

Planning Committee agenda item 6

23/00348/MFUL - APPLICATION FOR THE ERECTION OF 13NO. DWELLINGS COMPRISING 7NO. THREE BEDROOM DWELLINGS, 2NO. TWO BEDROOM DWELLINGS AND 4NO. FOUR BEDROOM DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, GARAGING, PARKING AND LANDSCAPING ON LAND OFF ASPEN WAY, SLINGSBY, MALTON ON BEHALF OF W & W ESTATES

Conditions

Commencement time limit

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

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

Approved plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan ref. 1774/1
Proposed Site Layout Plan ref. 1774/2D
Proposed street elevation ref.1774/3B
Proposed plot 1 house type ref.1774/4
Proposed plot 2 house type ref.1774/5
Proposed plot 3 house type ref.1774/6
Proposed plot 4 house type ref.1774/7
Proposed plot 5 house type ref.1774/8
Proposed plot 6 house type ref.1774/9
Proposed plot 7 house type ref.1774/10
Proposed plot 8 house type ref.1774/18
Proposed plot 9 house type ref.1774/11B
Proposed plot 10 affordable house types ref.1774/12
Proposed plot 11 affordable house types ref.1774/13
Proposed plots 12 & 13 affordable house types ref.1774/14A
Proposed garage plans (plots 2/3 & 7/8) ref. 1774/15
Proposed garage plans (plots 5 & 9) ref. 1774/16

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

Phasing

- 3 No development shall commence until a detailed construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory progression of construction works in compliance with Policy SP20.

Access road

- 4 No later than 3 months from the date of the formation of the adoptable vehicular access link within the development site to the west ('the Castle Howard site') the corresponding and connecting vehicular access link to the western boundary of the application site as shown on approved drawing ref. 1774/2D shall be made up and surfaced in accordance with approved details and highways specification.

Reason: In the interests of providing unfettered access between the two fields/sites to comply with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and Policy SD11 of the Ryedale Plan- Local Plan Sites Document (2019).

Closure/downgrading of Aspen Way access (between numbers 12 & 14 Aspen Way)

- 5 No later than 1 month from the date of the formation of the adoptable vehicular access link within the development site to the west ('the Castle Howard site') the applicant/developer shall submit a detailed scheme for the closure/downgrading of the Aspen Way vehicular access (between numbers 12 & 14 Aspen Way) as shown on approved drawing ref. 1774/2D for written approval by the Local Planning Authority. The works for the closure/downgrading of the access shall be completed in accordance with the approved details and within 3 months of receipt of written approval of the scheme.

Reason: In the interests of highway safety and the amenity and convenience of all highway users in compliance with Policy SP20.

Detailed Plans of Road and Footway Layout

- 6 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.

Construction of Adoptable Roads and Footways

- 7 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.

Closing of Existing Access (B1257) at Land at Aspen Way Slingsby

- 8 The development of plots 12 & 13 as shown on approved drawing ref. ref. 1774/2D must not be brought into use until the existing access onto the B1257 Malton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area in compliance with Policy SP20.

Pedestrian Visibility Splays at Land at Aspen Way Slingsby

- 9 There must be no access or egress by any vehicles between the highway and the application site at Land at Aspen Way Slingsby until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in compliance with Policy SP20.

Parking for Dwellings

- 10 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.

Garage Conversion to Habitable Room Plots 1, 2, 3, 5, 7, 8 & 9

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) 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 and in compliance

with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015 in compliance with Policy SP20.

Construction Management Plan

- 12 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 off the B1257 including appropriate size and specification, the making and implementation of a temporary Traffic Regulation Order for a lower local speed limit in the vicinity of the access and measures for removal following completion of construction works;
2. Restriction on the use of the direct Aspen Way access for construction purposes in advance of the completion of the adoptable vehicular access link through the development site to the west as indicated on the submitted drawings unless as otherwise approved in writing by the Local Planning Authority;
3. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. Protection of carriageway and footway users at all times during demolition and construction;
9. Protection of contractors working adjacent to the highway;
10. Details of site working hours;
11. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. 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;
13. Measures to control and monitor construction noise;
14. An undertaking that there must be no burning of materials on site at any time during construction;
15. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. Details of the measures to be taken for the protection of trees;
17. Details of external lighting equipment;
18. Details of ditches to be piped during the construction phases;
19. A detailed method statement and programme for the building works; and
20. 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.

Site levels

- 13 Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor 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.

Hours of construction

- 14 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.

Materials (surfaces)

- 15 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 in compliance with Policies SP16 and SP20.

Materials (samples)

- 16 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. The materials shall be substantially in accordance with the details contained in Section 4.33 of the Planning, Design & Access Statement, dated March 2023.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20.

Materials (panels)

- 17 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.

Windows and doors

- 18 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.

Obscure glazing

- 19 The first floor window in the side (north) elevation of the dwellings in plot 1 as shown on drawing 'Proposed plot 1 house type' ref.1774/4) shall be permanently obscure glazed with glass of Pilkington Level 5 obscuration or equivalent. The obscure glazing shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity to comply with Policy SP20.

Restriction on additional windows (plot 1)

- 20 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no first floor windows or door openings shall be formed in the side (north) elevation of the dwelling in plot 1 without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: In the interest of residential amenity in accordance with Policies SP16 and SP20.

Lighting

- 21 Prior to the commencement of any aboveground construction work details of all public lighting at the site 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 in compliance with Policies SP16 and SP20.

Boundary treatments

- 22 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 in compliance with Policies SP16 and SP20.

Retention of existing planting

- 23 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 in compliance with Policies SP16 and SP20.

Retention of southern boundary hedge

- 24 The existing hedgerow along the southern boundary of the site that is shown on the approved Proposed Site Layout Plan ref. 1774/2D as being retained and reinforced shall be maintained at a minimum height of 1.6 metres for the lifetime of the development. Upon the completion of the construction phase and prior to the occupation of the final dwelling within the application the existing field gate in the southern boundary shall be removed and the access permanently closed off with the planting of a native hedgerow.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value in compliance with Policies SP13, SP16 and SP20.

Tree Protection

- 25 All works shall be carried out in accordance with the approved Arboricultural and Landscape Report dated March 2019 produced by Mark S Feather unless any variation is first agreed in writing by the Local Planning Authority. No site clearance or construction work shall commence on site in connection with the development hereby approved until the root protection areas (RPA), ground protection works and protective fencing required by the Arboricultural and Landscape Report are in place. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in compliance with Policies SP13, SP16 and SP20.

Landscape scheme

- 26 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, species, heights on planting, and positions of all trees and shrubs, specifications and schedules, phasing of planting, seeding or turfing, existing plants to be retained and

showing how new landscaping relates to any underground services and existing landscape features. The scheme shall include details of the hedgerow enhancement the subject of the BNG calculations which accompany the application. 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 in compliance with Policies SP13, SP16 and SP20.

Commencement of planting

- 27 All planting, seeding or turfing set out in the details approved in Condition 26 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 in compliance with Policies SP13, SP16 and SP20.

Preliminary Ecological Appraisal

- 28 All works shall be carried out in accordance with the details contained within paragraphs 8.2.5.1 to 8.2.5.3 (enhancements for bats including provision of at least 4 bat boxes); Section 8.4.5 (nesting birds and provision of at least 8 bird nesting boxes); Section 8.7.4 (precautions to reduce risks to Hedgehogs) of the Preliminary Ecological Appraisal, dated 21 October 2022 produced by Wold Ecology Ltd.

Reason: To comply with the requirements of Policy SP14.

Archaeology

- 29 No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

- 30 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 29 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

Flood Risk and drainage

- 31 The Development shall be built in accordance with the following submitted designs;
- Plot Drainage, Shaun Tonge Engineering, Reference STE/233/01/03, Revision C, Dated 29/02/2024.
 - Exceedance Plan, Shaun Tonge Engineering, Reference STE/233/01/14, Revision 1, Dated 04/01/2024.
 - Drainage Management Plan, Shaun Tonge Engineering, Reference STE/233/01/18, Revision 1, Dated 20/02/2024.
 - Impermeable Areas, Shaun Tonge Engineering, Reference STE/233/01/04, Revision B, Dated 20/02/2024.
 - Highway Soakaway and Silt-trap Details, Shaun Tonge Engineering, Reference STE/233/01/16, Revision 1, Dated 17/01/2024.
 - Domestic Soakaway Typical Detail, Shaun Tonge Engineering, Reference STE/233/01/09, Revision 1, Dated 09/02/2023.
 - Plot 1&2 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 3&4 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 5 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 6&7 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 8 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 9 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 10&11 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Plot 12&13 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Highway Drain Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Highway Soakaway Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
 - Trial Hole Location Plan, Rawcliffe Associates Ltd, Dated 26/01/2023
 - Section 38 Plan, Shaun Tonge Engineering, Reference STE/233/01/15, Revision 1, Dated 17/01/2024.
 - Section 104 Plan, Shaun Tonge Engineering, Reference STE/233/01/11, Revision A, Dated 17/01/2024.
 - Flood Risk Assessment, ARP Associates, Reference 1180/01r1a, Revision A, Dated 24/05/2018.
 - Soakaway Tests, Rawcliffe Associates Ltd, Reference Misc.W&WEstates.Dan Warrington.AprinWay.Slingsby, Dated 26/01/2023.

A 40% allowance has been included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage has been provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme includes a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and in compliance with the NPPF and Policy SP17.

- 32 The development shall be carried out in accordance with the details shown on the approved Flood Risk Assessment (rev A)1180/01r1a prepared by ARP, dated 24/05/2018, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in compliance with the NPPF and Policy SP17.

Removal of permitted development rights (means of enclosure)

- 33 Notwithstanding the provisions of Schedule 2, Part 2 the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse other than as shown on the approved plans, or as may be approved by the Local Planning Authority following specific application in that respect.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20.

Removal of permitted development rights

- 34 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 Policies SP13, SP16 and SP20.

Electric Vehicles Charging Points

- 35 Prior to the commencement of any aboveground construction work a scheme for the provision of one electric vehicle charging point per house 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 in compliance with Policy SP18.

INFORMATIVES

Condition 6- 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- Pedestrian Visibility Splays

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

Condition 12 (sub-section 1)- New and altered Private Access or Verge Crossing

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

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

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.