

NORTH YORKSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON OUTLINE APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

To : **c/o Johnathan Welton
Quod North
Capitol
Bond Court
Leeds
LS1 5SP
United Kingdom**

The above named Council being the Planning Authority for the purposes of your outline application received on 21 March 2022 in respect of proposed Development for the purposes of:

Proposal : **Outline Application for Ten-Unit Residential Development (with all Matters Reserved Except for Access) Including new Vehicular and Pedestrian Access, Site Drainage, Hard and Soft Landscaping and Associated Works (FURTHER REVISED DETAILS RECEIVED 9.12.22)**

Location : **Land For Development At
Station Road
Scorton
North Yorkshire**

have considered your said application and have **GRANTED** permission for the proposed Development subject to the following conditions :-

1. The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:
 - a) Planning Application Forms and Certificates.
 - b) Design and Access Statement 21357-8002-00 Rev 04 Prepared by Corstophine & Wright (insofar as this relates to the general principles established by the illustrative site layout)
 - c) Planning Position Statement Version 1.0 Prepared by Quod (insofar as this relates to the general principles established by the illustrative site layout)
 - d) Ecological Impact Assessment SCR-BWB-ZZ-XX-RP-LE-0002 Rev 2, Prepared by BWB Consulting
 - e) Biodiversity Net Gain Assessment Rev P03 Prepared by BWB Consulting

- f) Phase 1 Geo-Environmental Assessment Rev P01 Prepared by BWB Consulting
- g) Geophysical Survey by WYAS Archaeological Services
- h) Transport Statement ref GJ/MS/dc/IT17458-001BR Prepared by i-Transport
- i) Flood Risk & Drainage Assessment v1.0 Prepared by Weetwood
- j) Site Location Plan 21357-CW-ZZ-XX-DR-A-0701 Rev 01
- k) Site Plan as Existing 21357-CW-XX-ZZ-DR-A-0702 Rev 01
- l) Illustrative Site Layout 21357-CW-ZZ-XX-DR-A-0706-03 Rev 03
(insofar as it relates to the general design principles to be carried through to any subsequent Reserved Matters Application)
- m) Proposed Site Access Arrangement Plan with Enhanced Village Gateway
ITY17458-GA-006 Rev B, Prepared by i-Transport

Reason for Condition:

To confirm the basis and terms of the outline planning permission.

2. Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced. The detailed layout and design shall be based upon the principles set out in section 3 of the approved Design & Access Statement and in "The Scheme" section of the approved Planning Position Statement.

Reason for Condition:

To reserve the rights of the Local Planning Authority with regards to these matters and ensure a high quality layout.

3. Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason for Condition:

To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

4. The development hereby approved is for ten dwellings exactly.

Reason for Condition:

To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

5. No excavation or other groundworks must take place until an Unexploded Ordnance Assessment submitted to and approved in writing by the Local Planning Authority. The assessment will include a remediation and safety scheme where ordinances are identified or cannot be ruled out. The development will there afterwards take place in complete accordance with the approved Assessment and scheme.

Reason for Condition:

To ensure a satisfactory form of development is achieved and in the interests of public safety.

6. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or

apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning. The development must only be carried out in compliance with the approved engineering drawings

Reason for Condition:

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.

7. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason for Condition:

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.

8. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition:

In the interests of highway safety.

9. The following schemes of off-site highway mitigation measures must be completed before any of the properties are first occupied:
 - i) Amendment to the existing signs and road markings to the north and adjacent to the site in accordance with the details shown on Drawing Number ITY 17458 GA 006 Revision B.
 - ii) The provision of a 1800mm wide footway along the entire perimeter of the site which lies adjacent to the Publicly Maintainable Highway i.e.: on Station Road and Banks Lane, subject to review alongside the layout approved at Reserved Matters Stage.

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. 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 for Condition:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

10. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular and pedestrian accesses
- Vehicular and cycle parking
- Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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 for Condition:

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

11. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- i) The control of noise and dust during construction, including provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
- ii) An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
- iii) An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
- iv) Measures to manage the delivery of materials and plant to the site including the routing and timing of deliveries and the location of loading and unloading areas.
- v) A photographic record of the condition of the Public Highway adjacent to the site plus a distance of 100 metres on each approach. The survey should be taken before the development commences and include the carriageway, footways and grassed verges and be submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.
- vi) Details of any temporary construction access to the site including measures for removal following completion of construction works.

- vii) Contact details for the responsible person (site manager / office) who can be contacted in the event of any issue.

Reason for Condition:

In the interest of public safety and amenity.

12. 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 for Condition:

In the interest of satisfactory and sustainable drainage.

13. 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 as part of the Reserved Matters Layout application. 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 for Condition:

To ensure that no surface water discharges take place until proper provision has been made for its disposal).

14. With the reserved matters Layout application a scheme of surface water drainage shall be 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 County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason for Condition:

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

15. With the reserved matters Layout application a percolation report to determine soil infiltration rate with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage - manual of good practice (1996) shall be submitted to and approved in writing by the Local Planning Authority. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g., invert level, base level of soakaway etc.) relative to

existing ground levels. Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason for Condition:

To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties.

16. Development shall not commence until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved by the local planning authority. If deemed necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason for Condition:

In the interest of public safety.

17. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason for Condition:

In the interest of public safety.

18. Noisy construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.

Reason for Condition:

In the interest of public safety and amenity.

19. The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development. Prior to the commencement of the development, excluding ground levelling works, a scheme setting out how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. The

development shall there afterwards take place in full accordance with the approved details and any associated technology for specific buildings or car parking areas, installed and made fully functional prior to that building/areas first use. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system which is more energy efficient.

Reason for Condition:

To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

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

Reason for Condition:

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

21. Development shall not commence until a Biodiversity Enhancement and Mitigation Plan (BEMP) based upon the recommendations of sections 5, 6 and 7 of the approved Ecological Impact Assessment prepared by BWB consulting has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall provide an overview of habitat and include measures by which to protect retained habitats, including trees T1 and T2 as well as habitat enhancement and creation. Once agreed, all of the measures contained within shall then be implemented within a timescale to be agreed with the Local Planning Authority and maintained thereafter for at least 30 years.

Reason for Condition:

To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

22. Prior to the occupation of any dwelling hereby approved, information leaflets on the Swale Lakes SSSI and other surrounding non-statutory designated sites (including Scorton Quarry SINC) shall be produced so as to be provided to the first dwelling occupant(s) of each dwelling hereby approved. The leaflets shall include give an overview of the habitats and species present within these sites, and how residents can use these areas recreationally, whilst ensuring the ecologically sensitive areas for which they are designated are not impacted by their activities and encouraging responsible usage.

Reason for Condition:

To reduce any impacts upon wildlife.

23. No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of both hard and soft landscaping for the site. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted; and (where appropriate) details of phasing. For the avoidance of doubt, the scheme shall incorporate the measures set out in section 4 of the approved Biodiversity Net Gain Assessment report (or equivalent measures) so as

to achieve a minimum net biodiversity gain of 10% for a minimum of 30 years after the completion of the development.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of five 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason for Condition:

In the interests of the appearance and biodiversity of the development and to reserve the rights of the Local Planning Authority with regard to this matter.

24. Development shall not commence until a detailed layout of the public open space area of at least 500sqm incorporating a Local Area for Play including specifications of any equipment, seating, surfacing, associated fencing and tree and shrub planting to be provided shall be submitted to and approved in writing by the Local Planning Authority. Precise details as to whether the play area would be maintained as an adoptable space, or be retained under private management shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason for Condition:

To reserve the rights of the Local Planning Authority with regard to providing play facilities for younger children in the interests of the residential amenities afforded by the new dwellings. Furthermore to ensure satisfactory arrangements are made for the future maintenance of the area in the interests of both the residential amenities of the dwellings and the visual amenities of the site in general.

25. Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason for Condition:

To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

26. No dwelling shall be greater than two and a half storeys in height.

Reason for Condition:

To ensure a satisfactory relationship with surrounding properties and in doing so ensure that there is no unreasonable impact on the privacy and amenity of neighbours.

27. No materials shall be used in the construction of the external surfaces of the

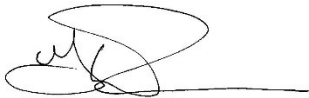
development hereby permitted until details (with brick and roof material(s) samples as necessary) of those materials have been submitted to and approved in writing by the Local Planning Authority. The materials shall be used as approved in the construction of the development.

Reason for Condition:

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regards to this matter.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.



Trevor Watson
Assistant Director – Planning

DATE 28 March 2024

NOTES

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, or of obtaining approval under any other Bye-laws, Local Acts, Orders, Regulations and Statutory Provisions in force, and no part of the proposed development should be commenced until such further approval has been obtained.

YOUR RIGHTS OF APPEAL ARE AVAILABLE AT www.northyorks.gov.uk/planning