

**North Yorkshire Council**

**Community Development Services**

**Thirsk and Malton Constituency Area Planning Committee**

**16 January 2025**

**ZE24/07435/73- Removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT dated 09/12/2020 to delete the self-build limitation relating to the 5no. dwellings on land at Sutton Grange, Langton Road, Norton, North Yorkshire on behalf of Mr Paul Sedman (Sutton Grange Developments)**

**Report of the Head of Development Management – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT dated 09/12/2020 to delete the self-build limitation relating to the 5no. dwellings on land at Sutton Grange, Langton Road, Norton, North Yorkshire.
- 1.2 The application is reported to the Area Planning Committee for determination because it has been submitted by the spouse of Councillor Lindsay Burr MBE.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed in Section 12 of this report.**

- 2.1. The application relates to a 0.7 hectare grassed paddock associated with Sutton Grange which is situated on the southern side of Norton. Access is gained off Langton Road to the north east of the site. The site is outside defined development limits and as such lies within the open countryside for planning purposes.
- 2.2. On the 9 December 2020 Ryedale District Council approved outline planning permission ref. 20/00770/OUT for “*Residential development of 5no.dwellings (site area 0.72ha) - access to be considered*”. All other matters (layout, scale, appearance and landscaping) are reserved for a future reserved matters application(s).
- 2.3. The outline permission remains extant and is subject to 31 conditions. Condition 1 requires the submission of reserved matters by 9 December 2025. Condition 5, the subject of this Section 73 application, imposes a self-build restriction on the five dwellings.
- 2.4. The applicant seeks the removal of the self-build restriction imposed on the outline permission in 2020. The application sets out that self-build housing is no longer a viable proposition and the removal of the self-build restriction would accelerate the delivery of new housing at the site.
- 2.5. The main issue is the acceptability of the residential development without the self-build requirement. It is considered that the removal of the self-build restriction from the condition can be supported in order to improve deliverability of this site which would make a small contribution to local housing supply.

### **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/>

3.2. The following relevant planning history has been identified for the application site:

20/00770/OUT- Residential development of 5no.dwellings (site area 0.72ha) - access to be considered. Approved 09.12.2020.

### **4.0 Site and Surroundings**

4.1. The application site amounts to 0.7 hectares and is a grassed paddock associated with Sutton Grange (under the ownership of the applicant). The site is on the southern side of Norton. Access is gained via a tree lined, single lane private driveway which meets Langton Road 110 metres to the north east of the site.

4.2. The site is outside development limits and as such lies within the open countryside. The site is also locally designated as a Visually Important Undeveloped Area (VIUA). The site is within Flood Zone 1, the area of lowest risk of flooding.

4.3. Sutton Grange is a 19th century dwelling of stone and slate construction and is considered a Non-Designated Heritage Asset. The application site, at its closet point, is approximately 30 metres east of Sutton Grange house. The Grade II listed Sutton Barn stands beyond Sutton Grange approximately 110 metres north-west of the application site.

4.4. Mill Beck is to the south of the application site and follows a south-east to north-west alignment. The topography of the site generally falls away towards the beck with a change in level of approximately four metres north to south. To the west of the application site is a woodland area associated with Sutton Grange. The site boundary comprises a timber post and rail fence on the northern and eastern sides with the beck to the south and mature tree and hedge planting to the west. Since the previous grant of outline permission advance planting has been progressed on the northern and eastern boundaries of the site.

4.5. Since the previous grant of outline permission the land to the east and north east of the application site has been fully built out for 79 dwellings (Ebor Chase Development- 'Spring Beck Avenue') under permission ref. 15/00098/MOUT. In addition, the permission (ref. 15/00099/MOUT) for six detached dwellings to the north of the private driveway north-east of Sutton Grange has also been fully built out (known as 'Woodlands Close'). As a result, new housing development flanks the existing private driveway to Sutton Grange and the application site is surrounded by residential development on three sides.

### **5.0 Description of Proposal**

5.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and seeks the removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT dated 09/12/2020 to delete the self-build limitation relating to the 5no. dwellings.

5.2 Condition 05 states:-

*'The development hereby permitted shall comprise no more than 5 detached*

*self-build dwellings as defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).*

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

- 5.3 The Self-build and Custom Housebuilding Act 2015 states that “*self-build and custom housebuilding*” means the building or completion by—

*(a) individuals,*

*(b) associations of individuals, or*

*(c) persons working with or for individuals or associations of individuals,*

*of houses to be occupied as homes by those individuals.*

*(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person’.*

- 5.4 The applicant’s supporting statement explains that: *“In the four years since the planning permission was granted, the requirements of condition 5 (self-build limitation) has been an inhibiting factor in the delivery of the site for housing. Following the Covid 19 pandemic, there has been a significant rise in the costs of both construction and lending and the ‘self-build’ model is untested for a group of properties where they are not being delivered by a volume housebuilder as part of a wider housing site. This carries risk in both the release and subsequent delivery of each plot, which cannot be sustained either by the owner or a small-scale developer. As a result, it is no longer a viable proposition to develop the site for self-build housing”.*
- 5.5 The applicant’s supporting statement details how since 2020 a reconsideration of the costs, marketability of the plots; lending situation and the overall risk of frontloading the serviced plots has proved to be prohibitive for the self-build model. As a result, it is necessary to explore alternatives.
- 5.6 The applicant states that the removal of the self-build limitation from the condition is required to accelerate the delivery of housing on the site, providing high quality new homes for the local area.
- 5.7 The developable part of the site; the total number of dwellings and the access arrangements are unchanged. Likewise, there are no changes proposed to the previously submitted and approved plans which are appended to this report. Notwithstanding the description of the proposal if permission is granted under Section 73 the wording of condition 5 would be varied to only remove the self-build limitation and the amount of development (5no. dwellings) would remain unchanged.
- 5.8 The development, as currently approved, would comprise 5no. self-build plots on the western side of the site. The developable part of the site has maximum dimensions of 75 metres in width (east -west) by 110 metres in length (north-south). The site narrows at its southern extent where it meets Mill Beck. A 0.19 hectare paddock to the north of the development site would be retained for use by Sutton Grange (outside of the application site).
- 5.9 The access off Langton Road would be widened with a passing place created half way along the driveway. The entrance gates would be repositioned further into the site at a point on the private driveway 25 metres north east of Sutton Grange beyond what would become the shared driveway. The entrance to the application site off the driveway

would be formed at the existing field gate into the paddock at the north end of the site. The new driveway would run along the northern and eastern sides of the site and would include a branch to the north of plot 2 and a turning head at the southern end of the site adjacent to plot 4.

- 5.10 The indicative plans show that the individual plots would be divided by beech hedgerows and there would be metal park railings along the frontage with the new driveway. A 5-10 metre wide landscape buffer strip of native tree planting would be created along the eastern boundary adjacent to the new housing development. A shallow swale to collect surface water off the driveway would run along the western side of this shelter belt parallel to the driveway. A narrow ditch would be created to the west of the dwellings to attenuate surface water from the individual plots. A mixed native hedge would be planted beyond the ditch along the western boundary. Foul water would be directed to a small subterranean pumping station adjacent to the new driveway from where it would be pumped to a gravity sewer on the existing driveway which links to the sewer in Langton Road.
- 5.11 Each of the detached dwellings would comprise of single and two storey elements. The indicative details show that the dwellings will be constructed from traditional materials such as brick and stone with slate pitched roofs. The dwellings will be designed with overdrawn eaves, verge details and intersecting roof lines subservient to the main ridge line. The window proportions would be similar to Sutton Grange and the dwellings would incorporate traditional chimney stacks. It is also intended that the dwellings comply with Lifetime Home Standards which sets design criteria in relation to accessibility.

## **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 SP4 Type and Mix of New Housing

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

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 SP21 Occupancy Restrictions

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

Malton and Norton Neighbourhood Plan (MNNP) 2024

TM6: Development on Non-allocated Sites  
 E1: Protection of Local Green Space  
 E6: Gateways

### 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 2024
  - 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.
- 7.2. **Norton Town Council:** No response received

### Local Representations

- 7.3. The LPA has received one representation from a local resident which raises objection to the application stating the following:-

*“The land has laid dormant since planning was agreed in 2020. Despite the land being a local eyesore the surrounding area is of natural beauty and any further amendments to the planning application should be thrown out”.*

## **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;
  - Other matters;
  - Biodiversity Net Gain;
  - Community Infrastructure Levy (CIL); and
  - Affordable Housing.

## **10.0 ASSESSMENT**

### Principle of the Development

- 10.1. This application is made under Section 73 of the Town and Country Planning Act 1990 to remove a restriction imposed by a condition associated with the planning permission. It seeks the removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT dated 09/12/2020 to delete the self-build limitation relating to the 5no. dwellings. Notwithstanding the description of the proposal if permission is granted under Section 73 the wording of condition 5 would be varied to only remove the self-build limitation and the amount of development (5no. dwellings) would remain unchanged.
- 10.2. Policy SP1 (General Location of Development and Settlement Hierarchy) in the Ryedale Plan- Local Plan Strategy (2013) sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. The site is outside of the development limits of Malton/Norton (Principal Towns) and is, therefore, within the open countryside for planning purposes.
- 10.3. The principle of the development has been established via the granting of outline planning permission. The decision regarding the principle of development remains intact and the extant permission is a 'fallback' position of material relevance.
- 10.4. Since the original approval and the Malton and Norton Neighbourhood Plan (April 2024) has been adopted as part of the Development Plan for the area and more recently the National Planning Policy Framework, a material consideration in decision making, has been revised (December 2024).
- 10.5. The self-build provision was offered by the applicant as part of the 2020 application. The applicant, as landowner, had intended to supply of grouped, 'purpose provided' self-build plots.
- 10.6. During the intervening period the applicant has reconsidered the costs, marketability of the plots; and the lending situation. The overall risk of frontloading the serviced plots has proved to be prohibitive for the self-build model. As a result it has been necessary to explore alternatives.
- 10.7. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.
- 10.8. The Act places a duty on LPA's to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. In numerical terms the LPA has granted permissions for a good supply of self-build developments (evidenced through Self-Build CIL exemptions) which largely arise from individual 'windfall' plots.
- 10.9. The Ryedale Plan- Local Plan Strategy (2013) does not identify self-build plots as part of the land allocations in the adopted Sites Document (2019) and does not provide specific policy support for self-build or custom build development plots.
- 10.10. The Malton and Norton Neighbourhood Plan (2024) acknowledges the Government expectation for local planning authorities to plan for a mix of housing types to meet the needs of various groups but does not contain any specific policy in relation to self-build and custom housebuilding.

- 10.11. Therefore, the proposal to remove the self-build restriction would not conflict with Development Plan policy.
- 10.12. The applicant states that the removal of the self-build limitation from the condition is required to accelerate the delivery of housing on the site to provide high quality new homes for the local area. The provision of 5 no. executive-style family homes generally aligns with the aims of Policy SP4 and would contribute to the mix and type of housing available in the local area.
- 10.13. The revised NPPF (2024) reflects the Government's stated aim that it wants the economy to build, and building more homes is a key part of that. Paragraph 61 of the NPPF (2024) sets out the Government's objective of significantly boosting the supply of homes. The revised NPPF (2024) continues to acknowledge that planning policy and decisions should ensure a sufficient supply of homes for specific groups including people wishing to commission or build their own homes.
- 10.14. Within paragraph 73 of the revised NPPF (2024) it states that "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly*".
- 10.15. At the time of the granting of the outline approval in 2020 the then NPPF (2019) stated the same aim but the revised NPPF (2024) now has an additional emphasis on small and medium sites being "*essential for Small and Medium Enterprise housebuilders to deliver new homes*" which was not stated in the NPPF at the time of the earlier approval.
- 10.16. The Government has strengthened the wording at paragraph 73 to make the importance of small sites to small to medium sized housebuilders clear. Planning policy acknowledges that local planning authorities have a role to play to identify delays and work with developers to find solutions to boost supply of deliverable housing and explore options to support building out in a timely manner.
- 10.17. The self-build restriction was not fundamental to the earlier approval. A significant factor in approving the earlier outline application was that the application site is on the edge of the Principal Town (a focus for growth) and close to built up areas. The site is also in a location with appropriate access to services and facilities by means other than car (i.e. by walking, cycling or use of public transport). Therefore, it remains the case that, in terms of locational sustainability, this site is broadly in conformity with Policy SP1.
- 10.18. Furthermore, the supporting text for Policy SP1 identifies opportunity for growth in Malton and Norton and includes '*Greenfield sites on the edges of the towns for low/medium density family housing*' of which the application site is an example.
- 10.19. 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 developing the site for housing. The development of this small size site would make an important contribution towards the supply of deliverable housing. As such, the principle of proposed development on the application site is in accordance with the planning policy objectives.

Malton and Norton Neighbourhood Plan (MNNP) 2024

- 10.20. The LPA has a duty to assess the application against the relevant policies of the Malton and Norton Neighbourhood Plan (MNNP) 2024 which is now part of the Development Plan for the area.

- 10.21. Policy TM6 of the MNNP (2024) relates to Development on Non-allocated Sites. The Policy states *“For non-allocated sites of 0.4ha and/or 10 dwellings or more, development will be expected to provide proportionate evidence that demonstrates it:*
- does not cause an unacceptable impact on highway safety nor any severe residual cumulative impacts on the road network (factoring in plan allocations and any extant planning permissions in Malton and Norton).*
  - mitigates any congestion impacts to ensure highway safety and ease of access to the local road network, particularly within Malton and Norton Town Centres;*
  - does not result in any measurable worsening of air quality in or around the Malton AQMA;*
  - makes positive provision for sustainable transport modes, including walking, cycling, public transport in respect of access to Malton and Norton town centres, and appropriate provision of electric vehicle charging infrastructure”.*
- 10.22. The LHA have previously confirmed that the access arrangements, which are unchanged, are acceptable and that subject to condition there would be no highway safety implications. The residential development would generate a modest number of vehicle movements which would not have material adverse impact on congestion or air quality. The site is on the edge of the principal settlement with services, facilities and public transport links within walking distances. The development will be required to provide electric vehicle charging points under building regulations. Overall, whilst the development exceeds 0.4ha and is unallocated the impacts can be mitigated and would not give rise to conflict with Policy TM6.
- 10.23. Policy E1 of the MNNP (2024) relates to the Protection of Local Green Space. The Policy lists sites designated as Local Green Space which includes ‘E1-7 Mill Beck Corridor’. The policy states *“Development on these sites will not be permitted other than in very special circumstances”.*
- 10.24. The application site abuts Mill Beck although the developable area would not encroach on the beck corridor itself. The layout is a reserved matter and a sufficient standoff can be incorporated to ensure no adverse impacts and no conflict with Policy E1.
- 10.25. Policy E6 of the MNNP (2024) is titled ‘Gateways’ and relates to ‘gateway locations’ on the main highway routes into/out of Malton and Norton. Gateway 7 relates to Langton Road. The policy states that development at these gateways on the edge of the settlement should respect key views, towards nationally designated and locally valued landscapes and the towns’ conservation areas, where seen from locations that are freely accessible to members of the general public. The layout and design of any development at these locations will be subject to justification by detailed design analysis, including for ‘major developments’ a visual impact assessment.
- 10.26. The developable part of the application site is set back from the Langton Road frontage and would have no impact on the immediate streetscene or any key views. The approved scheme has been designed to retain views from the east towards the listed Sutton Barn and this is unchanged. The site benefits from an existing access off Langton Road which is currently narrow and would be widened to meet highways specifications. The works would be proportionate to the size of residential development permitted and the improved access would not be significantly different to the adjacent accesses serving the recent housing development flanking the site. The proposed development would preserve the visual amenity of Langton Road and would not conflict with the requirements of Policy E6.



- 10.27. The developable part of the site; the total number of dwellings and the access arrangements are unchanged. Likewise, there are no changes proposed to the previously submitted and approved plans.
- 10.28. The proposed removal of the self-build limitation from condition 5 would have no impact on visual amenity, landscape character and form of the settlement including the VIUA; heritage assets; residential amenity; highway safety; drainage; archaeology or ecology. There is no reason to revisit the previous assessments and conclusions reached on those matters and the LPA retains control via the approval of reserved matters process and the conditions imposed on the outline permission.

#### Biodiversity net gain

- 10.29. Section 73 permissions are exempt from the mandatory 10% net gain requirement where the original planning permission was either applied for, or granted, before 12 February 2024. Therefore, in this case, the development is not subject to the mandatory requirement for Biodiversity Net Gain by virtue of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

#### Community Infrastructure Levy (CIL)

- 10.30. Self-build properties are exempt from the CIL charging scheme. The removal of the self-build restriction would mean that the proposed development is CIL liable. The site falls within a low value area, which attracts a charge of £45 per square metre (to be adjusted for indexation). The charge would be applicable at the Reserved Matters stage when the floor area of the dwellings is known.

#### Affordable housing

- 10.31. The proposal relates to less than 10 dwellings and as such there is no planning policy requirement to provide an affordable housing contribution.

#### Conditions

- 10.32. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended. For the purpose of clarity the conditions imposed on the earlier approval continue to have an effect and are relevant and as a result are carried forward. A grant of permission under Section 73 does not extend the time limit for the commencement of development and therefore the original five year expiry date is carried forward in condition 1.
- 10.33. The majority of the conditions seek to establish the design principles and development parameters so to steer and guide the reserved matter process and the future the development of both wider site infrastructure and the individual plots. As was the case for the earlier outline approval due to the relatively limited detail that forms the outline planning application an extensive list of the conditions is necessary to afford the LPA comfort and confidence that a high quality residential development can be achieved.
- 10.34. The previously imposed condition requiring Electric Vehicles Charging Points (Condition 11 of 20/00770/OUT) is no longer necessary as the matter is now covered

by building regulations. As such the condition will not be carried forward should permission be granted.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The application site is beyond the development limits and within the open countryside, however, there is an extant outline permission for the development of the site for five dwellings which is a significant material consideration and represents a 'fallback' position.
- 11.2 The proposal would provide a small supply of detached dwellings which is consistent with national policy and which would increase housing choice locally, in accordance with Policy SP4.
- 11.3 The application site is on the edge of a Principal Town in a location where services and facilities can be easily accessed by walking or the use of public transport. The site is considered to be in a sustainable location and would not disrupt the settlement hierarchy set out by the Development Plan and is not considered to conflict with the broad aims of Policy SP1.
- 11.4 It remains the case that the proposed development would utilise a discrete parcel of land in an edge of town location. It is considered that the site fits with the evolved form of this part of the town so would not appear as encroachment or urban creep into the open countryside nor a site that has been 'bolted on' or 'wedged in' to the existing settlement.
- 11.5 The site lends itself to a low density of development within a landscaped setting that is visually contained with well-defined boundary features to the west. Due to the recently constructed housing development on three sides the development would not push the outer edge of the settlement further into the open countryside.
- 11.6 As was the case for the earlier outline approval the Officer view is that the development of the site for 5no. two storey, detached dwellings would not have an overbearing impact or result in harm to the setting of the nearby heritage assets. The development would involve part of a VIUA but the loss of this detached part of the locally designated land would not undermine the overall, wider purpose of the VIUA between Langton Road and Welham Road which is to provide a buffer from the built edge of Norton.
- 11.7 There would be no unacceptable impact on the appearance of the landscape, visual amenity or the character and form of this part of the settlement. The site would be served by an improved access and 'in-curtilage' parking provision and the development would not create adverse highway safety conditions and associated traffic can be accommodated by the local highway network.
- 11.8 The removal of the self-build requirement would not give rise to conflict with policies of the Development Plan (RPLPS 2013 & MNNP 2024). The self-build requirement does not go to the 'heart' of the development and it remains the case that the development is acceptable in all other respects. The applicant states that the removal of the self-build limitation from the condition would "*unlock the delivery of the site for housing*". In line with revised national planning policy the proposal would make a small but important contribution to deliverable housing supply in the former District and the removal of the self-build requirement provides the opportunity for the scheme to be built out more quickly by a small and medium enterprise housebuilder.
- 11.9 The recommendation to Members is one of conditional approval.

## 12.0 **RECOMMENDATION**

12.1 That planning permission be **GRANTED** subject to the below conditions.

### **Recommended conditions:**

- 1 Commencement time limit  
Application for approval of reserved matters shall be made to the Local Planning Authority not later than 9 December 2025.  
  
The development of each individual plot hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.  
  
Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Reserved Matter approval  
Approval of the details of the Layout; Scale; Appearance; and Landscaping ('the reserved matters') shall be obtained from the Local Planning Authority prior to the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.  
  
Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 Design Code  
The details to be submitted for approval of the matters reserved by condition 2 above shall be substantially in accordance with a Design Code for the entirety of the site which is to be first agreed in writing by the Local Planning Authority. The Design Code shall be based on the principles and criteria set out in the Design Intent Strategy dated 5 August 2020. The development shall thereafter be carried out in accordance with the agreed details.  
  
Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4 Approved drawings  
The development hereby permitted shall be carried out in accordance with the following approved plan(s):  
  
OS Location Map ref. EX10 04, dated 01.07.20  
Proposed Landscape Plan ref. PL20, dated 03.08.2020  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 5 Housing numbers and type  
The development hereby permitted shall comprise no more than 5 detached dwellings.  
  
Reason:- To safeguard the rights of control by the Local Planning Authority.
- 6 Sustainable building standards  
No reserved matters applications shall be submitted for individual plots until such time as a scheme which details sustainable building standards for the entirety of the site

has been submitted to and agreed in writing by the Local Planning Authority. The scheme should identify and incorporate opportunities for the use of sustainable technologies including, but not limited to, energy efficiency; sources of energy supply; and water efficient design to minimise water consumption. The development shall thereafter be carried out in accordance with the agreed scheme.

Reason:- To safeguard the rights of control by the Local Planning Authority in accordance with Policy SP18.

7 New and altered Private Access or Verge Crossing

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

The crossing of the highway verge and footway must be widened to a minimum of 7.3 metres at the narrowest point and must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A and the following requirements.

- o Any gates or barriers must be erected a minimum distance of 5 metres back from the carriageway or footway and must not be able to swing over the existing or proposed highway.
- o The final surfacing of any private access within 5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- o Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in compliance with Policy SP20.

8 Provision of Approved Access, Turning and Parking Areas

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land at Sutton Grange 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 appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.

9 Construction Phase Management Plan

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

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

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

4. details of site working hours;
5. 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.

10 Archaeological investigation

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 approved Written Scheme of Investigation.

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

11 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 10 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 satisfy the NPPF and Policy SP12.

12 Site levels

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 satisfactory drainage in compliance with Policies SP17 and Policy SP20.

13 Drainage

Unless otherwise agreed in writing with the Local Planning Authority the development shall be implemented in accordance with the mitigation measures set out in the Flood Risk Assessment prepared by EWE Associates Ltd, dated July 2020.

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

14 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

- 15 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage - manual of good practice (1996). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

- 16 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in compliance with Policy SP17.

- 17 **Boundary treatments**  
Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, 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 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 to ensure that the proposal satisfies Policy SP20.

- 18 **Lighting**  
Prior to the installation of any external lighting associated with the development hereby approved details of the location, height, angle of lighting and level of illuminance shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall therefore be installed on site only in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity to ensure that the proposal satisfies Policy SP20.

- 19 **Ecological mitigation, compensation and enhancement measures**  
No development shall take place until an ecological design strategy (EDS) based on an updated Ecological Impact Assessment confirming specific mitigation, compensation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The EDS shall be implemented in accordance with the approved details and features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity and protected species in compliance with Policy SP14.

20 Arboricultural Method Statement

No development shall take place until a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall implemented in accordance with the approved details.

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

21 Tree protection fencing

No development shall take place until details of the form and position of fencing, which shall comply in full with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, for the protection of those trees, shrubs and natural features not scheduled for removal has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected in the positions approved before the development is commenced relating to the access road and individual plots and thereafter retained until such completion of the development. Hereafter, the fencing shall be referred to as the 'approved protection zone'.

Reason:- To ensure that existing landscape features are not damaged and to enhance the development hereby permitted in accordance with Policies SP16 and SP20.

22 Tree protection (approved protection zone)

The following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the prior consent of the Local Planning Authority:-

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow
- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
- (iii) No building, roads or other engineering operations shall be constructed or carried out with the approved protection zone of the tree or hedgerow
- (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5m of the foliage, branches or trunk of the tree or hedgerow.
- (v) No vehicle shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of BS5837-2012.

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

23 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, 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. No trees, shrubs, or hedges within the site that are shown to be retained on the approved plan shall be felled, uprooted, wilfully damaged or

destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority. 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 accordance with Policies SP16 and SP20.

24 Commencement of planting

All planting, seeding or turfing set out in the details approved in Condition 23 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 accordance with Policies SP16 and SP20.

25 Materials (surfaces)

Prior to the construction of each dwelling details of the ground surfacing materials within that plot 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.

26 Materials (samples)

Prior to the construction of each dwelling details and samples of the materials to be used on the exterior of the building(s) within that plot 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.

27 Materials (panels)

Prior to the construction of each dwelling 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 building(s) within that plot. 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 SP16.

28 Windows and doors

Prior to the construction of each dwelling, 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 SP16.

29 Hours of construction

During the period of construction, no power operated machinery shall be operated on the site and there shall be no construction related deliveries taken at or dispatched



from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of amenity in compliance with Policy SP20.

- 30 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:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Class F: Provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or the replacement in whole or in part of such a surface

Class G: Installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

The erection or provision within the curtilage of a dwellinghouse of

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

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

## INFORMATIVES

Condition 7- Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_in\\_d\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___in_d_est_roads___street_works_2nd_edi.pdf) .

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

## Nesting Birds

Any works to the buildings and any groundworks or vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main

nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.

**Target Determination Date:** 13.12.2024 (Extension of time agreement until 17.01.2025)

**Case Officer:** Alan Goforth, [alan.goforth@northyorks.gov.uk](mailto:alan.goforth@northyorks.gov.uk)