

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Constituency Planning Committee**

**3<sup>RD</sup> JUNE 2024**

**ZC24/01066/DVCMAJ – SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 OF SECTION 73 PERMISSION 22/04925/DVCMAJ TO ALLOW FOR THE PROVISION OF FENESTRATION AND/OR INTERNAL LAYOUT CHANGES, AND AN AIR SOURCE HEAT PUMP TO ALL 33 DWELLINGS ORIGINALLY PERMITTED UNDER RESERVED MATTERS APPLICATION 20/04874/REMAJ AT LAND COMPRISING FIELD AT 422819 474158 BACK LANE KIRKBY MALZEARD NORTH YORKSHIRE ON BEHALF OF BRIERLEY HOMES LTD**

**Report of the Assistant Director Planning – Community Development Services**

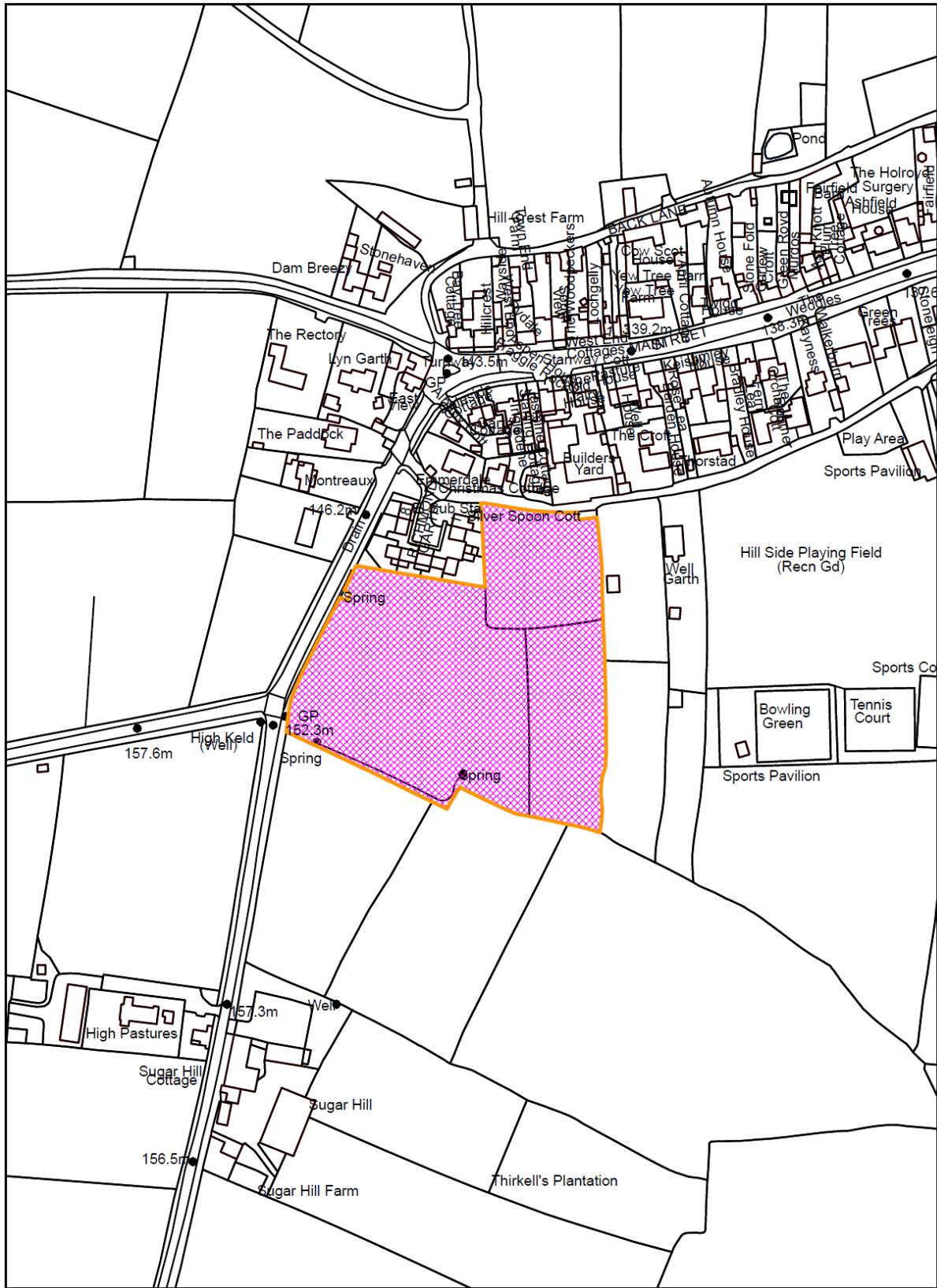
**1.0 Purpose of the Report**

- 1.1 To determine a Section 73 application for the variation of condition 2 of Section 73 permission 22/04925/DVCMAJ to allow for the provision of fenestration and/or internal layout changes, and an air source heat pump to all 33 dwellings originally permitted under reserved matters application 20/04874/REMAJ on land at Back Lane Kirkby Malzeard on behalf of the Assistant Director Planning.
- 1.2 This application is brought to the Planning Committee because the applicant is owned by the Council.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That the Section 73 variation be GRANTED**

- 2.1. Planning permission has been granted for a residential development of 33 dwellings at Back Lane, Kirkby Malzeard. This application seeks changed fenestrations and internal floor plans to a number of the permitted dwellings along with the identified locations of air source heat pumps to all the dwellings.
- 2.2. Changes have been made to the National Planning Policy Framework since the reserved matters were previously considered. They do not, however, result in any matters which negate any positive consideration of this Section 73 application.
- 2.3. The proposed variations do not materially affect the reserved matters of this development, which remain considered as being acceptable subject to conditions.



# Location Plan

Scale 1:2,500



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22/05/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Outline planning permission 17/04308/OUTMAJ was granted in January 2019 for the residential development of 1.75ha of land at Kirkby Malzeard, within the Nidderdale National Landscape.
- 3.3. Whilst the outline permission allowed for up to 37 dwellings the reserved matters scheme, 20/04874/REMMAJ, granted in May 2022, provided for fewer dwellings, 33, across the whole site.
- 3.4. Subsequently, both the outline and reserved matters were varied by Section 73 applications. Those further permissions varied the timing of submission for various detailed matters that were required by the conditions of both permissions. As the Local Education Authority advised that no contribution was necessary towards education facilities in the locality, the requirement for such on the outline permission was dropped.
- 3.5. The outline permission variation was case reference 22/04924/DVCMAJ of 24 August 2023 and the reserved matters variation was case reference 22/04925/DVCMAJ of 23 March 2023.
- 3.6. This application relates to the reserved matters, as originally approved under 20/04874/REMMAJ and then revised by 22/04925/DVCMAJ. Those applications were by a different developer who has now sold the site onto current applicant.

### **4.0 Site and Surroundings**

- 4.1. The site is located to the south side of Kirkby Malzeard at its western end. To the west it is abutted by Laverton Lane, and to the north by the extant eight dwelling residential development at Richmond Garth along with a 58m long length of Back Lane. The site is in the Nidderdale National Landscape.

### **5.0 Description of Proposal**

- 5.1. The proposal is to vary the house types slightly along with the installation of air course heat pumps.
- 5.2. Originally the application also proposed the use of reconstituted stone on all properties bar those fronting Laverton Lane.

- 5.3. Amendments have been made so that natural stone instead is to be used on all main walls with white render on other walls, which are largely side walls facing adjacent properties and garages.
- 5.4. The changes to the house types comprise internal layout variations, which are principally non-material in themselves. All properties are now clearly indicated as to the location of hot water cylinders. A number of properties do also have changes to the windows and doors. The fenestration alterations and more significant internal change are set out below:
- Ground floor of Plots 1, 30 and 33 - Accessible wc and its passageway replaced by utility and wc. Side door and window position flipped with door replaced by pair of patio doors and rear garage door deleted. On plot 1 an internal door is provided from utility to garage.
  - First floor of Plots 1, 30 and 33 - Storage areas merged resulting in more space to one bedroom.
  - Ground floor of Plot 6 - Enlarged study, repositioned staircase, kitchen/dining and living room locations swapped with revised utility access.
  - First floor of Plot 6 - En-suite and bathroom location changes. Bedrooms varied without affecting occupancy. Additional first floor side window serving the bathroom.
  - Ground floor of Plots 9, 20 and 21 - Kitchen area enlarged and living room reduced in size. Rear ground floor elevation changed from windows either side of a door to a window and pair of patio doors.
  - Ground floor of Plots 23 and 29 - Rear windows reduced from 6 panes to 4 panes.
  - Ground floor of Plots 27 and 28 - Utility made windowless and adjacent wc replaced by study. Associated windows changed from two small to one larger.
- 5.5. The air source heat pumps that are proposed would be located to the rear of the dwellings.
- 5.6. Details of the actual air source heat pumps that are to be used have been requested and are awaited at the time of writing.

## **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 relevant for this proposal is;
- Harrogate District Local Plan 2014-2035, adopted March 2020

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is -
- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
  - Kirkby Malzeard, Laverton and Dallowgill neighbourhood plan. This was subject to informal public consultation around the turn of the year. No weight can currently be applied to this document.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - National Design Guide
  - Nidderdale AONB Management Plan

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

Environmental Protection (NYC) - advise on noise limit requirements for an Air Source Heat Pump.

- 7.2. **Parish Council:** Do not object or support.

## Local Representations

- 7.3. Two representations received both opposed the application as originally submitted proposing reconstituted stone.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. Located in a 'sensitive area' the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2. The application has been screened and does not require an Environmental Statement.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Suitability of varying conditions
  - Impact on the locality
  - Residential Amenity
  - Conditions
  - Section 106 agreement

## **10.0 ASSESSMENT**

### Suitability of varying conditions

- 10.1. This application is for a 'minor material amendment' to the approved development. Such applications are considered against the Development plan and material considerations such as the National Planning Practice Framework (NPPF) and conditions attached to the existing permission.
- 10.2. The National Planning Practice Guidance advises that Local Planning Authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 10.3. The NPPF advises, in Para 140, that it should be ensured that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 10.4. Whilst the original outline application was granted under the period of a previous development plan, the reserved matters application and the subsequent extant Section 73 permissions were considered under the current development plan.

- 10.5. Since the previous assessment of the reserved matters, under the Section 73 permission of March 2023, there have been two further revisions of the NPPF; the September 2023 revision updated policy on onshore wind power and is not relevant to this case.
- 10.6. The December 2023 revision was more wide-ranging with changes to the chapters on 'Delivering a sufficient supply of homes' and 'Making effective use of land'. In addition, the reference to sustainable development in paragraph 7 was expanded to specifically reference the "*provision of homes, commercial development and supporting infrastructure in a sustainable manner.*" Those changes are not material to the development as now proposed by this Section 73 application.
- 10.7. Further revisions made to the NPPF in December 2023 include:
- Requirement for clear and accurate plans and use of materials conditioned (para 140). Such appropriate conditions would be incorporated.
  - The consideration of beautiful buildings etc. is set out in a number of paragraphs. The proposal is for minor changes to an existing permitted development.
  - Para 181 (footnote to) – availability of agricultural land in food production should be considered. The proposal is for minor changes to an existing permitted development on agricultural grassland.
- 10.8. The changed NPPF since the reserved matters were previously considered does not bring in matters which negate any positive consideration of this Section 73 application.

#### Impact on the locality

- 10.9. Local Plan Policies HP3 'Local Distinctiveness' and NE5 'Green and Blue Infrastructure' require high quality development that protects characteristics, qualities and features contributing to local distinctiveness, and maintains and enhances local vernacular and sense of place of individual settlements.
- 10.10. The NPPF has a chapter on 'Achieving well-designed and beautiful places', setting out initially that the creation of high quality, beautiful and sustainable buildings and places is fundamental..." (Para 131).
- 10.11. The external fenestration changes sought by this Section 73 application do not materially impact on the surroundings, given the impact of the existing permitted development.

10.12. Previously the subject of provision by way of a condition, the air source heat pumps are now detailed in their locations and are largely concealed from street views. Those to the properties that back towards Back Lane have a hedgerow, substation or group of trees, as well as the new properties rear curtilage between and as such would not be overly intrusive.

#### Residential amenity

10.13. Local Plan Policy HP4 'Protecting Amenity' requires no significant adverse impact on the amenity of occupiers and neighbours.

10.14. The NPPF, at Para 135, requires a high standard of amenity for existing and future users.

10.15. Internally, the floor plans now proposed do not result in inappropriate internal layouts to the proposed dwellings and the fenestration changes do not adversely affect the level of residential amenity which any occupier of a neighbouring dwelling (existing or proposed) would reasonably expect to enjoy.

10.16. Air source heat pumps potentially could detract from local amenity and therefore a condition should be imposed to provide appropriate control on them.

#### Conditions

10.17. Advice in the National Planning Practice Guidance is that a permission issued by way of section 73 application is a new independent permission to carry out the same development subject to new or amended conditions. The guidance also sets out that the new permission should restate the conditions imposed on earlier permissions that continue to have effect.

10.18. The previous Section 73 permission, which this application seeks to vary the terms of, is subject to 15 conditions.

10.19. The requirement under condition 1 for development to have been commenced by 11 May 2023 has been complied with and that condition consequently no longer continues to have effect. Condition 1 will therefore be marked Deleted in the list of conditions.

10.20. Condition 2 setting out the approved documents will be varied to encompass the details now provided. To accord with the requirements of the NPPF that condition along with conditions 3 and 4 will be made more precise in the drawing referencing and corrected where applicable. Given the terms of this application the referenced emails concerning use of natural stone are removed



as that detail is now explicit in the scheme being considered, and will be addressed by condition 6.

- 10.21. Condition 5 concerns the provision of parking facilities for each dwelling and, as extant, references the site plan considered by the Local Highway Authority of December 2021 (rev F). The extant reserved matters permission however in its list of approved documents references a later site plan, rev G, of February 2022; the change did not affect the parking arrangements. This Section 73 application is now accompanied by a site plan of April 2024 (rev I) and again the parking arrangements are unaffected. As such for the purpose of clarity it would be appropriate to vary the referenced site plan to that now submitted.
- 10.22. Condition 6 requires details of external wall materials. As indicated above in discussing the terms of condition 2, the external wall materials are now clearly indicated in the submitted details. Condition 6 therefore is reworded to make it clear that samples of the agreed external materials of natural stone, render and tiles are required to be inspected.
- 10.23. Condition 9 refers to no dwelling being occupied until its air source heat pump along with low energy specifications have been provided in accordance with an already submitted Energy Statement. That condition should be rephrased to reference that document clearly and the air source heat pump layout now indicated as part of this application. Further reference should be made to details of air source heat pumps that are currently awaited. If details are still awaited at the point of decision, then the condition could be varied to require the submission of those details. The noise limitation requirements on the air source heat pumps required by Environmental Protection are also incorporated and expanded on by way of an informative.
- 10.24. Additionally, approval of details have been granted under a number of conditions regarding foul water drainage details, arboricultural method statement, and plans in respect of landscape maintenance & management, and construction ecological mitigation & enhancement including biodiversity enhancement management. These “approved details” consequentially require the relevant conditions to be reworded.
- 10.25. As a result condition 2 as referenced above is renumbered 1 and a new condition 2 addresses the “approved details”. The relevant conditions in respect of the “approved details” are consequentially expanded to reference the “approved details”, whilst also allowing for the approval of alternative details to be sought.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposed variations do not materially affect the reserved matters of this development, which remain considered as being acceptable subject to conditions.

## **12.0 RECOMMENDATION**

- 12.1 That the Section 73 variation be GRANTED subject to the conditions set out below.

- 1 The development to which the reserved matters hereby approved relates shall not be carried out otherwise than in strict accordance with the submitted details and:

a) the following Ingreen Architectural Solutions Ltd drawings (references commencing 191001);

C01 Plan 1 dated October 20

P01 Revision I External Works & Landscaping dated 23.04.24

P02 Revision D Proposed Typical Street Scenes dated 18.03.24

b) the following Ingreen Architectural Solutions Ltd Plans & Elevations drawings (references commencing 191001 and dated 18.03.24 unless otherwise stated);

P03 Revision D Plot 1

P04 Revision D Plots 2 & 3

P05 Revision D Plot 6

P06 Revision D Plots 7 & 8

P07 Revision E Plots 9 & 20 dated 23.04.24

P08 Revision D Plots 10, 16 & 24

P09 Revision D Plots 12, 13, 25 & 26

P10 Revision D Plots 11 & 22

P11 Revision E Plots 17, 18 & 19 dated 01.05.24

P12 Revision D Plot 23

P13 Revision D Plot 27

P14 Revision D Plots 31 & 32

P15 Revision D Plot 33

P16 Revision C Plots 4 & 5

P17 Revision C Plot 30

P18 Revision C Plots 14 & 15

P19 Revision C Plot 21

P20 Revision C Plot 28

P21 Revision C Plot 29

P22 Revision C Electricity Sub-Station

c) Ingreen Architectural Solutions Ltd drawing KKIR-IAS-ZZ-00-DR-A-0004 revision P02 Site Plan Showing Materially dated 23.04.24.

d) Eamonn Byrne landscape architects drawings dated 22.03.2022;  
 20002-LN-0-01 Revision 9 Planting Schedule  
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 1 of 2)  
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 2 of 2)

2 Further to condition 1 above the development shall also be carried out in strict accordance with the following documents unless varied by alternative documents submitted under the further conditions of this permission:

- a) AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023.
- b) Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023;  
 Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130  
 Sheet 2 of 2' KM-BGP-00-00-DR-C-52-00131
- c) Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024.
- d) Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024.

3 The landscaping works shown on revision 9 of both drawings 20002-PP-0-01 and 20002-PP-0-02 shall be undertaken in accordance with the details specified on those drawings and revision 9 of the Planting schedule ref 20002-LN-0-01 and shall accord with the Biodiversity Management Plan. The development shall be carried out in accordance with the approved details.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of the building works and any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later) shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season.

4 Further to condition 2 above, development shall be undertaken in strict accordance with the Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024, unless an alternative Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority before any external construction of the walls of the development hereby approved takes place. The details of the alternative Landscape Maintenance and Management Plan shall be in accordance with the approved landscape drawings, revision 9 of both 20002-PP-0-01 (sheet 1 of 2) and 20002-PP-0-02-REV9 (sheet 2 of 2) and the development carried out in accordance with the agreed details.

5 No dwelling shall be occupied until their associated parking facilities have been constructed in accordance with Site Plan ref 191001 P01 Rev I. Once created these parking areas shall be maintained clear of any obstruction and retained

for their intended purpose at all times.

- 6 Before their first use in the construction of the development to which these reserved matters relate samples of the materials to be used in the external construction of walls and roofs shall be made available on site for inspection by and the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details. The samples shall include approved a sample panel of the natural stone to be used on all stone finished elevations of the development showing the proposed coursing and pointing and the approved sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.
- 7 Ash Trees ref T24 and T26 (on the eastern boundary of the site as identified in the Arboricultural Assessment), shall notwithstanding reference in the statement to their removal, be protected during construction and retained thereafter.
- 8 No occupation of a property shall take place unless the Biodiversity Enhancement Management Plan measures that relate to that property have been implemented in full.
- 9 No occupation of a dwelling shall occur until;
  - a) the air source heat pump located as shown on drawing 191001 P01 revision I and detailed in the documentation received by the Local Planning Authority on xx.xx.xxxx has been so located and made operative, and
  - b) low energy lighting and thermal envelope specifications have been provided for that dwelling in accordance with the recommendation included within the Dewpoint Energy Services Energy Statement issue 2.0 dated 18 November 2020. These measures will be retained and maintained thereafter.

Any air source heat pump shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time.
- 10 Prior to the first occupation of any of the dwellings hereby permitted, the approved boundary treatment shall be fully installed and/or planted. The boundary treatment shall be maintained in accordance with details that are submitted to and approved by the Local Planning Authority prior to their installation and retained at all times thereafter.
- 11 Further to condition 2 above, the tree protection measures detailed in Section 4 and Appendix 4 of the AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023 shall be implemented and maintained in accordance with those details at all times during the undertaking of the development hereby granted, unless any alternative Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. All construction works shall accord with the approved Arboricultural Method Statement at all times. No increased levels shall take place within root protection zones, except where required through the approved

details for biodiversity enhancement measures.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
- Part 1, Class A (enlargements, improvements or other alterations);  
 Part 1, Class E (incidental buildings, enclosures, swimming, or other pools);  
 and  
 Part 1, Class F (hard surfaces).
- 13 Further to condition 2 above, the development shall accord with the approved foul drainage scheme shown on Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023 Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130 and Sheet 2 of 2' KM-BGP-00-00-DR-C-52-00131 with the discharge rate to the foul sewer from the pumping station not exceeding 4.75l/s, unless prior to the external construction of the walls of the development hereby approved an alternative foul water drainage has been submitted to and approved in writing by the Local Planning Authority (in consultation with Yorkshire Water). The scheme shall include evidence that the public sewer system has appropriate capacity to serve the development. Development shall be carried out in strict accordance with the approved foul drainage scheme.
- 14 Prior to commencement of the proposed pumping station a noise assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Officer. The development shall accord with any necessary mitigation included within the approved assessment.
- 15 Further to condition 2 above, and unless prior to any excavation or other groundworks, except for investigative works, site set-up (including pegging out) or the depositing of material on the site an alternative 'Construction Ecological Mitigation & Enhancement Plan' (CEMP), including a Biodiversity Enhancement Management Plan (BEMP), has been submitted to and approved in writing by the Local Planning Authority, the Ecological Mitigation & Enhancement Plan shall be implemented in accordance with the Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024.

The approved document shall be implemented under the supervision of a suitably qualified Ecological Clerk of Works and a copy of the CEMP (Section 3 of the case of the approved document above of 26 March 2024) must be kept on site and made available to site managers and operatives.

In respect of the approved document above of 26 March 2024;

- a) compliance must be made in particular with Table 1 Ecological Risk Assessment & Mitigation Input, ensuring the protection of habitats including grassland, hedgerows and trees and protected species. That will

include up to date bat surveys of building B1, measures to protect previously identified bat roosts in trees T8 and T9 and to undertake precautionary measures in relation to works to other trees and artificial lighting during construction.

- b) compliance must be made in particular with Table 1 Ecological Risk Assessment & Mitigation Input, ensuring the protection of habitats including grassland, hedgerows and trees and protected species. That will include up to date bat surveys of building B1, measures to protect previously identified bat roosts in trees T8 and T9 and to undertake precautionary measures in relation to works to other trees and artificial lighting during construction.
- c) the measures set out in the BEMP, Section 4 (including enhancing biodiversity during the operational phase of the site, including tree and hedge planting and hedgerow restoration and for grassland enhancement, the provision of bird nesting and bat roosting features and invertebrate habitat) shall be implemented under the supervision of the Ecological Clerk of Works for a minimum period of 30 years. That will be initially the responsibility of the developer but ultimately with that responsibility transferred to the site management company. Progress shall be reported back to the Local Planning Authority in accordance with arrangements set out in the plan at paragraphs 4.9.1.2 and 4.9.1.4.

Any alternative 'Construction Ecological Mitigation & Enhancement Plan' (CEMP), including a Biodiversity Enhancement Management Plan (BEMP) shall relate to the approved site layout;

- i) The CEMP shall provide for the prevention of harm to protected and priority species and to retained habitats during the course of construction and to provide for integrated bat and bird bricks within the dwellings of the new development.
- ii) The BEMP, shall reflect the final landscape drawings and focus on more ambitious and long-term ecological management of the semi-natural areas towards the south of the site and along the external boundaries of the site.
- iii) The Construction Ecological Enhancement Plan shall provide a firm basis for the ongoing retention, maintenance and monitoring of the semi-natural habitats beyond the developers five years' of maintenance responsibility and include arrangement for reporting back on progress to the local planning authority.
- iv) Works on site must subsequently be undertaken in accordance with the approved CEMP and BEMP under the supervision of a suitably qualified Ecological Clerk of Works.

## Reasons for Conditions:-

- 1 and 2 To secure the satisfactory implementation of the proposal and for the avoidance of doubt.
- 3 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 4 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 5 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and general amenity of the development.
- 6 In the interest of good design and in accordance with policies HP3 and GS6 of the Harrogate District Local Plan 2014-2035.
- 7 In the interest of the protection of important trees and the wider impact on the landscape and in accordance with Policy NE7 of the Harrogate District Local Plan 2014-2035.
- 8 In the interest of Biodiversity enhancement and to accord with policy NE3 of the Harrogate District Local Plan 2014-2035.
- 9 In the interest of sustainable design in accordance with Policy CC4 of the Harrogate District Local Plan 2014-2035.
- 10 In the interests of privacy and residential amenity in accordance with policy HP4 of the Harrogate District Local Plan 2014-2035.
- 11 In the interests of the protection of important retained trees and in accordance with Policy NE7 of the Harrogate Local Plan 2014-2035.
- 12 To enable the Local Planning Authority to exercise control over development in order to ensure there is no resultant detriment to the Nidderdale Area of Outstanding Natural Beauty together with ecological, environmental and biodiversity interests in accordance with policies NE3 and NE7 of the Harrogate District Local Plan 2014-2035.
- 13 In the interest of comprehensive assessment of foul water drainage and for the protection of amenity of the locality.
- 14 In the interest of the protection of the amenity of nearby residents and in accordance with Policy HP4 of the Harrogate District Local Plan 2014-2035.
- 15 In the interests of Biodiversity and in accordance with Policy NE3 of the Harrogate District Local Plan 2014-2035 and for the avoidance of doubt.

**INFORMATIVES**

- 1 Section 73 application 22/04925/DVCMAJ had varied the terms of the conditions of reserved matters application 20/04874/REMMAJ in respect of the timing of submission of specific details. That reserved matters permission had granted the appearance, landscaping layout and scale of 33 dwellings under the terms of outline permission 17/04308/OUTMAJ, as later varied by 22/04924/DVCMAJ.
- 2 This Section 73 permission together with outline permission 22/04924/DVCMAJ comprise the planning permission and must be read in conjunction with that outline permission.
- 3 If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water Services Limited (under Section 104 of the Water Industry Act 1991), their Developer Services Team should be contacted (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto: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.
- 4 Yorkshire Water Services Limited advise that in terms of water supply a 3" upvc water main runs along the front of the site. Any planting of new trees or such like should not be carried out within 6 metres (3 metres from the centre of the main) to allow access for future maintenance and repair of the asset. The line of the main can be determined under their supervision, however as this main is plastic and hard to trace the line of the main will be approximate only. Please contact [tech.support.engineer.north@yorkshirewater.co.uk](mailto:tech.support.engineer.north@yorkshirewater.co.uk) to arrange a trace. If there are likely to be any changes in ground levels around the 3" main, then these changes will need to be addressed to confirm if the main will be affected. In the event the main will be affected by a change in ground level and in order to protect the main it may need diverting. Any diversion will be at the developers expense (under the provisions of Section 185, Water Industry Act 1991).
- 5 In respect of condition 9 "rating level" and "background sound level" are as defined in BS4142:2014+A1 2019 'Methods for rating and assessing industrial and commercial sound' and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.