

**North Yorkshire Council**

**Community Development Services**

**Thirsk and Malton Area Planning Committee**

**18 September 2025**

**22/01401/MOUT- Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4 on land west side of Malton Road, Pickering on behalf of Mr Derek Beal**

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

**1.0 Purpose of the Report**

- 1.1 To determine a hybrid planning application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4 on land west side of Malton Road, Pickering, North Yorkshire.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.
- 1.3 The application is returned to Committee for determination following the deferral at the meeting held on 19 June 2025. Members deferred the determination of the application to allow Officers to undertake further consultation with Yorkshire Water and the Lead Local Flood Authority in relation to surface water drainage and sewerage capacity.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed in Section 12 of this report and the completion of a Section 106 legal agreement with terms as detailed in Table 1 (contained within Section 10.142) of this report.**

- 2.1. This hybrid planning application comprises: 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4. The site location plan and the open space plan are appended to this report.
- 2.2. The application site amounts to approximately 4.8 hectares and is agricultural land to the west of Malton Road on the southern edge of Pickering. The majority of the site is proposed for residential use for up to 110 dwellings. The remainder of the site on the western side is proposed for public open space. Access is currently gained off Haygate Lane via a field gate near the south east corner of the site.

- 2.3. The principle of the residential development in this location is supported by the Development Plan which allocates the site for residential use (Policy SD6) with an indicative yield of 110 dwellings. The relevant policies set a number of criteria and principles for the development of the site. These are discussed in the main body of the report, but the development is considered to be broadly in-line with these criteria. In addition, the residential development would provide a policy compliant level of affordable housing and on-site public open space.
- 2.4. The application is subject to concerns and objections from the Town Council; the Council's Environmental Health Officer (pass by road traffic noise); and a number of local residents.
- 2.5. The main issues through the course of the application have been the impact of the proposals on the character and appearance of the area; the impact on local infrastructure and services; residential amenity; highway capacity and safety and drainage.
- 2.6. The maximum amount of residential development proposed is in line with the indicative yield projected at allocation stage. There would be some localised landscape and visual impact, but this can be mitigated by landscaping and building height parameters that could be secured by condition and the subsequent reserved matters. The development will result in a change to the character of this area, although it is considered that the detailed design of development proposed can be suitably controlled through the reserved matters process and conditions can be imposed to guide the scale, appearance and form of the development. The part of the site to be developed for housing is at low risk of flooding and drainage matters could be controlled by condition.
- 2.7. The development would generate economic benefits including job creation during the construction phase and increased resident spending in the area. Social and environmental benefits include increased housing supply; affordable housing provision; public open space and children's play facilities; and biodiversity net gain.
- 2.8. The development does result in some minor harmful impacts on the character of the area owing to the introduction of development onto land that is currently of an open and undeveloped character. However, the site is allocated for residential purposes and it is considered that the proposal can be reasonably and successfully integrated. Officers are satisfied that there are no unresolved issues in relation to residential amenity, highway safety or protected species/Biodiversity Net Gain which cannot be suitably controlled through the reserved matters approval process.
- 2.9. Since the item was deferred at the June Area Planning Committee meeting further information has been received in relation to surface water drainage. Following further consultation the details have been deemed acceptable by the LLFA subject to conditions to secure the final detail. In addition Yorkshire Water have confirmed that the previously recommended conditions still apply but have requested that changes are made to the drainage strategy to take account of existing YW infrastructure (discussed later in this report)
- 2.10. It is concluded that, on balance, the principle of development should be supported and the proposed access arrangements are satisfactory, and other matters can be made acceptable through the imposition of conditions and a Section 106 legal agreement.

### **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 application was registered as valid on 19 December 2022 with the following description of development as taken from the application form:-

*'Hybrid Planning Application comprising 1) Outline planning application for residential planning permission for some 3.70ha, with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land extending to some 1.09ha'.*

- 3.3. Since that time the LPA has agreed a description of development with the applicant that includes an 'up to' figure for the number of dwellings to be constructed at the site (110) and also identifies the land proposed for change of use to public open space. It is considered that the description of the application as set out in the header of this report is accurate and the application is to be determined on this basis.
- 3.4. The site is allocated for residential development under Policies SD2 and SD6 within the adopted Ryedale Plan - Local Plan Sites Document. The Sites Document was formally adopted by the Council in June 2019 and it forms part of the Council's adopted statutory Development Plan.
- 3.5. The following relevant planning history has been identified for the application site which pre-dates its allocation:

3/102/486/PA- Outline application for residential development along frontage off Malton Road, in O.S Field 949 & 950, Pickering. REFUSED 05.01.81

### **4.0 Site and Surroundings**

- 4.1. The application site amounts to approximately 4.8 hectares and is located to the west of Malton Road on the southern edge of Pickering.
- 4.2. The site is arable land enclosed by mixed native hedges, timber post and rail fences and trees on the eastern, southern and western sides with various boundary treatments abutting residential properties to the north. Access is currently gained off Haygate Lane via a field gate near the south east corner of the site. The site is relatively level.
- 4.3. The majority of the application site comprising the central and eastern thirds fall within the development limits of Pickering and is allocated for housing within the Development Plan. The Local Plan Sites Document (LPSD) indicates that the site could provide a housing yield of 110 dwellings (Policy SD6).
- 4.4. The application site also encompasses land on the western side which is outside of defined development limits and forms part of that allocated for 'Green Infrastructure' as shown on the Pickering Policies Map and therefore excluded from the developable area. The Pickering Policies Map also shows that the western part of the application site includes part of a disused railway line (Policy SP10).
- 4.5. At its closest point Pickering Beck follows a southerly course 25 metres west of the application site boundary. The majority of the application site is within Flood Zone 1 although a portion of the site on its western side falls within Flood Zones 2 and 3. A 10 inch diameter water main crosses the central part of the site north-west to south-east. A gas main pipeline line runs under the western part of the site on a north-south

alignment. Public footpath number 25.73/28/1 takes a north-south alignment parallel to the western boundary of the site.

- 4.6. The site is bounded to the north-west by residential properties on Pool Court (post war estate development) and to the north-east by the frontage properties on Malton Road. The public highway (Malton Road) is to the east, Haygate Lane to the south and grassland to the west. Ryedale Swim and Fitness Centre and the public open space to its rear are to the north and Mickle Hill Retirement Village (168 assisted living units) is beyond Malton Road to the east of the site.
- 4.7. Vivers Mill, its outbuildings, Mill House and Mill Cottages are Grade II Listed buildings and are approximately 50 metres west of the site boundary and 150 metres from the western extent of the proposed built development. At its closest point the application site is approximately 230 metres south of the town's Conservation Area boundary.

## **5.0 Description of Proposal**

- 5.1 Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4.
- 5.2 The appearance, landscaping, layout and scale for the residential development are reserved for future determination.
- 5.3 The application seeks approval of the following plans: Location Plan ref. DJB2; Revised Open Space Plan ref. DJB4 and the drawings showing the principal access from Malton Road (ref. LTP/4903/P2/01/01/C, dated 21.03.2025) and emergency access connected to Haygate Lane (ref. LTP/4903/P3/01/01, dated 25.04.2025).
- 5.4 In addition, the application is accompanied by the following plans which are indicative only: site layout, dwelling types, elevations, floor plans, streetscene and landscaping.
- 5.5 The application seeks approval for access into the site but not within it. Access is proposed to be via a new T-junction to Malton Road on the eastern side of the site. The plans originally included a secondary vehicular access to the site to be provided via Haygate Lane at the southern end of the site but at the request of the Local Highway Authority this has been downgraded to an emergency access only. The principal access to the site would be to the south of the existing access serving the Mickle Hill development which is situated on the eastern (opposite) side of Malton Road. The drawings show the carriageway into the application site would be 5.5 metres in width flanked by 2 metre wide footpaths with tactile paving at the crossing point. The drawing shows that 2.4 metre x 70 metre visibility splays can be achieved.
- 5.6 The land proposed to function as public open space would extend north to south on the western side of the application site (see plan ref. DJB4 appended to this report). The majority of the application site would be for residential development in the central and eastern two thirds of the site. The application details indicate that the proposed dwellings would be a mix of single and two storey, detached and semi-detached 1 to 3 bed units.
- 5.7 The application confirms that a policy compliant level of affordable housing (35%) would be provided which if 110 dwellings are developed would equate to 38 units on site with the remainder (0.5 of a unit) to be paid as a financial contribution.
- 5.8 The indicative site layout plan shows dwellings within the central and eastern parts of the site and illustrates how the site could be developed to accommodate the water main easement, the gas pipeline and a visual and acoustic buffer between the

frontage plots and Malton Road. The layout also shows the public open space proposed on the western side and, indicatively, the provision of a children's play area within the housing development.

- 5.9 The application is also accompanied by a Planning Statement; Transport Assessment and Travel Plan and Supplementary Transport Assessment; Noise Impact Assessment and Acoustic fence detail; Ecological Impact Assessment; Biodiversity Net Gain Feasibility Assessment; Great Crested Newt District Level License application; Geophysical Survey; Archaeological Evaluation by Trial Trenching; Archaeological Written Scheme of Investigation; Agricultural land classification plan; Topographical Survey; Drainage Strategy; Percolation Testing Report and Flood Risk Assessment.

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

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

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP10 Physical Infrastructure

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP15 Green Infrastructure Networks

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

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

### The Ryedale Plan- Local Plan Sites Document (2019)

Policy SD2 (Residential Land Allocations) states that the site (3.7ha) has an indicative yield of 110 units although the policy acknowledges *"the precise number of residential units to be provided on each site will be determined at the planning application stage"*.

Policy SD6 (Housing Allocation) sets out the Development Principles applicable to the site. These principles are drawn from information provided as part of the local

plan process. It states that detailed proposals for the development of the site shall include:

- *An indicative yield of 110 dwellings*
- *integrated site and boundary landscaping to include landscape areas for play and fitness*
- *open space/Green Infrastructure to the west of the site (as shown on the Policies Map) is excluded from the developable area to ensure the developable area is outside area at risk of flooding and to protect the setting of the Listed Building. Further landscaping will be required to minimise the degree of intervisibility between the development and the Listed Building*
- *retention of the substantive boundary hedge to the Malton Road*
- *a strategic landscaping swath to the south of the site to define and reinforce the southern approach to the Town*
- *pedestrian and cycle only routes in and through the development to the site access*
- *well defined hierarchy of streets and spaces*
- *designed to enable views of the Spire of the Church of St Peter and St Paul from the Malton Road when approaching the town*
- *access from Malton Road*
- *pedestrian and cycle access to Haygate Lane, the open space to the rear of the swimming pool and the public footpath to the western boundary of the site*
- *on-site children's play space (LEAP)*
- *sustainable drainage system to be integrated into design*
- *Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage*
- *Lighting scheme to minimise glare, reduce energy usage, and protect amenity*
- *Appropriate archaeological evaluation and mitigation as detailed in Appendix 1*
- *As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated*

#### Minerals and Waste Joint Plan (MWJP) (2022)

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

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

Policy S01: Safeguarded Surface Mineral Resources

Policy S02: Developments proposed within Safeguarded Surface Mineral Resource areas

## Emerging Development Plan – Material Consideration

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

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 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. Please see online planning register for full comments. Consultation initially took place in early 2023 with a further consultation in Summer 2023 and mostly recently in Summer 2024.

- 7.2. **Highways North Yorkshire (LHA)** Recommend conditions and legal agreement

No response was received following the initial consultation but it was confirmed that discussions had been held between the LHA and the applicant's Highways Consultant in relation to the Transport Assessment.

In their initial response (29.08.2023) to the site layout drawing, the transport assessment and travel plan the highways officer confirmed that a single point of access would be acceptable to serve the site providing the internal estate roads are laid out in a loop.

The highway officer confirmed that capacity modelling has shown that the proposed A169 junction could accommodate all the traffic generated from the site. However, the LHA had concerns with an increase in traffic from the site using Haygate Lane. It is therefore recommended that a secondary access onto Haygate Lane is not permitted, although an emergency link and or access for pedestrians could still be provided. Subject to the provision of appropriate visibility splays a single new access onto the A169 would be acceptable to serve the site. It is recommended that the existing 30mph speed limit signs are relocated away from the proposed new junction, further to the South. The existing footway running alongside the A169 site frontage should also be widened to a minimum of 2 metres, this may require the removal or setting back of the existing hedge line. It is also noted there are no formal crossing facilities of the A169 near to the site and, therefore, it would be desirable to incorporate a pedestrian island to the north of the site access. Junction capacity checks have been undertaken and the development is not likely to lead to significantly longer queues on the junction approaches.

There are no LHA objections subject to a contribution of £6000 to implement the Traffic Regulation Order required to amend the speed limit on the A170 and a contribution of £2500 for Travel Plan monitoring to be included in a Section 106 agreement. Conditions are recommended in respect of road engineering drawings; construction of adoptable roads and footways; visibility splays; access, parking, manoeuvring and turning areas; delivery of off-site highway works (speed limit signage and widen footway); travel plan; and a construction management plan.

In a further response (09.08.2024) the LHA noted the revised access arrangements have removed the vehicular access initially proposed for Haygate Lane. In principle the LHA has no objection to this and a single point of access from the A169 could be acceptable to serve the number of dwellings indicated, providing the internal estate road is laid out in a loop arrangement and a wider section of road provided prior to the start of the loop. An emergency link could also be provided onto Haygate Lane.

On the basis that the internal site layout can be amended and a layout that satisfies NYC adoption requirements provided there are no objections to the proposal. It was confirmed that recommended conditions and financial contributions from the response from 29.08.2023 still apply.

In a further response (14.05.2025) the LHA confirmed that the drawing illustrating the Haygate Lane emergency access was acceptable and that the final design detail could be secured by condition.

In their most recent response (22.07.2025) the LHA confirmed that the revised indicative layout would require some changes at reserved matters stage but given that there would be an emergency link to Haygate Lane a loop road layout is not necessary.

### 7.3. **Pickering Town Council** Comments

In their initial response (31.01.2023) the Town Council raised concerns about the impact of traffic movements and that the 60mph speed limit should be moved much further out of the town for safety reasons. The Town Council welcome the public open space. The Town Council highlight possible negative impact on services in the town such as school places and the services provided by the Medical Practice. Questions asked about low carbon energy and the sustainability of the housing, and that affordable housing should include some housing managed by a housing association. Also, the buffer between the new development and existing housing should extend to the entire perimeter of the site.

In a further response (05.09.2023) the Town Council commented that the number of vehicle movements described in the application seems to be significantly smaller than what is seen on the road at the moment. The Town Council would also like to see the footpath to the north of the development leading to the swimming pool be made into a combined pedestrian and cycle path.

In their most recent response (31.07.2024) the Town Council comment that the retention of a cycle route into town is essential. The Town Council note that there appears to be no realistic method of addressing surface water runoff in the plans for the development which is a concern, and there are concerns about connecting the site to a sewer network that needs upgrading. The Town Council believes that its concerns raised previously about the accuracy of traffic data in respect of this development are still valid, although some traffic monitoring is currently being undertaken on Malton Road.

### 7.4. **Environmental Health** Recommend refusal

In their initial response (11.01.2023) the Council's EHO states that the site is adjacent to Malton Road and has the potential to be exposed to high levels of road traffic noise. In the absence of any noise risk assessment it is recommended that the application is refused.

In response (20.02.2023) to the further information (Noise Impact Assessment) the Council's EHO stated that *"much greater detail is required for this to demonstrate that the layout can be achieved with good design, not acoustics bolted on as an*

*afterthought*". The Council EHO also questioned whether a 2.5 metre high close boarded fence fronting onto Malton Road would be acceptable in terms of visual impact.

In their most recent response (08.09.2023) the Council's EHO requested modelling of the various mitigation scenarios and detailed analysis of LAmax levels and the impacts on those closest to the road, to demonstrate the levels of LAmax received at the nearest receptors, how frequently they occur at night, and the number of events exceeding 60dBLA max. This should be tied to frequency analysis to demonstrate that the proposed acoustic fence will satisfactorily mitigate for low frequency noise.

The Council's EHO confirmed that the noise analysis should include noise modelling contours in 1 dB increments, to see how noise breakout might occur above the fence and at the sides, and overall levels for outdoor amenity during the day.

The Council's EHO advised that mitigation should not rely on closed windows and mechanical ventilation to achieve satisfactory levels of ventilation, and prevention of overheating. *"If the developer is not prepared to demonstrate, that the site can be developed with these constraints designed to protect residential amenity to this level, then I recommend refusal on the grounds of insufficient information"*.

- 7.5. **Health and Safety Executive (HSE)** Do not advise against granting planning permission.

Within the automated response from 08.02.2023 the HSE note that the site lies within the consultation distance of Pipelines 1976 & 1962. HSE's Planning Advice WebApp generates a response of *'Advise against granting planning permission'* for the public open space due to the gas pipeline which runs below the land.

Following further consultation the HSE (15.08.2023) again directed the LPA to the HSE's Planning Advice WebApp for an automated response.

In a further response (26.07.2024) the HSE advised that in the case of an outline planning application where the proposed layout and the scale of the development may only be indicative - for example, the density and the number of dwelling units in a residential development - it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice is obtained again before reserved matters are determined.

In their most recent response (12.06.2025) the HSE confirm that after a further review of the application they do not advise against granting planning permission provided the public open space within the inner consultation zone (15 metres from the major accident hazard pipeline) does not contain any facilities that would encourage people to congregate, such as play areas, football pitches.

- 7.6. **Flood Risk (LLFA)** Recommend conditions

In their initial response (27.02.2023) the Lead Local Flood Authority (LLFA) commented that the submitted documents are limited and recommended the submission of detailed flood and drainage design drawings and calculations; a Site Specific FRA and a Sequential Test and Exception Test.

In a subsequent response (03.04.2023) to the further information (FRA) the LLFA recommended that the application is refused due to the lack of information.

The LLFA recommended that the following documents are submitted before any planning permission is granted:

1. Drainage strategy or statement and sketch layout plan (with discharge point)
2. Preliminary hydraulic calculations (quick estimates of green/brownfield runoff rates and attenuation)
3. Preliminary layout drawings
4. Ground investigation report (of sufficient detail to determine if infiltration is viable at the site)

In response (10.09.2024) to the further information (percolation report) the LLFA recommends the application is refused due to lack of information and requests the following:

1. Drainage strategy or statement and sketch layout plan (with discharge point)
2. Preliminary hydraulic calculations (quick estimates of green/brownfield runoff rates and attenuation)
3. Preliminary layout drawings
4. Ground investigation report and/or Infiltration testing in compliance with the NYC Supplementary Infiltration Guidance (of sufficient detail to determine if infiltration is viable at the site)

In a further response (16.04.2025) the LLFA reiterate that the minimum required documents have not been submitted at this stage, therefore we cannot comment on whether the application is acceptable in principle. The LLFA request further information before permission is granted.

In their most recent response (29.07.2025) the LLFA note that the surface water will discharge to ground via infiltration and accept the results of the tests undertaken by the applicant. Surface water would be controlled via a series of cellular storage tanks dispersed around the site. Further detail on the soakaways and the design for exceedance is required but can be secured at discharge of conditions or reserved matters stage. The LLFA accept the details provided in relation to climate change and outline maintenance plan. Overall, the LLFA state that the documents demonstrate a reasonable approach to the management of surface water on the site subject to conditions being imposed to secure the detailed drainage design, exceedance flows and maintenance arrangements.

#### 7.7. **Yorkshire Water Land Use Planning**      Recommend conditions

In their initial response (24.01.2023) Yorkshire Water raised an objection to the site layout requesting that it is amended to account for the 10 inch diameter public water main crossing the site. This was objection reiterated in their responses of 29.08.2023 and 23.08.2024.

In a further response (26.09.2024) Yorkshire Water recommend that conditions are attached to protect the local aquatic environment and Yorkshire Water infrastructure to ensure development provides a protected 10 metre wide strip for the public water main and provision for suitable foul and surface water drainage works.

In a further response (08.07.2025) following the Planning Committee's deferral of the application Yorkshire Water advised *"YWS look to support strategic housing allocations and understand that this is an allocated site in the Ryedale Local Plan. As such YWS has no further comment to make on this application, our previous comments apply"*.

In a further response (08.08.2025) Yorkshire Water advised that they have no further comments to make on the application explaining that *"this is an allocated site and our previous comments and recommended conditions outlined in our previous response dated 26th September 2024 reflect this and still apply"*.

In a further response (19.08.2025) following consultation on the further drainage information Yorkshire Water state that the indicative layout and drainage strategy are not acceptable and the following should be addressed:

- i) the submitted drawing appears to show soakaways located within the stand-off of the foul water pumping station which is not acceptable for adoption.
- ii) the submitted drawing should show foul water drainage proposals both on and off site. The off-site connection should be shown and road name clearly marked.
- iii) the foul water pump rate should be included on the plan.
- iv) The submitted drawing should show the mains location as confirmed across the field so that the set off on the design is indeed over the correct location until this information is not submitted the new layout cannot be approved.
- v) no chambers or landscape features should be within the stand-off.
- vi) the submitted drawing should clearly show the required stand-off from the water main and should be clearly labelled indicating this all along the line of the main crossing the site.

Yorkshire Water also highlight the presence of a water main along Malton Road which will need to be taken into account during construction of the new vehicular access serving the site.

In their most recent response (08.09.2025) Yorkshire Water state that they are satisfied that the previous comments and recommended conditions in our letter dated 26 September 2024, alongside the conditions recommended by the LLFA are sufficient.

#### 7.8. **Environment Agency**      No objection recommend condition

In their initial response (01.02.2023) the Environment Agency raised an objection. The site lies partially within Flood Zones 1, 2 and 3. The application is for residential development, which is considered to be a 'more vulnerable' land use, and includes an area of public open space which is considered to be a 'water compatible' land use. It is therefore necessary for the application to pass the Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA). In the absence of a flood risk assessment (FRA), the EA object to this application and recommend that planning permission is refused.

In their response (22.08.2023) to the further information (FRA) the Environment Agency removed their objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures it details.

In a further response (13.08.2024) the Environment Agency confirmed that the previously recommended conditions from 22 August 2023 remains unchanged.

In a further response (10.04.2025) the Environment Agency confirmed no objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures it details.

In their most recent response (12.08.2025) the Environment Agency confirmed that the previously recommended conditions set out in their response of 10 April 2025 remains unchanged.

### 7.9. **Housing Services** Supports

Housing Officers have advised that 35% of the dwellings should be provided as affordable units as required by Policy SP3.

Housing Officers highlight that this is an opportunity to deliver much needed affordable housing in a popular community. Housing supports these proposals for affordable housing in this location.

The affordable units should be broken down as 68% rent and 32% intermediate/affordable home ownership (AHO) and built to meet or exceed Nationally Described Space Standards.

Housing Officers request that at reserved matters stage the affordable dwellings are not grouped or clustered and should be of a similar quality to the open market housing and should be visually indistinguishable.

Housing Officers also request the developer makes early contact with a partner RP for the affordable homes in order to confirm that the number, size and type of units are acceptable to them.

Housing Officers advise that it is crucial that a Section 106 Agreement is entered into to allow the affordable housing to be secured and the legal agreement should contain clauses on how the properties will be allocated to households in need.

### 7.10. **Building Conservation Officer** No objection

In the initial response (02.05.2023) the Council's Building Conservation Officer (BCO) highlighted that Vivers Mill and attached cottages, a Grade II listed building is located to the north-west of the proposed development site and as such, North Yorkshire Council has a statutory duty to have special regard for the preservation of the setting of listed buildings. The Council's BCO acknowledged that the public open space is an important part of the proposal as this will mitigate those impacts of the proposed housing development in the most sensitive area. The proposed development will have a very minor harmful impact to the setting of the listed building by virtue of the development of open agricultural land. The Council's BCO advises that the level of harm identified would be on the negligible/very low end of less than substantial harm to the special significance of the listed building and there is no objection to the proposal. The Council's BCO welcomes the retention of the boundary hedgerows to both roads as this is an important aspect of the entrance into the Pickering Conservation Area. The Council's BCO recommends that any traffic calming measures to Haygate Lane should maintain the rural character of the lane as should all lighting, signage and highway infrastructure.

Further responses (29.08.2023 & 07.08.2024) confirmed no further comments to add to those made initially.

### 7.11. **NYC Economic Development** Comments

In their response (26.01.2023) the Sustainable Transport Officer from the Economic Development Team suggests that a new designated or shared cycle route is created in a grassed area to the north west of the site creating a new entry and exit point to and from the estate for active travel.

**7.12. NYC Minerals & Waste Planning**                      Comments

In their initial response (24.04.2023) it was confirmed that there are no active quarry sites or waste facilities within 500 metres of the application site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in Local Plan).

Further responses (16.08.2023 & 24.07.2024) confirmed the earlier comments are unchanged.

**7.13. Police Designing Out Crime Officer (DOCO)**                      Comments

In the initial response (17.04.2023) the Police DOCO provided advice on creating a safe and secure environment- layout, boundary treatments, access control, lighting and natural surveillance of public open space and parking areas.

Further responses (16.08.2023 & 05.08.2024) confirmed the earlier recommendations still apply.

**7.14. Archaeology Section:**                      Recommend condition

In the initial response (27.01.2023) the Council's Archaeologist requested that the application includes an archaeological desk based assessment (DBA) followed by field evaluation in the form of a geophysical survey and trial trenching to fully assess the significance of any deposits (prior to the determination of the planning application).

In response (12.05.2023) to the further information provided by the applicant (results of a geophysical survey and archaeological trial trenching) the Council's Archaeologist advised that a scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing works associated with this development proposal.

The applicant subsequently submitted an Archaeological Written Scheme of Investigation which the Council's Archaeologist confirmed (27.11.2023) as being acceptable subject to a condition requiring development to progress in accordance with the WSI and provision being made for analysis, publication and dissemination of results and archive deposition.

In a further response (05.08.2025) the Council's Archaeologist confirmed previous advice set out in a letter dated 12 May 2023 and later email dated 17 November 2023 remains valid and there are no additional observations to make.

**7.15. NYC Natural Services**                      Recommend conditions

In the initial response (18.01.2023) the Council's Ecologist highlighted that further ecological information was required in the form of a Preliminary Ecological Appraisal (PEA) to check for protected/important species such as Badger and farmland birds. In addition, the applicant was asked to demonstrate how they would deliver net gains for biodiversity (provisional plan at outline stage).

In response (24.04.2023) to the further information provided by the applicant (ecological impact assessment & protected species) the Council's Ecologist acknowledged that the site is of low ecological value and no further ecological surveys are required.

The Council's Ecologist requested that the recommended ecological mitigation and enhancement measures set out in the submitted assessment are secured by conditions requiring a Construction Environmental Management Plan (CEMP) and a Biodiversity Management Plan. The Council's Ecologist also requested a provisional BNG plan.

The Council's Ecologist underlined that at reserved matters stage the applicant's ecologists would need to review the lighting scheme and confirm that it meets their recommendations and retains dark corridors forming bat foraging habits. In addition, the BNG plan would need to consider additional measures to reduce disturbance to or improve habitats of Otters on Pickering Beck.

In a further response (16.08.2023) the Council's Ecologist accepted that the BNG feasibility identifies that a net gain can be achieved relying on the public open space and a detailed BNG plan will be required at Reserved Matters stage. Great Crested Newt mitigation is being dealt with via Natural England's District Level Licensing Scheme therefore no further action by the LPA is required with regards to GCN mitigation.

- |       |                                                  |                      |
|-------|--------------------------------------------------|----------------------|
| 7.16. | <b>Public Rights Of Way</b>                      | No response received |
| 7.17. | <b>National Grid Plant Protection</b>            | No response received |
| 7.18. | <b>Northern Gas Networks</b>                     | No response received |
| 7.19. | <b>Vale of Pickering Internal Drainage Board</b> | No response received |
| 7.20. | <b>Tree &amp; Landscape Officer</b>              | No response received |

#### Local Representations

- 7.21. A total of 45 representations have been received from local residents/members of the public of which 37 are objecting and 8 are neutral. Comments have also been received from Mickle Hill Residents Committee who raise objections to the application. A summary of the comments and concerns raised is provided below, however, please see website for full comments.

#### Need and alternatives

- The northern housing development (development completed off Whitby Road) is more than enough for the requirement of the housing needs of Pickering
- Lack of need given recent development in Pickering and no shortage of housing stock
- The town is becoming overdeveloped with housing
- Young people finding it hard to achieve home ownership no need for any more unaffordable housing
- The housing should be subject to restrictions to prevent the majority of these homes being bought as second homes or holiday homes.
- There is no industrial or other service jobs available in Pickering meaning any further housing is only for persons who will commute out of the area
- There should be consideration of alternative approaches to creating affordable housing such as placing restrictions on property coming on to the market for local residents, promoting and supporting current private landlords and exploring compulsory purchase of unused properties in the town.

### Residential amenity

- Overlooking/loss of privacy for occupants of bungalows in Pool Court
- Loss of natural light for occupants of bungalows in Pool Court
- Noise and disruption from new housing
- Noise disturbance during construction
- Loss of outlook for existing residents on Pool Court
- The development contributes to road traffic noise levels on Malton Road and will increase noise levels at the rear of the properties in Malton Road and also for Pool Court

### Infrastructure

- Lack of infrastructure and services to cope with additional housing. Additional schools, dentists and doctors are already needed.
- It is necessary for the town's sewerage infrastructure to be upgraded to serve the new dwellings.
- The development should bring Section 106 contributions that consider affordable housing; green space and also Biodiversity Net Gain

### Traffic and travel

- The new housing will increase traffic congestion in the town and impact traffic flow on main road through to Whitby.
- Haygate Lane inadequate width with no speed restriction and not suitable for high levels of traffic.
- Haygate lane is in a poor state and will need significant care to accommodate the extra traffic.
- Footpath on Malton Road is inadequate as is the junction with Haygate Lane
- Any new entrance on Malton Road will create a serious hazard for residents of Mickle Hill particularly during construction
- Increased traffic on Malton Road towards the roundabout which is already congested
- Traffic calming measures near Mickle Hill entrance should be introduced and a roundabout and traffic lights
- The town lacks alternative means of sustainable travel
- Need for safe, segregated active travel routes for pedestrians and cyclists with linkages to the existing Pickering-Malton cycle route
- Opportunity to connect the town centre with the south of Pickering via the swimming pool site encouraging active and green travel is imperative and the proposed track would be of huge benefit not only to residents but also to visitors of this town
- A public pedestrian and cycle path should be constructed up to the northern boundary of the site linked to the secondary access road to the site from Haygate Lane. Such a link would allow quick, safe and car - free access between three large holiday parks providing static and touring caravan and motorhome and holiday lodge accommodation, and two public houses, whatever is eventually built on the former Showfield, and the centre of Pickering.

### Environment

- Without upgrades to the town's sewerage system there will be an increase in sewage pollution and deterioration of the aquatic environment of the Upper Costa Beck

- Detrimental to wildlife and habitats and lack of consideration of protected species
- Impact on trees
- Increased air pollution from traffic
- Loss of agricultural land
- Green spaces are just as important to a town's health and welfare

#### Drainage and flood risk

- No provision for retention, separation/ screening of storm water and no onsite soakaway provision.
- New dwellings will put pressure on sewerage capacity
- Increased potential for flooding to the Beck and properties on Pool Court- where would surface water flow to?

#### Crime and anti-social behaviour

- Proposed public footpath to the rear of properties on Malton Road will create a thorough fair through the back of the swimming pool grounds and concerns this will cause issues with anti-social behaviour.
- Access and dwellings to the rear of existing dwellings on Pool Court is a security concern.

#### Other comments

The favourable comments contained within these representations acknowledge a potential economic uplift to the local construction sector in the short term and the town as a whole in the long term and there is also general support for an opportunity to provide a cycle route as part of the development.

The following are matters that have been raised in the public representations which are not material considerations that could lawfully be taken into account in the exercise of the Authority's development management function:

- Private rights of access for property/boundary maintenance easements, rights of way or any other property rights
- Loss of view
- Loss of value of property
- Vehicles breaking speed limit
- Alternatives
- Immigration and right for housing based on country of birth

### **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;
- Amount of development;
- Affordable housing;
- Impact on character and appearance of the area;

- Open Space provision;
- Gas pipeline and public safety;
- Residential amenity;
- Highway safety;
- Flood risk and drainage;
- Yorkshire Water assets;
- Impact on setting of nearby heritage assets;
- Archaeological impact;
- Biodiversity and ecological impact;
- Loss of agricultural land;
- Minerals Safeguarding;
- Community Infrastructure Levy;
- Section 106 legal agreement; and
- Housing Land Supply and the 'tilted' balance.

## 10.0 **ASSESSMENT**

### Principle of the development

- 10.1. The site for the residential development is within the development limits for Pickering. Policy SP1 ('General Location of Development and Settlement Hierarchy') of the Local Plan Strategy sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. Pickering is a Market Town identified as a 'Local Service Centre' in the Settlement Hierarchy, a secondary focus for growth. Policy SP1 confirms that the settlement is expected to be subject to *"Growth to accommodate new homes and local employment opportunities. Centre for tourism and gateway to tourism and recreation opportunities further afield"*.
- 10.2. Policy SP2 ('Delivery and Distribution of new housing') of the Local Plan Strategy provides guidance on the distribution of new homes within the former Ryedale area with Pickering being allocated approximately 25% which equates to circa 750 new homes within the town. In particular, this policy states that site spatial identification will be focused on extension sites around the town of varying sizes whilst avoiding coalescence with Middleton. The site is the last of the two housing allocations within Pickering to be brought forward to a planning application the other being the Heathercroft development (David Wilson Homes) of 239 dwellings on land to the east of Whitby Road, Pickering (permission ref. 17/01220/MFULE).
- 10.3. Policy SP2 sets out the former district's aim in terms of housing delivery and importantly, the areas where they wish to see housing schemes come forward. In areas defined as 'Local Service Centres' such as Pickering, sites to be considered sources of housing include 'Housing Land Allocations in and adjacent to the built-up area'.
- 10.4. The site is allocated for housing within the adopted Ryedale Plan Local Plan Sites Document (Policy SD6) and, as such, forms part of the adopted statutory Development Plan. Therefore, the principle of residential development has been established by the allocation of the land. Since that allocation there have been no

significant changes at the site, or in policy, that would justify the Council taking a different view with regard to the acceptability of the development in principle.

- 10.5. The spatial planning principles established within the Ryedale Plan- Local Plan Strategy (2013) were taken into account when the application site was identified as a housing allocation within the Ryedale Local Plan sites document. As such, the principle of proposed residential development on the application site is fully in accordance with local planning policy objectives.
- 10.6. In addition to the outline residential development the application incorporates land proposed for public open space. The land on the western side of the application site is excluded from the developable area and is set aside to form 'Green Infrastructure' in line with the site allocation (Policy SD6). Public open space being provided to complement the associated housing development is considered acceptable in principle.

#### Amount of development

- 10.7. Policy SD2 (Residential Land Allocations) states that the site has an indicative yield of 110 units and the policy acknowledges *"the precise number of residential units to be provided on each site will be determined at the planning application stage"*.
- 10.8. The application confirms the proposed uses of the site and the spatial extent of the respective land use areas (public open space and residential development). The plans that have been provided also show that access would be taken from Malton Road. However, the application as originally submitted, did not specify an amount of housing.
- 10.9. Planning practice guidance sets out that it is necessary for outline applications to specify the amount of development proposed for each use (*'What details need to be submitted with an outline planning application?'* Paragraph: 034 Reference ID: 14-034-20140306). Therefore, it is not a 'reserved matter'.
- 10.10. Latterly, the applicant has agreed to confirm the number of dwellings the subject of the outline application as an 'up to' figure of 110 units in line with the indicative yield referred to in the allocation. The inclusion of this upper limit, which is confirmed within the application description of development is acceptable to Officers.

#### Affordable Housing

- 10.11. Policy SP3 (Affordable Housing) of the Ryedale Plan- Local Plan Strategy (2013) requires 35% on site affordable housing provision.
- 10.12. Based on the proposed upper limit of 110 dwellings being developed at the site a policy compliant level of affordable housing would be 38 units on site and 0.5 of a unit provided as a commuted sum.
- 10.13. Policy SP3 makes it clear that *"Affordable housing contributions will be secured through the use of legal agreements"*. This is re-iterated by Policy SP22 which sets

out how infrastructure will be secured by planning obligations, developer contributions and CIL.

- 10.14. In the response to consultation the Council's Housing Officer has set out the amount of affordable housing required, the tenure split and that the size of the units should meet or exceed Nationally Described Space Standards. The Council's Housing Officer advises that the developer should make early contact with a partner RP for the affordable homes in order to confirm that the number, size and type of units are acceptable to them.
- 10.15. Officers accept that in terms of both market and affordable housing the precise house types, layout, plot locations and sizes will be confirmed at Reserved Matters stage. However, a Section 106 agreement attached to an outline permission is the necessary mechanism that will confirm the delivery of an identified percentage of affordable units along with the tenure and minimum sizes (NDSS) amongst other matters. This will provide certainty to a developer as the site is moved forward to Reserved Matters.
- 10.16. The applicant is agreeable to securing the policy compliant level of affordable provision via Section 106 and a draft legal agreement is being prepared. In light of this the proposed development aligns with the requirements of Policy SP3.

Impact on character and appearance of the area

- 10.17. Policy SP16 of the RPLPS (2013) states that; development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:
- Reinforce local distinctiveness
  - Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
  - Protect amenity and promote well-being
  - The design of new development will also be expected to:
  - Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
  - Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
  - Reduce crime and the fear of crime through the careful design of buildings and spaces
  - Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
  - Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general, new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context

- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

- 10.18. The illustrative layout shows the road that leads west into the site splitting in north-west and south-east directions along the line of the underground water main. A series of secondary roads are shown leading north, south and west off the principal road forming a loose grid-like pattern of housing development. This is not dissimilar to the layout of the Mickle Hill development on the opposite side of the road to the east but departs from the arrangement of dwellings on Pool Court/Millfield Close to the north which form a loop connecting to Mill Lane.
- 10.19. However, the site layout is purely an indication of how the site *could* be developed taking into account the site allocations for residential and public open space uses. The highways officer initially requested that the site layout should be based around a loop road but has since confirmed that provided there is an emergency access to Haygate Lane a layout without a loop road can be made acceptable at reserved matters stage. Therefore, the reserved matters application is expected to entail different details but clearly there is scope for a residential development with a layout that would be suitable.
- 10.20. The Local Plan Strategy does not prescribe density standards but notes as an indicative guide, low density housing development would generally be up to 30 dwellings to the hectare.
- 10.21. The planning application process has allowed for more detailed consideration of the constraints affecting the site. In this case the developable area is constrained by flood zones 2 and 3 to the west; the underground gas pipeline; Yorkshire Water infrastructure in the form of an underground water main and foul water pumping station and also the requirement for a landscape (visual and acoustic buffer) on the eastern side of the site. In light of this a low density housing development is expected but at Reserved Matters stage the LPA can guide the pattern of development so that it represents efficient use of land and suitably responds to the context and character of the existing residential development to the north.
- 10.22. In terms of both market and affordable housing the precise house types, locations and sizes will be confirmed at Reserved Matters stage. Policy SP4 of the Local Plan Strategy requires '*At least 5% of all new homes built on schemes of 50 dwellings or more shall be built as bungalows*' which will be secured by condition. Likewise, appearance is a reserved matter although it is anticipated that the dwellings would be constructed from materials that reflect local vernacular with the use of brick, stone, slate and red pantiles.
- 10.23. The proposal relates to a gateway site at the southern entrance to the town. The site is visually contained with well-defined boundary features and residential development on three sides. It is considered that at reserved matters stage a scheme can be designed that provides suitable stand-offs to all sides and includes a landscaped boundary on the site frontage (east) to preserve the visual amenity of Malton Road. Control over layout, scale and appearance can ensure that the development will respect key views towards the town's Conservation Area on approach from the south.

The development would sit well in townscape terms and would not appear as urban creep into the open countryside nor a site that has been 'bolted on' to the existing settlement.

- 10.24. The occupants of the dwellings to the north (Pool Court & Millfield Close) along with users of the adjacent public right of way to the west would experience a visual impact but subject to suitable controls through the reserved matters the impacts would not be unexpected and would not depart from that envisaged through the site allocation.
- 10.25. With regard to the landscape effects the new dwellings would back onto the existing dwellings to the north and north-east and subject to suitable landscaping and controls on heights of buildings it is reasonable to expect the reserved matters process would produce a mixed residential development of single and two storey detached and semi-detached units that would not depart from the form, scale and patterns of neighbouring development.
- 10.26. Whilst there are no TPO trees on site the adopted development principles require the retention of mature boundary planting and a landscaping scheme to enhance the approach along Malton Road into the town. It is anticipated that the highways requirement for a 2 metre wide footpath to the north of the proposed Malton Road access (discussed later in this report) would result in the loss of the existing landscaping along that stretch. There is scope for the re-establishment of substantive boundary hedge to the Malton Road frontage. It is important that the site layout takes account of existing trees and any necessary landscape buffers. A condition shall be imposed to require an Arboricultural Survey to assess the impact on trees and hedgerows and ensure suitable protection and compensatory planting where necessary.
- 10.27. Whilst the development will result in the transformation of the open agricultural setting of the site though the extension of the settlement this is unlikely to result in significant changes to the character and appearance of the area in the long-term. As a result of the development of this allocated site Haygate Lane would be the point where there is a transition from the built-up area of the town to more sporadic and looser frontage residential development to the south.
- 10.28. The approval of layout and landscaping provides the opportunity to secure landscaped edges of the development to soften views towards the site from the public right of way and provide a suitable transition to the countryside and more sporadic development to the south and west.
- 10.29. At this stage as this application is to secure the principle of development the LPA will use the reserved matters process to ensure the detailed scheme is well designed. This can be addressed through the future reserved matters submission which will take account of the form, scale, density, layout and materials. Similarly, future consideration of detailed hard and soft landscape proposals can be through the reserved matters applications.
- 10.30. It is considered that a development can be progressed that would not cause unacceptable harm to the character, quality or distinctiveness of the townscape or to important features or views on the southern edge of town. The impact upon the

character and appearance of the area is considered acceptable in this context in accordance with the requirements of Policies SP12, SP13, SP16 and SP20 of the RPLPS (2013).

#### Open Space provision

- 10.31. The NPPF at paragraphs 96 and 98 advises that decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure and the provision and use of shared spaces such as open spaces. Paragraph 103 reinforces the importance of access to open space, sport and physical activity for health and wellbeing.
- 10.32. The RPLPS (2013) seeks contributions for all new residential development for the provision of open space under Policy SP11. Residential schemes of 50 dwellings or more are required to provide on-site formal children's playspace (Local Equipped Area for Play or Neighbourhood Equipped Area for Play as appropriate).
- 10.33. The description of proposed development makes explicit reference to open space associated with the residential development and seeks a change of use for of the western part of the application site as shown on the plan appended to this report.
- 10.34. The indicative layout plans show the provision of green space through the site and a dedicated Area for Play which will be secured as part of a Section 106 agreement. The plans also show that there would be cycling and walking routes linking to the north, west and south of the site including access to the public footpath to the west which runs adjacent to Pickering Beck and the former railway line. This connectivity aligns with the aims of Policy SP10 and shall be secured by condition.
- 10.35. The public open space would provide health and recreational benefits to people living and working nearby. It is considered that a scheme can be developed that complies with open space requirements set by local policy and the NPPF.

#### Gas pipeline and public safety

- 10.36. A gas main pipeline line runs under the western part of the site on a north-south alignment. The pipeline is partly beneath the land that is proposed for public open space.
- 10.37. The NPPF (2024), at paragraph 46, advises that *"Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them"*.
- 10.38. The HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines. The site is within the HSE consultation distance of a major hazard pipeline.
- 10.39. Officers initially consulted the HSE via the Planning Advice Web App. The Web App is an online system which allows local planning authorities to obtain the Health and

Safety Executive's land use planning advice directly. The automated consultation response generated by the WebApp is based on the details input by the LPA. The response advises that based on the information inputted there are sufficient reasons on safety grounds for advising against the granting of planning permission for the public open space (HSE development type 'outdoor use by the public'). The HSE response refers to the part of the site proposed for public open space having the potential for 'up to 100 people' (lowest threshold) to be present at any one time. It does not advise against the granting of permission for housing in the remainder of the site which is outside of the consultation distance.

10.40. It is relevant to note that the pipeline was in situ at the point of the site allocation and is not identified in the site development principles as a constraint. The pipeline also runs below gardens and roadways on Millfield Close and Pool Court to the north. Nevertheless, Officers consider that the proposed use of the land for public open space would result in an increase in the number of people frequenting the site in comparison to the existing land use (arable farmland).

10.41. The NPPF (2024), at paragraph 102, advises that '*Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

*a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate<sup>44</sup>. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development'.*

10.42. Footnote 44 of the NPPF lists locations where large numbers of people congregate as including: '*transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres'.*

10.43. The western part of the application site where the gas pipeline runs has been purposefully excluded from the developable area. It is anticipated that the area is likely to be used for dog walking and similar low level public use with only a handful of people on the land at the "busiest times". It is expected that members of the public would be transiting the open space as opposed to 'congregating' in the area. Following further discussion the HSE revised their position to one of 'do not advise against' granting planning permission. A condition can be imposed to ensure that any facilities that would encourage people to congregate, such as play areas, football pitches are located outside of the inner consultation zone (15 metres from the major accident hazard pipeline).

- 10.44. To ensure that the consequences to public safety remain part of the planning considerations the HSE and pipeline operates will be consulted on the proposed layout of the housing development at Reserved Matters stage and an informative to this effect can be included on any grant of outline permission.
- 10.45. It is considered that the transient use of the land is not incompatible with the residual risks posed by the pipeline. In light of the above the view of the Officers is that, subject to the aforementioned conditions, the proposals do not present an unacceptable increase in danger or risk relative to the gas network infrastructure and the public.

Residential amenity

- 10.46. Policy SP20 (Generic Development Management Issues) of the Local Plan Strategy states:

*'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*

*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.*

*New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted'.*

- 10.47. The NPPF (2024) seeks to ensure that development promotes health and well-being, with a high standard of amenity for existing and future users (paragraph 135(f)) and that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of, inter alia, noise pollution (paragraph 187(e)).
- 10.48. Paragraph 198 of the NPPF (2024) states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Sub section (a) of the policy aims to avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 10.49. Policy SP20 makes it clear that developers will be expected to apply the highest standards outlined in the WHO, British standards and wider internal and national standards relating to noise. The Ryedale Plan- Local Plan Strategy was adopted in 2013 and Policy SP20 forms part of the Development Plan policies and the requirement to meet the highest standards of noise guidance is considered to be consistent with the aims of the NPPF.

- 10.50. The principal concern of the Council's EHO is the impact of road traffic noise from the adjacent Malton Road on future occupants of the frontage properties.
- 10.51. Road traffic noise was not identified as a constraint in the development principles for the allocation. Nevertheless, the LPA and the Council's Environmental Health Officer (EHO) are seeking to ensure that the appropriate noise standards applied to all residential development are met, in line with current Development Plan policy.
- 10.52. The requirements reflect the highest standards of the WHO Guidance and require outdoor private amenity areas to not have noise levels above 50dB; habitable rooms to not exceed 35dB during the day and bedrooms between 11pm-7am to be able to not exceed 30dB with windows partially opened.
- 10.53. The reserved matters should demonstrate good acoustic design to comply with these day and night time noise limits for residential properties.
- 10.54. The application is accompanied by a Noise Impact Assessment (NIA). The NIA details the noise monitoring which was undertaken in early 2023 to determine the level of external noise affecting the proposed development. This included a monitoring position in the eastern part of the site 10 metres from Malton Road (referred to as MP1). The NIA confirms that the ambient noise climate at the site is characterised by road traffic noise on Malton Road. Ambient noise levels decreased with increasing distance from Malton Road.
- 10.55. The NIA sets out that the day time and night time ambient noise levels at MP1 are measured/ calculated at 62 dB LAeq (0700–2300) and 54 dB LAeq (2300–0700) respectively. Maximum noise levels were typically 73 dB LAMax during the night-time at MP1.
- 10.56. The NIA considers possible options to reduce noise impact upon the proposed residents. The recommendations include a 2.5 metre high acoustic barrier behind the Malton Road hedgerow; setting back dwellings on the Malton Road frontage at least 15 metres from the centre of Malton Road; single storey dwellings on the road frontage; orientating the frontage dwellings to have gardens to the rear (west) and sound insulation through construction design (glazing/trickle vents).
- 10.57. It is anticipated that once the landscape buffer is provided the eastern most dwellings would be set back a similar distance from the Malton Road frontage to the existing detached properties to the north. With layout, scale and landscaping reserved there is clearly scope for the reserved matters to be progressed in line with the good acoustic design process set out in ProPG.
- 10.58. The concerns of the Council's Environmental Health Officer are noted but the reserved matters process shall ensure that the site is designed and developed to protect the proposed dwellings from the ambient noise climate. There is no substantive evidence which would indicate that the noise limits referred to by the Council EHO could not be achieved. It is not necessary or appropriate to approve any specific scheme of sound attenuation such as an acoustic fence at this stage. It is anticipated that noise mitigation (taking account of site circumstances) could be a combination of the aforementioned options.

- 10.59. Conditions shall be imposed to ensure the reserved matters are informed by suitable noise modelling which appropriately assess and mitigate impacts from the identified noise sources in line with policies that promote health and well-being and prevent the new development from being put at risk from unacceptable levels of noise pollution.
- 10.60. Other considerations in respect of residential amenity include the potential of the proposal to result in overlooking or overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed. In addition to the control afforded at reserved matters stage it is reasonable to impose a condition setting maximum building heights for the dwellings.
- 10.61. The proposal would result in a change to the outlook for occupants of properties which back onto the site. However, there is no right to a view from a property. The plans show an indicative layout only but there is scope for suitable rear-to-rear and rear-to-side separation distances between the new dwellings and those to the north/north-east. It will be possible at reserved matters stage to secure appropriate separation distances to prevent any harmful mutual overlooking, overshadowing, overbearing impact or loss of light.
- 10.62. With regard to noise the proposed conditions referred to earlier in this section would ensure acceptable internal and external noise levels for future residents. Conditions that require a construction management plan and restrict the hours of construction would ensure construction phase impacts such as noise, air and vibration pollution upon existing local residents are minimised.
- 10.63. The NPPF, at paragraph 96, states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas. At reserved matters stage a condition shall require that the layout and detailed design takes account of the recommendations of the Police Designing Out Crime Officer (DOCO) in relation to boundary treatments, access control, lighting and natural surveillance of public open space and parking areas. This would support the creation of a safe and secure environment for future residents and users of the public open space.
- 10.64. It is considered that, at outline stage, there is no evidence to indicate that the proposed development once progressed to reserved matters stage is not capable of complying with the requirements of Policy SP20 in respect of applying the highest standards relating to noise and align with the relevant aims of the NPPF in respect of noise pollution and quality of life, health and well-being.

#### Highway safety

- 10.65. Policy SP20 of the RPLPS advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required*

*in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”.*

- 10.66. Paragraph 115 of the NPPF (2024) states that in assessing sites for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 10.67. Paragraph 116 of the NPPF (2024) advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 10.68. Paragraph 117 of the NPPF (2024) states that within this context, applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 10.69. Paragraph 118 of the NPPF (2024) states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- 10.70. The outline application seeks approval of the means of access to the site but not within the site. The proposed site access is in the form of a new priority junction onto the A169 Malton Road. Vehicular traffic between the site and Haygate Lane would be restricted to emergency access only.
- 10.71. The acceptability of internal roadways and circulation routes for vehicles, cycles and pedestrians will be considered as part of the reserved matters once the detailed design of the site layout has been progressed.
- 10.72. The highways officer initially requested that the site layout should be based around a loop road but has since confirmed that provided there is an emergency access to

Haygate Lane a layout without a loop road can be made acceptable at reserved matters stage.

- 10.73. The application is accompanied by a Transport Assessment, Travel Plan and Supplementary Transport Assessment. The applicant's transport assessments and travel plan are based on trips generated by 114 dwellings. The residential development is expected to generate a maximum of 51 two-way vehicle trip movements during the AM peak and 54 two-way vehicle trip movements during the PM peak. There have been objections from local residents raising concerns in relation to highway safety, capacity and congestion in the town.
- 10.74. With regard to impact on the local highway network the LHA note that the transport assessment has modelled the impact of the new traffic expected to be generated by the site on the wider road network, with capacity checks carried out at the A169 site access and A169/A170 roundabout. The highways officer has stated that *"Allowing for other committed development in the locality and future traffic growth, it has been shown the site access would operate well within capacity. At the A169/A170 roundabout an increase in the region of 35 trips is expected in the peak hours. Whilst congestion can already occur at peak times at this roundabout, and the development traffic will add to this problem, overall these new trips would be a small percentage increase in total movements at the roundabout. It is not likely to lead to significantly longer queues on the junction approaches"*.
- 10.75. As part of the site access arrangements the LHA recommend that the existing 30mph speed limit signs are relocated away from the proposed new junction, further to the south. There is national guidance that the LHA follow on the positioning of speed signage and for 30mph it would typically be the start of the built up area and therefore it is envisaged the limit would only move a short distance further out, just to the south of Haygate Lane. The existing footway running alongside the A169/Malton Road site frontage should also be widened to a minimum of 2 metres, this is expected to require the removal or setting back of the existing hedge line. Latterly, the highways officer has confirmed that the footpath widening would only be along the site frontage north of the new access and not the entire length of the Malton Road frontage.
- 10.76. There is no formal facilities for pedestrians crossing the A169 near to the site. With regards to predicting pedestrian flows many of the services/ amenities are on the west of the A169 and it is anticipated that there would be limited movements across the main road. With this in mind the highways officer has confirmed that a pedestrian island is not required by condition as it is a more desirable addition rather than mitigation essential to make the development acceptable. The highways officer also notes that there is a signalised crossing point further along the A169 nearer the Town Centre. The site itself will not generate enough demand to justify another signalised crossing point nearer the site.
- 10.77. The LHA initially raised concerns in relation to the internal road layout as shown on the indicative site layout as it would not be in accordance with the current NYC design guide or meet adoption standards. However, the LHA acknowledge that a layout that satisfies NYC adoption requirements can be provided (at reserved matter stage) and as a result there are no objections to the outline application.

- 10.78. At reserved matters stage it will also be necessary to ensure that the layout provides for each dwelling to be served by off street parking within its curtilage in line with NYC guidance on minimum parking standards for new residential developments. It will also be necessary to provide secure cycle parking across the site and the installation of EV charging points to all dwellings.
- 10.79. The site is considered to be a sustainable location close to local services, facilities and transport links and provides for a choice of mode of transport. The travel plan indicates that the footpaths within the western part of the application site are expected to connect to the public right of way that runs north-south parallel to the western boundary and footpaths can be created to link to Haygate Lane and the land to the rear of the swimming pool. The travel plan seeks to encourage the use of sustainable modes of transport and overall, it is considered that the pedestrian and cycles links can be provided within the final site layout (reserved matter) in accordance with the site allocation development principles.
- 10.80. The LHA recommend conditions in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways; visibility splays; delivery of off-site highway works (relocation of the 30mph speed limit on 169 Malton Road and provision of a gateway feature south of the proposed site access and a 2 metre wide footway along the A169 site frontage north of the newly formed access); Stage 2 Road Safety Audit; details of access, parking and turning; parking for dwellings; Travel Plan Delivery; and a Construction Management Plan.
- 10.81. The highways officer has explained that the 'gateway feature' would be tied into the relocation of the 30mph signs and could include some 'Welcome to Pickering' town signage and coloured surfacing at the speed limit change just to help highlight the entrance into Pickering and the change from 60 to 30mph.
- 10.82. In addition, in the event that permission is granted, the LPA consider it prudent to impose a condition that vehicular access is solely from a priority junction formed in the A169 Malton Road site frontage.
- 10.83. The LHA recommended that a contribution of £6000 to implement the Traffic regulation order required to amend the speed limit on the A170 and a contribution of £2500 for travel plan monitoring be included in a Section 106 Agreement.
- 10.84. The NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the evidence provided by the applicant, whilst the proposed development would result in an increase in vehicle movements on the highway network in the vicinity of the site, there is nothing that would indicate that the proposal would result in an unacceptable impact on highway safety. The LHA note that the capacity modelling has shown that the proposed A169 junction could accommodate all the traffic generated from the site and LHA raise no objections to the proposal.
- 10.85. Therefore, it is considered that the site can be developed for housing without resulting in an adverse impact on highway safety or capacity and residual impacts can be made acceptable through the imposition of conditions to secure highway

improvements at detailed design stage which complies with the requirements of the NPPF and Policy SP20.

#### Flood risk and drainage

- 10.86. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.
- 10.87. Paragraph 170 of the NPPF (2024) states that; inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 10.88. Paragraph 181 of the NPPF states that; when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.89. Paragraph 182 of the NPPF states that; Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:
- a) take account of advice from the Lead Local Flood Authority;
  - b) have appropriate proposed minimum operational standards; and
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 10.90. The site is bounded by Pickering Beck to the west. The western part of the application site is 'Green Infrastructure' as shown on the Pickering Policies Map and excluded from the developable area to ensure the developable area is outside area at risk of flooding (Flood Zones 2 and 3).
- 10.91. The application is accompanied by a Flood Risk Assessment which confirms that Environment Agency modelled data shows that the 1in100 year storm event + 50% Climate change reaches a level of 29.754AOD when undefended. The lowest point of

the site is 28.88 AOD and therefore does encroach the site, however there is only a minority of the site which has the potential to be flooded and this is the area to be undeveloped and used for open public space.

- 10.92. The change of use of the agricultural land to public open space represents 'amenity open space' which is defined in the flood risk vulnerability classification as being 'water compatible' and acceptable within Flood Zones 2 and 3. The proposed residential development is within Flood Zone 1 and, therefore, complies with the sequential approach to locating development within areas of lowest risk in line with national and local policy.
- 10.93. In compliance with the requirements of the NPPF the assessment shows that the development could proceed without being subject to significant flood risk. The development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 10.94. It is proposed that foul sewage would connect to the mains sewer. Yorkshire Water have recommended standard conditions to require separate systems for foul and surface water drainage and prior approval of full details of the proposed drainage works. There have been objections raised by members of the public in relation to the capacity of the town's existing sewerage system and that without upgrades additional housing will increase sewage spillage events in the Pickering area and Costa Beck. Yorkshire Water have been consulted several times throughout the course of the application and have not raised any concerns in relation to capacity or requested any conditions requiring sewerage system upgrades in advance of the occupation of the dwellings.
- 10.95. Furthermore, given that the site has been allocated in the Development Plan since 2019 (publication of the Site Document took place in 2017) for the use which is now proposed, there has been adequate time for the sewerage undertaker to make provisions to improve the necessary infrastructure outside of the planning regime. To penalise the applicant for this not taking place and for any inadequacies in the public sewerage system would, in this instance, be unreasonable and would serve to stifle the plan led system which provides advanced warning of public infrastructure requirements in forthcoming years.
- 10.96. With regard to surface water the drainage hierarchy requires that discharge of surface water to the public sewer will only be considered once other means of surface water drainage (via infiltration or watercourse) have been considered and evidence shows that they can be discounted.
- 10.97. The application is accompanied by a Percolation Testing Report which sets out the results of two test pits formed on site with three percolation tests undertaken for each pit. The report results demonstrate that the ground conditions are suitable for soak away drainage and infiltration methods are a suitable solution for draining the site. The percolation test demonstrates that ground conditions and infiltration rates are fairly consistent giving reasonable rates for the use of soakaways and porous paving as being viable options for the site.

- 10.98. The Lead Local Flood Authority (LLFA) wish to establish whether a reasonable approach to the management of surface water can be achieved on the site and require the proposed drainage scheme to include sufficient detail at outline stage.
- 10.99. Therefore, further investigations have been completed to establish if discharge via soakaways/infiltration or local watercourse are achievable. In response to the further information the LLFA note that the surface water will discharge to ground via infiltration and accept the results of the tests. Surface water would be controlled via a series of cellular storage tanks dispersed around the site. Further detail on the soakaways and the design for exceedance is required but can be secured at discharge of conditions or reserved matters stage. The LLFA accept the details provided in relation to climate change and outline maintenance plan. Overall, the LLFA state that the documents demonstrate a reasonable approach to the management of surface water on the site subject to conditions being imposed to secure the detailed drainage design, exceedance flows and maintenance arrangements.
- 10.100. In light of the above it is considered that the development would not be at risk from flooding or increase flood risk elsewhere and subject to final details being approved in relation to the design of the foul and surface water drainage schemes the development complies with the NPPF and Policy SP17.

#### Yorkshire Water assets

- 10.101. Yorkshire Water have highlighted that a 10 inch diameter water main crosses the developable part of the application site north-west to south-east between the rear of properties on Pool Court to Haygate Lane. The indicative layout seeks to arrange built development to ensure a buffer strip along the water main.
- 10.102. Yorkshire Water have made a number of comments in relation to existing infrastructure within or adjacent to the site. The final layout will need to suitably accommodate those features before it can be approved. However, given layout is a reserved matter this can be addressed as part of a future application should outline permission be granted.
- 10.103. Yorkshire Water also highlight the presence of a water main along Malton Road which will need to be taken into account during construction of the new vehicular access serving the site. An informative shall be included on any grant of permission to ensure this is taken into account
- 10.104. Yorkshire Water request that conditions are attached to protect the local aquatic environment and Yorkshire Water infrastructure to ensure development provides a protected 10 metre wide strip for the public water main and provision for suitable foul and surface water drainage works. It is considered the *“scale, type, location and phasing of [the proposal] can be accommodated without an unacceptable impact on water supply”* in accordance with Policy SP17.

Impact on setting of nearby heritage assets

- 10.105. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses. At its closest point the site is approximately 230 metres south of the town's Conservation Area boundary.
- 10.106. Vivers Mill, its outbuildings, Mill House and Mill Cottages are Grade II Listed buildings and are approximately 50 metres west of the application site boundary and 150 metres from the western extent of the proposed built development. The western part of the application site is 'Green Infrastructure' as shown on the Pickering Policies Map and excluded from the developable area in order to, amongst other things, protect the setting of the Listed Building.
- 10.107. North Yorkshire Council has a statutory duty to have special regard for the preservation of the setting of listed buildings.
- 10.108. Policy SP12 of the RPLPS (2013) states that designated historic assets will be conserved and where appropriate, enhanced. Local Policy and the NPPF (2024) sets out that proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.
- 10.109. The Council's Building Conservation Officer acknowledges that the public open space is an important part of the proposal as this will mitigate those impacts of the proposed housing development in the most sensitive area.
- 10.110. The Council's Building Conservation Officer identifies that the proposed development will have a very minor harmful impact to the setting of the listed building by virtue of the development of open agricultural land. The level of harm identified would be on the negligible/very low end of less than substantial harm to the special significance of the listed building.
- 10.111. The Council's Building Conservation Officer has confirmed no objections but would welcome the retention of the boundary hedgerows to both roads as this is an important aspect of the entrance into the Pickering Conservation Area. If permission is granted conditions are recommended to control traffic calming measures (design); lighting, signage and highway infrastructure.
- 10.112. It is considered that the proposed dwellings, which would be limited to a maximum of two storey in height and set back from the Malton Road frontage, would not impinge on views towards the spire of the Church of St Peter and St Paul on approach to the town from the south. This is in line with the development principles set out in the site allocation. The site allocation (Policy SD6) acknowledges that further landscaping will be required to minimise the degree of inter-visibility between the development and the Listed Building and this can be detailed as part of a future reserved matters application should outline permission be granted.

- 10.113. The harm to the setting of the listed building has been identified as being on the negligible/very low end of 'less than substantial harm'. The proposal would not interrupt any key views and would preserve the setting of the listed building and the character and appearance of the Conservation Area. This would satisfy the requirements of Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.114. In the view of Officers, the public benefits of providing market and affordable housing alongside areas of public open space outweigh the very minor harm caused to the setting of the listed building in compliance with the requirements of Policy SP12 of the RPLPS (2013) and the NPPF (2024).

#### Archaeological impact

- 10.115. Policy SP12 states that distinctive elements of North Yorkshires historic environment should be conserved and, where appropriate, enhanced. The NPPF (2024) requires applications to be accompanied by an appropriate level of assessment.
- 10.116. The Council's Archaeologist initially highlighted that the application as submitted did not contain any assessment of the impact of the proposal on heritage assets of archaeological interest.
- 10.117. The Council's Archaeologist sought an archaeological desk based assessment (DBA) followed by field evaluation in the form of a geophysical survey and trial trenching to fully assess the significance of any deposits.
- 10.118. The archaeological assessments were subsequently completed and reviewed by the Council's Archaeologist.
- 10.119. It was noted that the assessment work had demonstrated that archaeological deposits identified to the east of Malton Road continue into the application site. The deposits consist of linear trackways flanked by enclosures which appear to be agricultural in nature. Dating evidence from the site in the form of pottery sherds and environmental material suggests that the site dates from the Iron Age to Romano-British periods.
- 10.120. The evaluation did not identify any features of such significance to warrant physical preservation and, in light of this, the Council's Archaeologist confirmed that it would be appropriate to impose a condition to secure a scheme of archaeological mitigation recording in response to the ground disturbing works.
- 10.121. In response the applicant opted to provide an Archaeological Written Scheme of Investigation prior to the determination of the application.
- 10.122. The Council's Archaeologist subsequently approved the submitted Written Scheme of Investigation and should permission be granted a condition will be imposed to require compliance with the scheme. A condition will also require that the development is not brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the

approved Written Scheme of Investigation and in compliance with Policy SP12 of the RPLPS (2013) and the NPPF (2024).

Biodiversity and ecological impact

- 10.123. Policy SP14 of the RPLPS aims to conserve and enhance biodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features.
- 10.124. The Council's Ecologist initially highlighted that the application as submitted did not contain any environmental information such as a Preliminary Ecological Appraisal (PEA) to check for protected/important species such as Badger and farmland birds.
- 10.125. During the course of processing the application the applicant submitted an Ecological Impact Assessment (EclA).
- 10.126. The Council's Ecologist has accepted the findings of the EclA that the site is of low ecological value, being predominantly arable land and confirmed that no further ecological surveys are required. There are no national or local designated nature conservation sites on or adjoining the site.
- 10.127. The Council's Ecologist has advised that at reserved matters stage the ecological mitigation and enhancement measures contained within the EclA would need to be incorporated into: (a) a Construction Environmental Management Plan (CEMP) (ecological mitigation measures to be implemented during the construction phase); and (b) a Biodiversity Management Plan (covering creation and maintenance of new and existing habitats). In addition the lighting scheme for the development would need to be compatible with the recommendations of the EclA in respect of dark corridors for local bat populations.
- 10.128. With regard to protected species and specifically risks to Great Crested Newts it is noted that the risk is low but cannot be ruled out entirely. This is due to the predominantly arable character of the site, the distance from known population centres and intervening barriers to dispersal. It would be appropriate to deal with the low residual risk to this protected species via Natural England's District Level Licensing (DLL) scheme.
- 10.129. The Council's Ecologist has advised that at reserved matters stage, the applicant would need to provide a copy of the Impact Assessment and Conservation Payment Certificate (IACPC) countersigned by Natural England as evidence of enrolment. The site is in a Green risk zone for the DLL scheme, so should be acceptable.
- 10.130. The applicant subsequently submitted a Great Crested Newt District Level License application and an Impact Assessment & Conservation Payment Certificate countersigned by Natural England confirming that GCN mitigation is being dealt with via Natural England's District Level Licensing Scheme. Therefore, no further action by the LPA is required with regards to GCN mitigation.

- 10.131. Policy SP14 of the RPLPS (2013) and the NPPF require a net gain in biodiversity to be provided as part of new development schemes. This is not a scheme which is 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) due to it being made prior to the regulations being enacted.
- 10.132. Nevertheless, the application is accompanied by a Biodiversity Net Gain (BNG) feasibility study which projects that a very small (+3.4%) gain in habitat units could be delivered, along with a +16% gain in hedgerow units. This relies on 0.29 ha of the public open space being managed as wildlife-rich grassland.
- 10.133. The Council's Ecologist has advised that a detailed BNG plan will be required at Reserved Matters stage. It has been requested that as part of the BMP the applicant should consider additional measures to reduce disturbance to or improve habitats of Otters on Pickering Beck and this will be included as informative advice. If the finalised BNG scheme differs from that on which the feasibility study is based, a new Biodiversity Metric calculation will be needed. At present the measures set out in the feasibility study would meet the NPPF and Policy SP14 requirements to deliver net gains for biodiversity.

#### Loss of agricultural land

- 10.134. Policy SP17 states *'Land resources will be protected and improved by...Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource'*.
- 10.135. Best and most versatile agricultural land is graded 1 to 3a in the Agricultural Land Classification.
- 10.136. The proposed development would result in the loss of some 4.8 hectares of agricultural land which is currently in arable use. The site is moderate-quality agricultural land classified as Grade 3b and therefore does not comprise BMV agricultural land. Furthermore, the site allocation takes account of the loss of agricultural land to facilitate the residential development and it can be concluded that the proposed development does not conflict with the aims of Policy SP17 in respect of agricultural land resources.

#### Minerals Safeguarding

- 10.137. The site development principles set out in the site allocation (Policy SD6) requires feasibility and viability of the extraction/utilisation of the minerals resource to be demonstrated.

10.138. The site is on the southern edge of the town in an area dominated by residential land use. It is considered that any mineral extraction at the site would be economically unviable, undesirable and unlikely to be environmentally acceptable and should not prevent the proposed residential development coming forward.

10.139. LPA Officers have confirmed that there are no active quarry sites or waste facilities within 500 metres of site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500 metre zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria on the basis that it has been allocated for development in the Local Plan. Therefore it is considered that the proposal does not give rise to conflict with Policy SD6 of the Local Plan Sites Document (2019) or the policies contained within the MWJP (2022).

#### Community Infrastructure Levy (CIL)

10.140. The former Ryedale area of North Yorkshire Council operates a CIL charging policy and Policy SP22 of the RPLPS (2013) contains a list of infrastructure which can benefit from CIL funding.

10.141. The proposed development is CIL liable at £85 per square metre. This charge would be applicable at the Reserved Matters stage when the total number and floor area of the dwellings is known. The use of CIL payments from this site is a separate matter beyond the scope of the decision making on this outline planning application.

#### Section 106 legal agreement

10.142. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. A Section 106 is required to secure the on-site open space provision and maintenance and secure the delivery of the on-site provision of affordable dwellings (mix, tenure, minimum floor area, method of delivery, management of the units, timing of construction, transfer, acquisition prices and occupancy) and any commuted sum if the number of affordable units does not equal a whole number. In addition there are highways contributions towards a TRO and travel plan monitoring.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	On-site units	35% of which 68% rent and 32% intermediate tenure
Affordable Housing commuted sum	Financial	If number of AH units to achieve 35% does not equal a whole number of units the short fall is covered by an equivalent financial contribution
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme. To include formal children's playspace (Local Equipped Area for Play

		or Neighbourhood Equipped Area for Play)
Implementation of Traffic Regulation Order	Financial	£6,000
Travel Plan monitoring	Financial	£2,500

Housing land supply and the 'tilted' balance

- 10.143. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.
- 10.144. This means that the decision taker must take as a starting point the Development Plan and balance it and all other material considerations to arrive at a decision on whether or not to grant planning permission. If the harms outweigh the benefits, planning permission will usually be refused. In this case Officers are satisfied that the proposed development aligns with the requirements of the Development Plan.
- 10.145. The revised NPPF (2024), which is a material consideration, 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.
- 10.146. The recent updates to the NPPF (December 2024) introduced a new standard method for assessing housing need. This has resulted in an increase in housing need for many Councils across the country. The extant Ryedale Local Plan Strategy is now more than 5 years old. In accordance with the NPPF, the annual housing requirement for this area is 377 homes, as derived from the Standard Method. Including the relevant 5% buffer, the 5-year supply requirement for this area is 1,977 (up from 1,959). Based on the most recent data (from the 2023/24 monitoring period), there is a demonstrable deliverable supply of 332 homes over a five year period. This translates to 0.8 years of housing supply when measured against the five year supply requirement. Therefore, paragraph 11(d) of the NPPF (i.e. the "presumption in favour of sustainable development") is engaged for applications involving the provision of housing.
- 10.147. Paragraph 11 of the NPPF, under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. This is the case where there are no relevant policies in the Development Plan or the relevant policies are 'out of date'. These circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld.
- 10.148. The full wording of the relevant part of paragraph 11 of the NPPF is set out below:

*'11. Plans and decisions should apply a presumption in favour of sustainable development.'*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.*

10.149. Footnote 8 of the NPPF clarifies that 'out of date' includes situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

10.150. The current land supply position for the former Ryedale area is summarised in paragraph 10.146 of this report. Housing restraint policies that apportion specific numbers of houses across the settlement hierarchy are 'out of date' in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Therefore, the 'presumption in favour of sustainable development' policy is engaged.

10.151. Under d(i) taking account of the footnote contained within the NPPF in this case the relevant policies of the NPPF being referred to are those relating to designated heritage assets (and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

10.152. Under d(ii) the adverse impacts of approval would have to *significantly and demonstrably* outweigh the benefits.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 The application seeks outline permission for up to 110 dwellings with all matters reserved save for means of access along with full permission for a change of use to public open space.

11.2 The site is within the development limits of a Local Service Centre and is allocated for housing within the adopted Development Plan. It is important that the Council is proactive in bringing forward existing Local Plan allocations in sustainable locations and the site remains one that the LPA would wish to see progressed for residential development in accordance with the settlement hierarchy set by the Development Plan. The principal of residential development is acceptable as confirmed by the allocation and there are no objections to the proposed means of access.

- 11.3 The site is 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 in conformity with Policy SP1. The development of this site would contribute towards the supply of housing within the former District. The principle of the development is considered to align with national and local planning policy and represents development that accords with the adopted Development Plan.
- 11.4 As Members are aware the most significant recent change has been that the Council cannot currently demonstrate a five year supply of housing. Housing restraint policies that apportion specific numbers of houses across the settlement hierarchy are 'out of date' in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Therefore, the 'presumption in favour of sustainable development' policy is engaged and a 'tilted' balancing exercise applies.
- 11.5 The proposal generates economic benefits including job creation during construction. In addition there would be a CIL charge towards infrastructure improvements, new homes bonus, increased council tax revenue and increased resident spending in the area. Social benefits include increased housing supply, including policy compliant levels of affordable housing which are given significant weight. There are further social, health and well-being benefits arising from the provision of public open space with play facilities and environmental enhancement in the form of biodiversity net gain. With the 'tilted' balance applied it adds further weight to the position that permission should be granted.
- 11.6 There are a number of objections raised in third party representations which cite concerns in relation to the change in the character of the area, road safety and capacity, along with the impact on local infrastructure. These matters have been considered in the Officer assessment earlier in this report.
- 11.7 The site is on the edge of town but is well contained and would not give rise to encroachment into the open countryside or unacceptable harm to the setting of the nearby heritage assets. The landscape and visual impacts are localised and the reserved matters process provides scope for a scheme that reflects good design without giving rise to any landscape or visual sensitivities.
- 11.8 No objections have been raised by the Local Highway Authority and the development would not create adverse highway safety conditions and associated traffic can be accommodated by the local highway network.
- 11.9 A sequential approach to flood risk has been adopted with the part of the application site at highest risk being undeveloped and made available as public open space while the housing has been directed to the part of the site at low risk of flooding. The LLFA have confirmed that the detail provided at outline stage demonstrates a reasonable approach to the management of surface water on the site subject to conditions to secure the detailed design at reserved matters stage.
- 11.10 As highlighted by the HSE response there is an underground gas pipeline which bisects the proposed public open space. The risk is a material consideration to be weighed in the balance. The land is allocated as green infrastructure and there are significant health, social and recreational benefits arising from the provision public open space. The space also provides the opportunity to improve connectivity to the town centre and existing foot and cycle path networks. The HSE have confirmed that they do not advise against granting permission provided that the public open space within the inner consultation zone (15 metres from the major accident hazard pipeline) does not contain any facilities that would encourage people to congregate, such as play areas, football pitches. In light of this it is considered that the proposed use of the land is not incompatible and can be supported.

- 11.11 The Council's EHO has raised concerns in relation to the impact of road traffic noise on future residents and is not satisfied with the level of detail provided in the noise assessments. Given the outline nature of the scheme there is scope for good acoustic design to be followed as further detail is progressed through reserved matters. The position of the EHO is noted but in these circumstances it is considered that noise conditions would ensure future residents would be afforded acceptable internal and external noise levels. The future reserved matters submissions would follow the maximum building height conditions and the approval of layout and landscaping would allow for suitable separation distances and acoustic and visual buffers to ensure no harm would arise to residential amenity. The construction management plan required by condition would ensure construction phase impacts such as noise, air and vibration pollution upon local residents are minimised.
- 11.12 Ultimately, with the 'tilted balance' in mind it is not considered that the matters and concerns raised in the EHO response amounts to significant and demonstrable harm that would outweigh the benefits and acceptable noise levels can be controlled by condition.
- 11.13 The outline nature of the proposed housing means that there is significant detail that remains to be assessed and agreed at reserved matters stage and as a result any grant of permission would need to be accompanied by a robust list of conditions.
- 11.14 The site has been allocated for some time for both housing and green infrastructure uses. The principle of the residential uses is already established through the Development Plan. The outline proposals are considered to be in accordance with the principles of the allocation. Officers are of the view that reserved matters applications, conditions and the legal agreement can ensure that the development proceeds in line with the site-specific criteria set by the allocation and the wider policies of the RPLPS (2013). The concerns raised in relation to residential amenity and public safety are noted but the application of the 'tilted balance' shifts the weighting in favour of a grant of planning permission and in this case it is not considered that the harms identified would significantly and demonstrably outweigh the scheme's substantial benefits and can be satisfactorily controlled by conditions.
- 11.15 In light of the above assessment, it is considered that the proposal is acceptable and complies with Policies SP1, SP2, SP3, SP4, SP10, SP11, SP12, SP13, SP14, SP15, SP16, SP17, SP18, SP19, SP20 and SP22 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional approval subject to a Section 106 agreement to secure the matters set out in Table 1 contained in paragraph 10.142 of this report.

## **12.0 RECOMMENDATION**

- 12.1 That Members resolve to **GRANT** outline planning permission for the development of up to 110 dwellings and full permission for the change of use of land to public open space subject to the following:-
- The prior completion of a Section 106 legal agreement with terms as detailed in Table 1 contained in paragraph 10.142 of this report; and
  - The schedule of conditions listed below

**Recommended conditions:**

**PART 1:** Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access

**PART 2:** Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4

**CONDITIONS AND ASSOCIATED REASONS THAT APPLY TO PART 1 ONLY**

**PART 1:** Outline planning application for residential planning permission for up to 110 dwellings with all matters reserved save for means of access

**Commencement of Development- Statutory time limit**

- 1 Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

**Prior implementation of change of use to Public Open Space (PART 2)**

- 2 The change of use of adjacent land (shown on plan ref. DJB4) to form public open space (PART 2) shall be implemented and the landscaping scheme completed prior to the first occupation of any dwellings hereby approved.

Reason: To ensure orderly progression of the development and provide public open space to serve the new housing.

**Reserved Matter approval**

- 3 No development shall commence without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-

- (i) Appearance including a schedule of external materials to be used;
- (ii) Landscaping including boundary treatments;
- (iii) Layout including the way in which buildings, access routes, parking areas and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development; and
- (iv) Scale of each building proposed.

Development shall be carried out in accordance with the approved details.

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

**Approved plans**

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

Location Plan, ref. DJB2 (Comino Doc Date 11.01.2023)  
 Revised Open Space Plan ref. DJB4 (Comino Doc Date 01.09.2025)  
 Proposed Malton Road Access Preliminary Design ref. LTP/4903/P2/01/01/C, dated 21.03.2025  
 Proposed Haygate Lane Emergency Access ref. LTP/4903/P3/01/01, dated 25.04.2025

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

#### Construction Plan

- 5 No development shall commence until a detailed construction plan setting out the order of the building works 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.

#### Principal Access

- 6 Vehicular access to the residential development hereby approved shall be limited to the single point of access from the A169/Malton in the eastern boundary of the site. Unless otherwise approved in writing by the Local Planning Authority following consultation with the Local Highway Authority the access shall be formed in accordance with the detail shown on approved drawing ref. LTP/4903/P2/01/01/C, dated 21.03.2025.

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

#### Emergency Access

- 7 Vehicular access between the site and Haygate Lane shall be restricted to emergency access only. Unless otherwise approved in writing by the Local Planning Authority following consultation with the Local Highway Authority the emergency access shall be formed in accordance with the detail shown on approved drawing ref. LTP/4903/P3/01/01, dated 25.04.2025.

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

#### Location and layout of housing development

- 8 The housing development shall take place on the part of the application site outwith the public open space outlined in green on plan ref. DJB4. Unless otherwise agreed in writing by the Local Planning Authority the layout of the site shall provide for the following:

- no residential development in Flood Zones 2 and 3
- an emergency link onto Haygate Lane
- a formal children's play space
- paths through the site and public open space for pedestrians and cyclists linking to Haygate Lane, the open space to the rear of the swimming pool and the public footpath to the western boundary of the site
- an easement for the public water main crossing the site

- the siting of any facilities that would encourage people to congregate, such as play areas, football pitches are located outside of the inner consultation zone (15 metres from the major accident hazard pipeline)
- landscaped frontage/buffer to Malton Road
- retention of the substantive boundary hedge to Malton Road to the south of the new access and landscaping swath to the south corner of the site

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters and in compliance with the development principles set by Policy SD6 of the Ryedale Plan- Local Plan Sites Document (2019).

#### Scale

- 9 The height of the dwellings hereby approved shall be limited to a maximum of two storeys. At least 5% of the dwellings shall be built as bungalows.

Reason: In order to ensure a satisfactory external appearance and mix of housing to satisfy Policies SP4 and SP20.

#### Material samples

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

Reason: To ensure a satisfactory appearance and to achieve a high standard of design to satisfy the requirements of Policies SP16 and SP20.

#### Material sample panel(s)

- 11 Prior to the commencement of any aboveground construction work for the dwellings hereby approved 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 appearance and to achieve a high standard of design to satisfy the requirements of Policies SP16 and SP20.

#### Windows and doors

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

Reason: To ensure a satisfactory appearance and to achieve a high standard of design to satisfy the requirements of Policies SP16 and SP20.

#### Materials (surfaces)

- 13 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 appearance and to achieve a high standard of design to satisfy the requirements of Policies SP16 and SP20.

Site levels

- 14 Prior to the commencement of any aboveground construction work for the dwellings hereby approved precise details of existing spot ground levels and the finished floor levels of each dwelling 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 of the Local Plan Strategy.

Boundary treatments

- 15 Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments 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 satisfy the requirements of Policies SP16 and SP20.

Public Open Space

- 16 Prior to the approval of the layout (reserved matter) for the residential development hereby approved a detailed scheme for the provision of public open space including informal amenity space and the provision of an Equipped Area for Play shall be submitted to the Local Planning Authority for approval in writing. The public open space scheme and play space shall be completed prior to the first occupation of the residential development and thereafter maintained throughout the lifetime of the development.

Reason: In order to improve public recreation and provide for on-site formal children's play space to satisfy Policy SP11 of the Local Plan Strategy.

Residential noise levels

- 17 Prior to the approval of the layout (reserved matter) for the residential development hereby approved details shall be provided to the Local Planning Authority for written approval to demonstrate by means of acoustic modelling that indoor ambient noise levels from continuous anonymous noise and from pass by traffic noise in all proposed dwellings will be commensurate with Table 1 below and in accordance with the highest standards outlined by the World Health Organisation, as follows:

Table 1 - Indoor ambient noise levels for dwellings

Activity	Location	07:00 to 23:00
Resting	Living room	35 db LAeq,16hour
Dining	Dining room/area	40 db LAeq,16hour
Sleeping(daytime resting	Bedroom	35 db LAeq,16hour
		23:00 to 07:00 30 db LAeq,16hour

		45 db LAmax should not be exceeded more than 15 times during the night time
--	--	-----------------------------------------------------------------------------

The acoustic study shall provide details of noise levels that are to be achieved in all habitable rooms for all dwellings in the approved residential development.

Unless otherwise agreed in writing with the Local Planning Authority, the acoustic study shall also demonstrate that outdoor ambient noise levels, e.g. in private gardens and amenity spaces shall not exceed (for continuous anonymous noise) 50 dB LAeq(16 hours) when assessed at the head height of a seated person of 1.2 metres.

Unless otherwise agreed in writing with the Local Planning Authority, the acoustic study shall demonstrate that indoor levels in Table 1 can be achieved with windows to habitable rooms partially open.

Thereafter the development shall be undertaken in accordance with the approved scheme and thereafter maintained for the lifetime of the development.

Reason: In the interest of amenity and in order to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### Noise Mitigation Scheme

- 18 Prior to the commencement of development a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall include measures to protect residents from traffic noise and shall consist of means of protecting outdoor amenity areas, to achieve a level of steady continuous noise of 50 dBA leq, 8 hrs daytime. Mitigation may consist of orientation, design, and barrier methods and shall be modelled to show how this can be achieved.

In order to protect from sleep disturbance and annoyance, the scheme shall demonstrate that levels of 30dBA can be achieved at night-time(23:00 to 07:00) with partially open windows, without need for mechanical ventilation. Levels of 45dBA Lmax shall be not be exceeded more than 15 times per night. Daytime levels of 35dBA shall be achieved with partially open windows.

The development shall be undertaken in accordance with the approved scheme and thereafter maintained for the lifetime of the development.

Reason: In the interest of amenity and in order to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### Hours of construction

- 19 Any excavation, construction work or ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, 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

### Lighting

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

Reason: In the interest of amenity, protected species and to ensure safe access to the public open space and in order to satisfy the requirements of Policies SP14, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

### Yorkshire Water infrastructure

- 21 No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public water main i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times and in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

### Flood Risk

- 22 The development shall be carried out in accordance with the submitted Flood Risk Assessment ref 23061-FRA-001 Revision A, dated May 2023 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 30.054 metres above Ordnance Datum (AOD)
- There will be no development or ground raising in the area highlighted in blue in Figure 3.0 – Extent of 1 in 100-year 50% climate change flood level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent any flood loss storage as a result from the development in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

### Drainage

- 23 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 24 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

#### Detailed Drainage Design

- 25 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 to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire Council SuDS Design Guidance (or any subsequent update or replacement for that document). The application should address all of the following: Flood Risk, Runoff Destinations, Volume Control, Designing for exceedance, Climate Change & Urban Creep and Maintenance Plan. Guidance on the requirements for each of the above can be found on the North Yorkshire Council SuDS Guidance. 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 of the development shall be brought into use until the drainage works approved for that part has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water, Internal Drainage Board and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

#### Exceedance Flow Routes

- 26 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways demonstrated on a topographical map using a series of arrows. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

#### Maintenance

- 27 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved

drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

#### Detailed Plans of Road and Footway Layout

- 28 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

- 29 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.

#### Visibility Splays

- 30 There must be no access or egress by any vehicles between the highway and the application site at Land At West Side Of Malton Road Pickering until splays are provided giving clear visibility of 120 metres South and 90 metres North measured along channel line of the major road A169 at a point measured 2.4 metres down the centre line of the site access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

#### Delivery of off-site highway Works

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

- Relocation of the 30mph speed limit on A169 Malton Road and provision of a gateway feature South of the proposed site access. To be provided prior to first occupation.
- Provision of a 2 metre wide footway along the A169 site frontage. To be provided prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

#### Provision of Approved Access, Turning and Parking Areas at Land At West Side Of Malton Road Pickering

- 32 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land At West Side Of Malton Road Pickering 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.

#### Parking for Dwellings

- 33 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.

### Travel Plan Delivery

- 34 The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport in compliance with Policy SP20.

### Construction Management Plan

- 35 No development shall 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 Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. access for HGV construction traffic;
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. 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;
10. measures to control and monitor construction noise;
11. a detailed method statement and programme for the building works; and
12. 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.

### Archaeology

- 36 No development shall take place other than in accordance with the 'Written Scheme of Investigation Archaeological Strip, Map and Record' ref. maparcha1- 518827, dated 05.06.2023. 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 approved Written Scheme of Investigation 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 in order to satisfy the NPPF and Policy SP12.

### Crime prevention measures

- 37 The reserved matters application(s) for layout shall include a scheme of crime prevention measures, for the approval of the Local Planning Authority. The scheme shall provide rationale and mitigation that takes account of the observations, advice and recommendations contained within the Designing out Crime Report ref: 182-1-2023, prepared by Mr. Richard Ball (Designing Out Crime Officer) dated, 17.04.2023. The development shall be implemented in accordance with the approved details.

Reason: To provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour and to comply with paragraphs 96 and 135 of the NPPF (2024) and Policy SP16.

### Contaminated Land

- 38 In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and to satisfy Policy SP17 and the NPPF (2024).

### Biodiversity Net Gain

- 39 Prior to the approval of any reserved matters for the development hereby approved a report detailing the baseline biodiversity value of the site and its value following the development shall be submitted to the Local Planning Authority for approval in writing. The delivery of BNG shall be quantified using the government's Biodiversity Metric tool or any successor to show the balance of losses and gains. The report should demonstrate how the site will achieve a net biodiversity gain (non-mandatory) and incorporate relevant recommendations contained within the Ecological Impact Assessment produced by MAB Environment & Ecology Ltd, dated March 2023. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To comply with Policy SP14 which requires a net gain in biodiversity as part of new development schemes.

### Biodiversity Management Plan

- 40 The proposed biodiversity enhancement measures approved under Condition 39 (above) shall be managed and maintained in accordance with a Biodiversity Management Plan which shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of development.

Reason: To comply with Policy SP14 which requires a net gain in biodiversity as part of new development schemes.

### Construction Environmental Management Plan (CEMP)

- 41 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate the recommended ecological mitigation measures to be implemented during the construction phase as set out within the Ecological Impact Assessment produced by MAB Environment & Ecology Ltd, dated March 2023. All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide the necessary ecological protections to comply with Policy SP14.

### Arboricultural Method Statement

- 42 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.

### Commencement of planting

- 43 All planting, seeding or turfing set out in the details approved at reserved matters stage shall be carried out in accordance with the approved phasing plan and the scheme shall be completed prior to the first occupation of the 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 to satisfy the requirements of Policies SP16 and SP20.

### EV charging

- 44 Prior to the occupation of any dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the charging points shall thereafter be permanently retained in good working condition.

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

## **CONDITIONS AND ASSOCIATED REASONS THAT APPLY TO PART 2 ONLY**

**PART 2:** Full planning permission for change of use to public open space of an adjoining parcel of land as shown outlined in green on Plan Ref. DJB4

Commencement of Development- Statutory time limit

- 45 The development hereby permitted shall be begun on or before three years from the date of this permission.

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

Approved plans

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

Location Plan, ref. DJB2 (Comino Doc Date 11.01.2023)  
Revised Open Space Plan ref. DJB4 (Comino Doc Date 01.09.2025)

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

Landscaping of public open space

- 47 Notwithstanding the submitted details, and before the development hereby permitted is commenced, a detailed scheme for the landscaping of the public open space shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include any proposed means of enclosure and boundary treatments, hard surfaced areas and materials, planting plans, specifications and schedules, existing plants to be retained and showing how new landscaping relates to any underground services and existing landscape features. The scheme shall be completed prior to the first occupation of the associated residential development (PART 1). Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In interests of securing appropriate hard and soft landscaping within the area of public open space to satisfy Policy SP11 of the Local Plan Strategy.

**INFORMATIVES**

Acoustic design (Condition 18)

It is acknowledged that good acoustic design and suitable noise mitigation (taking account of site circumstances) could take the form of bunds, barriers and fences, buffers including open space and landscaping, internal layout within dwellings and orientation of dwellings and the use of acoustic glazing and alternative means of ventilation.

Public Open Space (Condition 16)

The consideration of details submitted under Condition 10 (Public Open Space) shall include consultation with the Health and Safety Executive to ensure that any facilities that would encourage people to congregate, such as play areas, football pitches are located outside of the inner consultation zone (15 metres from the major accident hazard pipeline).

Lighting (Condition 20)

As requested by the Council's Ecologist (24.04.2023), at reserved matters stage, the applicant's ecologist should review the proposed lighting arrangements to ensure that they are compatible with the recommendations set out in section 7.5.2 of the EclA. Written confirmation that the lighting scheme meets these recommendations should be provided. This will ensure no detriment to the conservation status of local bat populations, as required under the Conservation of Habitats & Species Regulations 2017.

Biodiversity Management Plan (Condition 40)

As requested by the Council's Ecologist (24.04.2023) as part of the BMP the applicant should consider additional measures to reduce disturbance to or improve habitats of Otters on Pickering Beck.

Layout and the major accident pipeline

When a detailed reserved matters application is submitted, the HSE Planning Advice Web App must be used again to obtain HSE's advice on the development.

Water main along Malton Road

Yorkshire Water records indicate that a 110mm diameter water main along Malton Road may be affected by the proposed highway alterations to form a new vehicular access. The position of apparatus shown on our plans is indicative only. The exact position and depth of the apparatus can only be determined by excavation. Any conflict between the road construction and the water main can be resolved in accordance with the New Roads and Street Works Act and the HAUC Code of Practice "Measures Necessary Where Apparatus is Affected by Major Works (Diversionary Works). Under Section 84 of the New Roads and Street Works Act Yorkshire Water as a statutory undertaker is entitled to take such steps as deemed necessary to protect its interests in its apparatus. It is the developer's responsibility to ensure that highway alterations do not affect the water main.

In the event of a conflict between the water main and highway construction the developer should apply for a mains diversion via the Developer Services section of the YW website: <https://www.yorkshirewater.com/developers/water/water-main-diversion/>

Vegetation removal checks

Any tree or hedgerow 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 unavoidably checks should be undertaken by a suitably qualified ecologist prior to any felling or cutting of trees or shrubs. Reason: In order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

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 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.

#### 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

#### Delivery of off-site highway works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

#### Details of Access, Turning and Parking

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues__including_parking_standards.pdf)

#### Travel Plans

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues__including_parking_standards.pdf)

#### Public Rights of Way

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.
- ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required. Please contact the Council or visit their website for an application form.

- iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a “claimed” Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

**Target Determination Date:** 20.03.2023 (Extension of time agreement expired on 30 April 2023)

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