RPA) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The

developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason:- To ensure that existing landscape features are not damaged and to enhance the development hereby permitted.

29 Tree protection

No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) and ground protection works required by the approved tree protection scheme (Condition 28 above) are in place. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area.

30 Landscape scheme

No development of the site shall take place without the prior written approval by the Local Planning Authority of a landscape scheme for the site that indicates numbers and densities, species, tree and plant sizes, and positions of all trees and shrubs, specifications and schedules, phasing of planting/timing of implementation, earthworks, seeding or turfing, existing plants to be retained and showing how new landscaping relates to any underground services and existing landscape features. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping.

31 Commencement of planting

All planting, seeding or turfing set out in the details approved in **Condition 30** shall be carried out in accordance with the approved phasing plan and beginning the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping.

32 Biodiversity Net Gain

Prior to the commencement of the development hereby permitted a detailed Biodiversity Net Gain (BNG) Assessment shall be submitted to and approved in writing by the Local Planning Authority. The delivery of BNG shall be quantified using the government's Biodiversity Metric 4.0 tool or any successor to show the balance of losses and gains. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to ensure that biodiversity net gain is achieved in accordance with Policy SP14.

33 Ecological Management Plan

Prior to the commencement of the development hereby permitted an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan should incorporate, but not be limited to, the recommendations contained within the Preliminary Ecological Appraisal, dated June 2022 in respect of the provision of bat boxes; timing of vegetation clearance; provision of bird nesting boxes; reducing risks to hedgehogs; and protection of hedgerows.

Reason: In the interests of nature conservation and enhancement in accordance with Policy SP14.

34 Great Crest Newts

Any works associated with the development which will impact the breeding/ resting place of Great Crested Newts, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a Protected Species Licence or DLL certificate issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended); or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In order to take full account of protected species and to satisfy Policy SP14.

35 Drainage

The development shall be carried out in accordance with the details shown on the submitted Proposed Drainage Strategy ref. PL_003 Rev B, dated 31/08/2023 prepared by Patrick Cuddy Architect, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy SP17.

36 Crime prevention measures

Prior to the commencement of any aboveground construction work a scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide rationale and mitigation that takes account of the observations, advice and recommendations contained within the Designing out Crime Report ref. 127-1-2023 MR dated, 21 March 2023.

Reason: To promote safe communities and to satisfy paragraphs 92 and 130 of the revised NPPF and Policy SP16.

37 Hours of construction

Any excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction in accordance with Policy SP20.

38 Obscure glazing (Plot 3 & 4)

Any first floor windows in the rear (north-east) facing elevations of dwellings in plots 3 and 4 (as shown on drawing ref. PL_001 Rev B) shall be permanently obscure glazed with glass of Pilkington Level 5 obscuration or equivalent and shall be top

hung or fixed (non-opening). The obscure glazing and agreed means of opening shall be retained for the lifetime of the development.

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

39 Removal of permitted development rights (garages)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garages shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in compliance with Policy SP20.

40 Removal of permitted development rights

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

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policy SP20.

INFORMATIVES

Condition 8- Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

Condition 9- Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Condition 10- Visibility Splays

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

Condition 11- Delivery of off-site highway works

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 Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

It is noted that there are currently no plans to remove any trees but if, at reserved matters stage, any of the ash trees on the western boundary are proposed to be felled further bat activity survey surveys will need to be carried out by a qualified ecologist between the months of May and August.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

Target Determination Date: 23.05.2023

Case Officer: Alan Goforth, alan.goforth@northyorks.gov.uk