

Land at Sutton Grange Paddock, Norton

Application under Section 73 of the Town and County Planning Act 1990 (as amended) for the removal of condition 5 (self-build) of planning permission 20/00770/OUT for the development of 5 dwellings

Planning Statement

September 2024



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October 2024

1.0 Introduction

1.1 This Planning Statement is provided in support of an application under Section 73 of the Town and Country Planning Act (1990) to remove condition 5 of outline planning permission 20/00770/OUT for *'Residential development of 5 no. dwellings (site area 0.72)'* on land at Sutton Grange paddock.

1.2 The paddock is now surrounded by housing on 3 sides and the outline consent (December 2020) establishes the principle of development on the site with vehicular access from the private drive serving Sutton Grange. Condition 5 relates to the proposed housing type and requires that:

"The development hereby permitted shall comprise no more than 5 detached self-build dwellings as defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)."

1.3 The self-build provision was offered by the applicant, who own the Sutton Grange villa and associated grounds and have lived in the property for over 20 years. It followed pre-application advice from Ryedale District Council which stated that any proposal for housing on this site should meet the requirements of Local Plan Policy SP4 (type and mix of housing) with the suggestion of either self-build plots, zero-carbon homes, properties for the over 55's or high-quality, executive style housing.

1.4 In the four years since the planning permission was granted, the requirements of condition 5 (self-build limitation) has been an inhibiting factor in the delivery of the site for housing. Following the Covid 19 pandemic, there has been a significant rise in the costs of both construction and lending and the 'self-build' model is untested for a group of properties where they are not being delivered by a volume housebuilder as part of a wider housing site. This carries risk in both the release and subsequent delivery of each plot, which cannot be sustained either by the owner or a small-scale developer. As a result, it is no longer a viable proposition to develop the site for self-build housing.

1.5 This Section 73 application proposes to remove condition 5, enabling the site to come forward for 5 no. executive-style family homes, which is amongst the other specialist forms

of accommodation suggested by officers at the pre-application stage. All other aspects of the development will remain as per the outline planning permission meaning the layout, scale and architectural appearance of properties will reflect the scheme approved by members in December 2020. The material minor amendment is required to accelerate the delivery of housing on the site, providing high quality new homes for the local area. The new Labour administration has placed renewed emphasis on housing delivery at a national level through a series of changes to the NPPF and the proposal is consistent with their strategy for promoting sustainable development.

2.0 The Site and its Surroundings

- 2.1 The application site comprises 0.7ha of land on the southern edge of Norton. The paddock is roughly kite shaped – it extends out from the driveway at Sutton Grange, reaching a maximum width of around 75m a third of the way into the site. The boundaries then narrow to a point where they meet with Mill Beck at the southern tip of the paddock. The drive is included within the red edged site - at the moment, it is single lane access track, with matures trees on both sides and no passing places. The track terminates 80m to the east of the paddock at a gated entrance into Sutton Grange. Here, there is a wide vehicle crossover onto Langton Road due to the significant grass verge on the western side of the highway, which incorporates a footpath as well as a horse lane.
- 2.2 The paddock previously formed part of a much wider landholding, comprising the agricultural fields associated with Sutton Farm. However, the Grade II listed Sutton Barn, which lies beyond Sutton Grange to the north-west of the site, has now been converted into 5 homes with a further three properties in its grounds. To the east of the barn, planning permission has been obtained for the erection of 6 large detached properties as part of the Mill Beck Court development. To the south of Mill Beck court, the intervening field between the application site and Langton Road is being developed by Keepmoat for 79 new homes. The release of this land for development has effectively pushed the settlement limits for Norton further to the south, meaning Sutton Grange and its associated paddock is now surrounded by housing on three sides.
- 2.3 To the west of the paddock, there is a dense woodland area with a watercourse (Mill Beck) running through the centre. The woodland and a small section of the Beck both fall within the ownership boundary of the applicant, as shown on the site location plan. There is a post and rail fence along the northern boundary adjacent to the access road and a timber lapped fence to the developed area of the Keepmoat site (east). The general topography of the paddock falls towards the Beck, from 26.80 AOD at its most easterly point to 23.00 AOD at the southern tip.
- 2.4 The site lies within 1km of a range of local shops and services within Norton town centre. These include a Post Office, a Costcutter supermarket, a Doctor's surgery and leisure facilities at Derwent swimming baths. Additional shops and services are located within Malton town centre, including Malton train station, which lies within 1.5km of the

application site. Hourly train services run from here to York, Leeds, Manchester and Scarborough. The nearest bus stop is at the Field View bus lay-by, 100m east of the application site. An hourly bus service runs between here and Norton and Malton.

3.0 The Proposal

- 3.1 The proposal is for the removal of condition 5 attached to planning permission 20/00770/OUT for the development of 5 properties on land at Sutton Grange Paddock.
- 3.2 Condition 5 states that *"The development hereby permitted shall comprise no more than 5 detached self-build dwellings as defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)."* Its removal will enable the scheme to be delivered as a conventional housing site for 5 no. high-quality, executive style homes.
- 3.3 The illustrative site layout is shown on approved drawing no. PL20 07 A1 (see extract below)



Approved Drawing No. PL20 07 A1: Proposed Landscape Plan

- 3.4 The site plan is accompanied by a Design Strategy to establish some design principles / development parameters with which future reserved matters applications are expected to comply. The only matter 'fixed' by the outline application is the proposed means of access. The proposal is to utilise the existing private drive serving Sutton Grange and upgrade it to form a passing place roughly half-way (45m) along the driveway and to reconfigure the entrance.
- 3.5 The entrance into the paddock will be at the point of the existing field gate. Here, a new spur of the drive will extend to the south and run along with eastern boundary of the site. Along the western boundary of the site, within the slither of land between the new access road and the timber slatted fence of the neighbouring Keepmoat site, a 5 to 10m landscape buffer is shown to soften the impact of the development. This planting has since been undertaken by the applicant (in 2021). It is now well established and provides an attractive setting for the proposed houses.
- 3.6 Other than the removal of the self-build provision, there are no changes to the material submitted and approved as part of the outline planning permission. The overall design concept and illustrative masterplan remain as per the scheme approved by Members at the December 2020 planning committee.

4.0 Planning Policy Context

- 4.1 Determination of this application is to be made under Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for Ryedale comprises the Local Plan Strategy (2013) and the recently adopted Local Plan Sites Document (2018). The National Planning Policy Framework (2023) is a material consideration in the decision-making process, along with outline planning permission 20/00770/OUT.

Ryedale Local Plan Strategy (2013)

- 4.3 The Local Plan Strategy for Ryedale sets out the spatial vision for the District and outlines the policy objectives for the delivery and distribution of housing development over the next 15 years. Policy SP1 identifies Malton and Norton as the principal town within the District where the majority of new development and growth should be focused. It highlights a number of opportunities for growth, which include greenfield sites on the edges of the towns for low / medium density family housing and accommodation to address the needs of a local ageing population.
- 4.4 Paragraph 4.16 (housing) acknowledges that although brownfield land will be prioritised, greenfield sites will be required. It states that there are limited opportunities that exist to provide new development within the current built up areas of the main towns in the District and those opportunities that do exist are constrained for a number of reasons.
- 4.5 Within the open countryside, Policy SP1 states that development will be restricted to that:
- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
 - which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets or
 - which is justified through the Neighbourhood Planning process
- 4.6 Policy SP2 sets out the approach to the deliverability and distribution of new housing. It states that sufficient land will be allocated to provide for 200 homes per annum and the

release of sites will be phased and managed in conjunction with other sources of supply to facilitate a continuous delivery of 200 homes per annum. Housing completions which exceed the planned annual build target by up to 25% (i.e. 50 units) will not be deducted from the overall number of homes to be provided across the plan period. In effect, this introduces a 'zone of tolerance' for house completions. It is designed as a positive, flexible and plan led approach which is responsive to delivery.

- 4.7 The policy targets at least 50% of all new housing development to be provided in Malton and Norton with new build housing taking place within development limits and on small, medium and large extension sites around the towns. Due to the constraints associated with brownfield sites within development limits, the supporting text to the policy recognises that the vast majority of land needed to accommodate the planned rate of housing will come from greenfield sites on the edges of the main settlements and this will involve some harm to landscape and biodiversity.
- 4.8 Policy SP4 advises on the type and mix of new housing that will be required to retain a balanced housing stock and provide choice in the housing market.

Ryedale Local Plan Sites Document

- 4.9 The Local Plan Strategy provides a strategic planning policy framework for the development and growth of different settlements within the district and against this background, the Sites Document has been produced to comply with and to deliver the strategy. In relation to the application site, the most significant changes from the 2002 Local Plan are:
- The Keepmoat site to the north and south east of Sutton Grange has been identified as a housing commitment, effectively extending the settlement limits of Malton and Norton to the north and south east of Sutton Grange
 - The land between Welham Road and Langton Road, including the paddock and woodland area at Sutton Grange has been designated a Visually Important Undeveloped Area
- 4.10 The previous Local Plan for Ryedale defined 'Visually Important Undeveloped Areas' (VIUA's) as a policy designation to protect specific open sites in or on the edge of settlements. Sites are identified as VIUA's for one or more of the following reasons:

- a site makes a significant contribution to the character or setting of the settlement;
- a site provides an attractive setting for buildings within a settlement and/or;
- a site makes an important contribution to the historical form and layout of a settlement.

4.11 The preparation of the Sites Document provided the opportunity to identify further VIUA sites in the context of the current strategy of the plan, which places greater emphasis on the expansion of the market towns than previous development plans for Ryedale. The land between Welham Road and Langton Road was identified as a potential VIUA in earlier draft versions of the Site Document, on the basis that:

“This collection of fields allows the ability of both Malton and Norton to be viewed. They provide a buffer between the built edge of Norton, with an aligned use of horse grazing with the Listed ‘Whitewall’ and Whitewall Cottages. The field patterns are more diverse than those which surround the rest of Norton, and the fields afford views of Norton and Malton, and the important area of Mill Beck”

4.12 However, the consultation divided the VIUA into two parts. The first part is the land to the south of Mill Beck extending along to Welham Road to the west. The second part of the designation, which includes the subject site and the land granted planning permission under approvals 15/00098/MOUT and 15/00099/MOUT was only to be implemented should the planning permissions expire. Now that they have been implemented, this land should not have been included within the designation.

National Planning Policy Framework (NPPF)

4.13 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision taking, this means that where the policies which are most important for determining the application are out-of-date, granting permission unless 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.

4.14 Paragraph 38 requires LPAs to approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible

- 4.15 Paragraph 60 reiterates the government's long-standing intention to significantly boost the supply of homes. It highlights the importance that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
- 4.16 Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

5.0 Assessment

- 5.1 The principle of housing development on the land at Sutton Grange paddock is established by outline planning permission 20/00770/OUT. In reaching their decision, officers accepted that the site offered a sustainable location for development and was well-related to the existing settlement. The Committee Report for the application states that:

"In terms of the site context the new housing development granted on appeal (refs 15/00098/MOUT and 15/00099/MOUT) which is being progressed on land immediately east and south-east of the application site has altered the character of the southern edge of Norton. The application site no longer forms part of the wider open space on the southern approach into town as the land surrounding the application site has been urbanised. The application site is now an undeveloped parcel of land set back from Langton Road with existing and new housing development on three sides."

- 5.2 The recommendation (for approval) was made on the basis of a balanced judgement, whereby the departure from Policy SP2 (development in the open countryside) weighed against the proposal but the specific locational factors and increasingly urbanised setting of this edge of settlement site were significant material considerations which outweighed any potential disbenefit.

- 5.3 The balancing exercise is set out in the penultimate paragraph of the Committee Report (Appendix 1). Whereas the provision of 5 no. self-build plots aligns with Local Plan Policy SP4 and paragraph 63 of the NPPF regarding identified housing needs, it was not the overriding factor in the decision-making process. This was also apparent at the planning committee meeting where the main focus of the discussion was on the characteristics of the site as an appropriate infill plot along with the design credentials of the scheme. The need for or purpose of condition 5 did not feature in the debate or appear to be a factor in the decision-making process. Members agreed with officer assessment that:

"the proposed low-density housing would not overdevelop the field and is arguably a logical infill development within this growing settlement."

The scheme was approved on a vote of 9 in favour, 0 against and 1 abstention.

- 5.4 Since the outline planning permission was granted in December 2020, the applicant has reconsidered the feasibility of implementing approved scheme. They have costed the infrastructure works required to create 5 no. 'oven ready' self-build plots (highways, drainage and earthworks / landscaping), sought advice from local agents on the marketability of the plots and approached lenders on the model of financing. The nature of the development means that the costs are all frontloaded with a limited target market and a restricted sales return (no profit from construction). The level of risk has ultimately proved to be prohibitive, and the owners is therefore considering alternative options for disposal of the land. These include:
- The development of 5 no. executive style properties on the site, which would follow the approved layout and design code, but not the self-build housing model
 - Promoting the site for housing in the North Yorkshire Local Plan with a projected yield of up to 30 homes.
- 5.5 In 2021, the applicant submitted representations to Ryedale District Council as part of their Local Plan Review process suggesting that the site be included within the settlement limit for Norton, along with the neighbouring Keepmoat development. This was to reflect the existing planning permissions and would have effectively removed the site from the open countryside and the VIUA designation, creating a more favourable policy context.
- 5.6 However, the review was abandoned shortly after the District Council was absorbed within the combined authority for North Yorkshire and they have since launched their own 'Call for Sites' exercise. The applicant has again submitted representations on the Plan but the process is in its very early stages and the final document is still at least 4 years away from adoption.
- 5.7 During the transitional period, the District will become increasingly reliant on windfall sites such as this to deliver their annual housing requirement. The Section 73 application is an opportunity to unlock the delivery of the site for housing whilst remaining in accordance with the design principles established by outline planning permission 20/00770/OUT. It is being submitted with sufficient time to enable the future submission of reserved matters and the subsequent discharge of conditions.

- 5.8 With the removal of condition 5, the development would effectively evolve from a scheme for 5 no. self-build plots to one for the delivery of 5 no. bespoke, executive style homes. It would still add to the type and mix of new housing within the Malton / Norton area in compliance with Local Plan policy SP4. Most significantly though, it offers a sustainable form of development as promoted within the NPPF and would be consistent with the agenda of the new labour administration to focus on housing delivery. Overall, the case is not fundamentally different to that which was accepted by members in granting outline planning permission 20/00770/OUT.

Visual Impact

- 5.9 The land is designated as a Visually Important Undeveloped Area (VIUA) within the Local Plan Sites Document. However, similar to the discussion above regarding the defined settlement limit, the implementation of planning permissions 15/00098/MOUT and 15/00099/MOUT now override the VIUA designation for land to the east of Mill Beck. The supporting evidence base states this part of the VIUA was only to be retained in the event these permissions expired, but they have now been implemented and are almost completely built out.
- 5.10 In light of this, the principle of development on Sutton Grange paddock (as part of the designated area) was accepted in granting outline planning permission 20/00770/OUT with officers stating that:

"The contribution the application site makes to the wider VIUA has been eroded by the urbanising effect of the volume house building which is progressing on neighbouring land."

- 5.11 The report to committee also assessed the impact of development within the paddock on short and long-distance views from around the settlement. In this regard, it was considered that:

"The application site benefits from the containment provided by the existing natural features (woodland and tree lined beck) which delineate the site boundary to the west and south. In addition, the change in topography north to south and the new housing development to the east combine to restrict views towards the application site from Langton Road. Due to the existing woodland there would be very limited views of the application site from elevated positions on

the eastern side of Scott's Hill to the south east of the application site and from those positions the view is dominated by the roofscape of new dwellings forming the Keepmoat housing development."

- 5.12 Since this decision was taken, the owner has planted a dense landscape buffer along the south-east boundary of the site, which borders the Keepmoat housing scheme. The trees within this buffer zone are beginning to establish and in time, they will add to the degree of containment from Langton Road.

Other Considerations

- 5.13 Vehicular access to the site is provided via the existing private drive serving Sutton Grange, which will be upgraded to accommodate the additional vehicular movements. The land falls within an area of archaeological interest, adjacent to Mill Beck and its associated woodland, which contributes to local biodiversity. However, its general topography falls down towards the watercourse and the site is within flood zone 1. The woodland sits outside of the red line boundary but the development offers renewed potential for conservation management and enhancement. The archaeological profile of the surrounding area is well known with a number of surrounding sites recently coming forward for development. All of these issues were considered in the decision to grant outline planning permission 20/00770/OUT and are covered by the planning conditions attached to the consent. The only condition proposed to be altered is no. 5 relating to the provision of self-build plots, with all other aspects of the development remaining the same.

6.0 Conclusion

- 6.1 The principle of housing development on the land at Sutton Grange paddock is established by outline planning permission 20/00770/OUT. In reaching their decision, officers accepted that the site offered a sustainable location for development and was well-related to the existing settlement. The land is surrounded by new housing on three sides, which has had an urbanising effect on the former paddock. It offers a logical extension to the urban area.
- 6.2 Prior to the submission of the outline application in August 2020, the owner received pre-application advice from Ryedale District Council which stated that any proposal for housing on this site should be directed to meet the requirements of Policy SP4. They suggested the provision of self-build plots, zero-carbon homes, properties for the over 55's or high-quality, executive style housing would all provide suitable forms of accommodation for this edge-of settlement location.
- 6.3 In the four years since the planning permission was granted, the requirements of condition 5 (self-build limitation) has been an inhibiting factor in the delivery of the site for housing. This Section 73 application proposes to remove this condition, enabling the site to come forward for 5 no. executive-style family homes, which is amongst the specialist forms of accommodation suggested by officers at the pre-application stage.
- 6.4 The design and appearance of the houses along with the proposed site layout is not being altered from the scheme which was approved by members in 2020. In considering this application, it was the specific locational factors and increasing urbanised setting of the location that were considered to outweigh the departure from Policy SP2 (development in the open countryside). This was reflected in both the committee report and the discussion that took place at the planning committee meeting. In this context, the removal of condition 5 is not considered to be so significant as to tip the balance of the original decision. This is compounded by the likelihood that the site will soon be absorbed within the development limits for Malton and Norton. Whilst the local plan is in a period of transition, the delivery of housing within these settlements will be reliant on windfall sites such as this one.
- 6.5 In summary, the proposal offers a sustainable form of development where the benefits are not significantly and demonstrably outweighed by the impacts. For these reasons, we respectfully request that consent be granted for the removal of condition 5.

Appendix 1

20/00770/OUT Officer Report

Item Number: 6
Application No: 20/00770/OUT
Parish: Norton Town Council
Appn. Type: Outline Application
Applicant: Mr Paul Sedman (Sutton Grange Developments)
Proposal: Residential development of 5no.dwellings (site area 0.72ha) - access to be considered
Location: Land at Sutton Grange Langton Road Norton Malton YO17 9PU

Registration Date: 26 August 2020
8/13 Wk Expiry Date: 21 October 2020
Overall Expiry Date: 7 October 2020
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Norton Town Council	Recommend approval, subject to tree retention and protection over entrance way and main site.
Highways North Yorkshire	Recommend conditions
Yorkshire Water Land Use Planning	Recommend conditions
Archaeology Section	Recommend condition
NYCC Natural Services	Further information required
Building Conservation Officer	No objection
Tree & Landscape Officer	No objection – recommends conditions

Re-consultation

NYCC Natural Services	Mitigation to be secured by condition. Stage 1 Habitat Regulations screening assessment concluded no significant effect is likely
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Representations: AC Barker (objects), JD Barker (objects), Mr Mark Appleby (objects), Ms Margaret Pepper (supports), P Hudson and C Cuthbert (support).

BACKGROUND:

The application is to be determined by Planning Committee due to the applicant being a close relation to an elected Member of the Council. In addition representations received in response to the consultation exercise have raised objections based on material planning considerations.

On 27 October 2020 Members resolved to conduct a site inspection in advance of the determination of the outline planning application. The site inspection is scheduled for 4 December 2020 and will allow Members to gain an understanding of the proposed development in the context of the surrounding land, heritage assets, landscape features, adjacent residential development and the public highway prior to the detailed consideration of this outline planning application.

SITE:

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

site.

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

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

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

The land to the east and north east of the application site is being developed for 79 dwellings (Keepmoat Homes- Ebor Chase Development) under permission ref. 15/00098/MOUT. The nearest properties to the east of the site (Spring Beck Avenue) have been completed. There is also permission for six detached dwellings to the north of the private driveway north east of Sutton Grange under permission ref. 15/00099/MOUT. As a result new housing development will flank the existing private driveway to Sutton Grange.

PROPOSAL:

Outline planning permission is sought for a residential development of 5no.dwellings (site area 0.72ha) - access to be considered. All other matters (layout, scale, appearance and landscaping) are reserved for a future reserved matters application(s) although illustrative detail is provided in support of the outline proposals.

The site would be developed as 5no. self-build plots on the western side of the site. The developable part of the site has maximum dimensions of 75 metres in width (east -west) by 110 metres in length (north-south). The site narrows at its southern extent where it meets Mill Beck. A 0.19 hectare paddock to the north of the development site would be retained for use by Sutton Grange (outside of application site).

The access off Langton Road would be widened with a passing place created half way along the driveway. The entrance gates would be repositioned further into the site at a point on the private driveway 25 metres north east of Sutton Grange beyond what would become the shared driveway. The entrance to the application site off the driveway would be formed at the existing field gate into the paddock at the north end of the site. The new driveway would run along the northern and eastern sides of the site and would include a branch to the north of plot 2 and a turning head at the southern end of the site adjacent to plot 4.

The indicative plans show that the individual plots would be divided by beech hedgerows and there would be metal park railings along the frontage with the new driveway. A 5-10 metre wide landscape buffer strip of native tree planting would be created along the eastern boundary adjacent to the new housing development. A shallow swale to collect surface water off the driveway would run along the western side of this shelter belt parallel to the driveway. A narrow ditch would be created to the west of the dwellings to attenuate surface water from the individual plots. A mixed native hedge would be planted beyond the ditch along the western boundary. Foul water would be directed to a small subterranean pumping station adjacent to the new driveway from where it would be pumped to a gravity sewer on the existing driveway which links to the sewer in Langton Road.

Each of the detached dwellings would comprise of single and two storey elements. The indicative details show that the dwellings will be constructed from traditional materials such as brick and stone with slate pitched roofs. The dwellings will be designed with overdrawn eaves, verge details and intersecting roof lines subservient to the main ridge line. The window proportions would be similar to

Sutton Grange and the dwellings would incorporate traditional chimney stacks. It is also intended that the dwellings comply with Lifetime Home Standards which sets design criteria in relation to accessibility.

The application is accompanied by a Planning Statement, Design Intent Strategy, Visual Landscape Analysis, Ecological Impact Assessment, Flood Risk Assessment, Outline Drainage Strategy and an Archaeology and Heritage Desk Based Assessment.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

The Ryedale Plan – Local Plan Sites Document (2019)

The following policies of the Ryedale Plan – Local Plan Sites Document are relevant to the assessment of the application:

- Policy SD16 - Visually Important Undeveloped Areas

Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)
Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

REPRESENTATIONS:

The LPA has received a total of 5 representations from local residents in response to the application of which three object and two are in support.

The objections and concerns can be summarised as follows:-

- Narrow entrance road/poor access
- Impact on existing mature trees along site access
- Tree planting on eastern boundary will obstruct natural light to dwelling and garden
- New tree planting could damage drains, property and public cycleway

- Impact on local wildlife

The representations in support raise the following points:

- Housing of character without impacting on rural location
- Proposed landscaping minimises visual impact
- Attractive houses within very nice setting
- Better than large developer cramming as many in houses on to the land

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development;
- Impact on visual amenity, landscape character and form of the settlement including the VIUA;
- Impact on heritage assets;
- Impact on residential amenity;
- Highway impacts;
- Drainage;
- Archaeological impact; and
- Ecological impact.

Principle of the development

Policy SP1 (General Location of Development and Settlement Hierarchy) in the Ryedale Plan- Local Plan Strategy (2013) sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. The site is outside of the development limits of Malton/Norton (Principal Towns) and is, therefore, within the open countryside for planning purposes.

Policy SP1 of the Local Plan Strategy makes it clear that in such open countryside locations, development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities; which can be justified to secure significant improvements to the environment or conservation of significant heritage assets or, to that which is justified through the neighbourhood planning process. Policy SP2 of the Local Plan Strategy, in relation to new housing development, provides policy support in principle for dwellings in the open countryside in specific circumstances. In summary these include, new build dwellings necessary to support the land based economy; the conversion of redundant or disused traditional rural buildings; replacement dwellings or the change of use of specific types of tourist accommodation. The proposal is not a form of development referred to in the relevant part of Policy SP2.

The LPA is confident that it can demonstrate a five year land supply as set out in the adopted Local Plan Sites Document. There is no requirement for new housing outside of the development limits of the Towns to achieve housing targets. The adopted Development Plan does not identify self-build plots as part of the land allocations identified in the Sites Document and does not provide specific policy support for self-build development plots in the open countryside. Therefore the proposal is contrary to Policy SP2 and this factor weighs against the proposal. This is recognised by the application supporting documents which acknowledge that the proposal is a ‘departure’ from the Development Plan and the applicant does not seek to justify the proposal against Policy SP2. The application has been advertised as a ‘departure’ from the Development Plan and no representations have been received in relation to the principle of the development (site specific concerns only).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”. The application seeks to demonstrate that there are sufficient material considerations to weigh in favour of the development of the site as five self-build plots, when carrying out an assessment as part of the overall ‘planning balance’.

A significant material consideration in the decision-taking process is the National Planning Policy Framework (2019) which contains policies on delivering a sufficient supply of homes. At paragraph 61 it explains that within this context *‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’*. It is the latter part of the policy which is relevant in this case and this is an element of national policy which post- dates the adoption of the Development Plan.

In terms of the specific type of housing development proposed it is the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) which provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Act places a duty on LPA’s to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority’s area for their own self-build and custom housebuilding. In numerical terms the LPA has granted permissions for a good supply of self-build developments (evidenced through Self-Build CIL exemptions) which largely arise from individual ‘windfall’ plots. However, there is no supply of grouped, ‘purpose provided’ self-build plots and demand exists but is reliant on a willing landowner /developer.

Whilst the Development Plan does not include a specific policy on this form of development nor identify self-build land in its allocations, it does aim to deliver increased choice and variety in the housing market (Policy SP4).

Returning to Policy SP1, which identifies Malton and Norton as the principal town within the District where the majority of new development and growth should be focused, it is relevant that the application site is on the edge of the town in a location where services and facilities can be easily accessed by walking or use of public transport. This was explored in detail by the Planning Inspector in relation to the adjacent appeal sites who noted the relative close proximity to the sites to transport links, services and facilities within the town. In terms of locational sustainability this site is broadly in conformity with Policy SP1. Furthermore the supporting text for Policy SP1 identifies opportunity for growth in Malton and Norton and includes *‘Greenfield sites on the edges of the towns for low/medium density family housing’* of which the proposed development under consideration is an example.

Impact on visual amenity, landscape character and form of the settlement including the VIUA

The site does not sit within any nationally protected or designated landscape. The application site forms part of the locally designated VIUA which runs between Langton Road and Welham Road as identified in Policy SD16. Policy SP16(to which Policy SD16 refers) states that development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement.

In terms of the site context the new housing development granted on appeal (ref’s 15/00098/MOUT and 15/00099/MOUT) which is being progressed on land immediately east and south east of the application site has altered the character of the southern edge of Norton. The application site no longer forms part of the wider open space on the southern approach into town as the land surrounding the application site has been urbanised. The application site is now an undeveloped parcel of land set back from Langton Road with existing and new housing development on three sides.

The application site benefits from the containment provided by the existing natural features (woodland and tree lined beck) which delineate the site boundary to the west and south. In addition the change in topography north to south and the new housing development to the east combine to restrict views towards the application site from Langton Road. Due to the existing woodland there would be very

limited views of the application site from elevated positions on the eastern side of Scott's Hill to the south east of the application site and from those positions the view is dominated by the roofscape of new dwellings forming the Keepmoat housing development.

With regard to the design of the proposed development the owner of each self-build plot would have primary input into its final appearance and layout but within the design intent parameters secured by the outline planning permission which are summarised in the 'Proposal' section of this report. It is considered that the proposed slate roofs would soften the appearance of this site in contrast to the stark appearance of new red pantiles of the adjacent housing development.

In terms of the indicative landscape design the proposed native tree planting would create an attractive setting for the proposed dwellings. The existing streamside trees along Mill Beck and the woodland adjacent to Sutton Grange provides good screening and a mature backdrop as noted by the Council's Tree and Landscape Officer. The Tree and Landscape Officer recommends conditions to cover landscape planting, a tree survey and tree protection measures which is also referred to in the comments made by the Town Council.

It is considered that the contribution the application site makes to the wider VIUA has been eroded by the urbanising effect of the volume house building which is progressing on neighbouring land. The proposed development site is visually discreet and would not extend the settlement in the same way as the adjacent site which has been built to a higher density. In this case the proposed low-density housing would not overdevelop the field and is arguably a logical infill development within this growing settlement. The existing beck and associated woodland form a strong boundary and it is not unreasonable to conclude that in visual terms it marks the edge of the settlement. In this regard, the development of this part of the VIUA alone would result in minimal loss or damage to the character and setting of the settlement, and way the wider VIUA is experienced. It is considered that the development of the site for housing would be sympathetic to the grain of the settlement and the context provided by the surroundings. It would not detract from the landscape character and visual amenity nor depart from the form and setting of the town in accordance with policies SP16 and SP20.

Impact on heritage assets

The two heritage assets within relatively close proximity of the application site are Sutton Barn, which is Grade II Listed, and the applicant's property at Sutton Grange, which has previously been identified as a non-designated heritage asset.

The heritage significance of these heritage assets was considered in detail in the 2015 planning appeals which resulted in permission being granted for the adjacent housing development. In weighing up the harm the inspector decided that the loss of long distance views would not affect the significance of the assets and in the case of Sutton Grange would be replaced by shorter distance views from within the new housing development site which allow closer appreciation of the heritage asset.

Any potential harmful impact must be viewed in light of the adjacent housing development. It is considered that the development would not result in harm to the Grade II listed Sutton Barn which stands beyond Sutton Grange approximately 110 metres north west of the application site.

The proposed development would be closer to Sutton Grange (non-designated heritage asset) than the new housing development on Spring Beck Avenue to the east. However, the application site boundary has been drawn so to leave an undeveloped paddock to the front (east) of Sutton Grange which would provide an open setting for the existing dwelling. The proposed self-build dwellings would be positioned down the slope of the field and would not interrupt any views towards the front of Sutton Grange from within the adjacent housing development. In addition the new dwellings would be limited to two storeys in height and would be set against the existing, well established woodland backdrop. The design intent would reference the architectural features and building materials of Sutton Grange and the spacing of the plots is sympathetic and the scale and massing would not dominate or adversely affect the significance of Sutton Grange.

There are no objections from the Building Conservation Officer and it is considered that the proposed

low density housing in the lower part of the field would not result in any more harm than the adjacent housing development and complies with the requirements of Policy SP12 and the NPPF.

Impact on local amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having 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.

The application site is set back from the public highway at the lower end of the existing paddock. The individual plots are generous and allow for ample private amenity space and 'in curtilage' parking. At the closest point the self-build dwellings (plot 5) would be approximately 20 metres west of the nearest new dwellings on Spring Beck Avenue and a 5-10 metre landscape buffer would be established on the eastern boundary of the application site. It is noted that a concern has been raised that new tree planting would result in the loss of natural daylight to the houses on Spring Beck Avenue. The new planting would not be immediate to the dwellings on Spring Beck Avenue as a 3 metre wide footpath/cycleway runs between. It is considered that as part of the reserved matters a landscaping scheme of mixed native species can be agreed which provides the necessary screening buffer and ecological enhancement without detriment to residential amenity. There shall be conditions imposed to control the external lighting. The low density development would not result in any detrimental impacts in terms of noise, loss of privacy/overlooking or natural daylight or an overbearing presence.

It is considered that the development of five self-build plots in this location is compatible with the adjacent land use and the existing ambience of the immediate locality and it is not anticipated that the proposed development would give rise to any unacceptable visual intrusion or any pollution or disturbance and as a result there would not be an adverse impact upon residential amenity in compliance with Policy SP20.

Highways impacts

Policy SP20 seeks to ensure that new development does not have a detrimental impact on road safety.

The proposed development would use the existing, single car width access which extends from the entrance off Langton Road to the private parking and turning area to the front of Sutton Grange. At the site entrance there is a wide vehicle crossover onto Langton Road which incorporates a footpath as well as a horse lane within the verge. At the pre-application stage it was established through correspondence with highways officers that the number of units within the application site would be limited to 5, otherwise, the existing driveway serving Sutton Grange would need to be upgraded to adoptable standards.

The existing entrance off Langton Road would be reconfigured with the stone gatepost and gates being repositioned further west nearer to Sutton Grange and the access widened to double car width to create a holding area where vehicles entering and leaving the site can wait clear of the footpath and horse lane. A passing place will be created on the southern side of the driveway, approximately half way along.

The entrance to the application site would be a new spur off the driveway beginning at the existing field gate into the paddock at the north end of the site. The new driveway would run along the northern and eastern sides of the site and would include a branch to the north of plot 2 and a turning head at the southern end of the site adjacent to plot 4. The large plots would have sufficient space for 'in curtilage' parking in accordance with adopted parking standards.

The Local Highway Authority has no objection to the proposed development. The highway officer notes that the improvements by widening of the sole access and introduction of a passing place serves to enable the traffic to move on and off site without causing congestion at the junction with Langton Road.

The Local Highway Authority recommends conditions are imposed in relation to the highway verge crossing; the provision of parking and turning areas; and a construction phase management plan.

It is considered that, taking account of anticipated traffic movements associated with the proposed development and access improvements, the proposed development would not give rise to a materially significant adverse impact on highway safety either individually or cumulatively and there would be no conflict with Policy SP20.

Drainage

The site is within Flood Zone 1 (low probability of flooding) and less than 1 hectare in area and as a result does not require a site specific Flood Risk Assessment. A drainage assessment has been submitted with the application which illustrates how the bank of Mill Beck is of a height which means the application site is not at risk of flooding.

In terms of surface water drainage arrangements it is understood that percolation testing relating to the adjacent development site indicated that the soil profiles are not receptive to infiltration drainage and therefore the proposed drainage strategy is based on discharge to the adjacent watercourse (Mill Beck).

The proposed landscape buffer on the eastern edge of the site will incorporate a swale to channel surface water run-off from the internal access road. To the rear of the proposed dwellings on the western side of the site a narrow ditch would capture surface water from the individual plots. Both the swale and the ditch would discharge to Mill Beck at the existing run-off rate of 3.3 lps.

Foul water would be directed to a small subterranean pumping station adjacent to the new driveway from where it would be pumped to a gravity sewer on the existing driveway which links to the sewer in Langton Road.

Yorkshire Water have raised no objection and request that standard drainage conditions are imposed in order to protect the local aquatic environment and Yorkshire Water infrastructure.

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 detailed design of the drainage scheme being approved as part of the reserved matters the development complies with the NPPF and Policy SP17.

Archaeological impact

The County Archaeologist notes that the development site forms part of the shrunken medieval settlement of Sutton which was partly excavated to the south in advance of housing construction.

Excavations revealed a complex of ditches, trackways, waste disposal pits, wells and buildings dating from the 12th century onwards. The County Archaeologist states that these deposits almost certainly continue into the current development site, particularly in the south-west corner of the development. The County Archaeologist supports the recommendations of the applicant's archaeological desk based assessment which are that an archaeological strip, map and record takes place prior to the development. The County Archaeologist supports this approach as the types of deposits anticipated are likely to add to current understanding of the former village without being of such significance as to preclude development.

The County Archaeologist advises that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal in accordance with Policy SP12 and the NPPF. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation and this shall be secured by conditions in compliance with Policy SP12.

Ecological impact

The County Ecologist notes that the application site is agriculturally-improved grassland of little intrinsic nature conservation, but it does border Mill Beck, a tributary of the River Derwent Special

Area of Conservation (SAC). Due to the proximity of the site to the SAC and its connectivity via Mill Beck, a Habitat Regulations Assessment under the Conservation of Habitats & Species Regulations 2017 was necessary to determine whether there would be likely significant effects on SAC features.

The County Ecologist acknowledged that there was no evidence of badgers or great crested newts but requested further information in relation to otters and their use of this section of Mill Beck. Following further surveys it was confirmed that no signs of otter have been found. This allowed a Stage 1 screening assessment to be completed under the Conservation of Habitats & Species Regulations 2017 which concluded no significant effect is likely, and no further screening is needed.

The submitted Ecological Impact Assessment confirms that there will be negligible impact from any loss of improved grassland and no loss of hedgerow or trees is anticipated. There are no works proposed within the vicinity of Mill Beck and a 5 metre wide buffer strip to be retained along Mill Beck would ensure no impact on aquatic or riparian fauna. Additional ecological enhancements would take the form of integral bird and bat boxes and tree and shrub planting using native species which would result in an overall net biodiversity gain.

The County Ecologist has no objections and recommends a condition to secure a further updated Ecological Impact Assessment at the detailed design stage of the development to confirm the specific mitigation and enhancements measures proposed to be incorporated. In light of this it is considered that the proposed development complies with the requirements of Policy SP14 and the NPPF.

Conclusion

The starting point for the consideration of any proposal is the adopted Development Plan. Policies SP1 and SP2 set out the spatial strategy for the District and seek to limit new housing development to specific locations and circumstances, to ensure the sustainability.

The application site is beyond the development limit and within the open countryside and the residential development does not represent one of specific circumstances identified for support in Policy SP2. The proposal fails to comply with the adopted Development Plan in this regard.

The proposal would provide a small supply of self-build plots which is consistent with national policy and which would increase housing choice locally, in accordance with Policy SP4. In this respect, national policy relating to the provision of self- build housing post- dates the adoption of the Development Plan and this weighs in favour of the proposal.

The application site is on the edge of a Principal Town in a location where services and facilities can be easily accessed by walking or the use of public transport. The site is considered to be in a sustainable location and would not disrupt the settlement hierarchy set out by the Development Plan and is not considered to conflict with the broad aims of Policy SP1.

The proposed development would utilise a discrete parcel of land in an edge of town location. It is considered that the site fits with the evolved form of this part of the town and would not appear as encroachment or urban creep into the open countryside nor a site that has been 'bolted on' or 'wedged in' to the existing settlement.

Taking account of the topography of the land, the adjacent housing development, the existing and proposed landscape buffers and the indicative siting, scale, design and materials it is considered that the development site presents an opportunity for a small grouping of 'purpose- provided' self-build plots which can be accommodated without having an unacceptable impact on the appearance of the landscape, visual amenity or the character and form of this part of the settlement.

It is considered that the site lends itself to this type of low density of development within a landscaped setting in that it is visually contained and given the well-defined boundary features to the west and the adjacent housing development to the south-east would not push the outer edge of the settlement further into the open countryside.

The development of the site for 5no. two storey, detached dwellings would not have an overbearing impact or result in harm to the setting of the nearby heritage assets. The development would involve part of a VIUA but the loss of this detached part of the locally designated land would not undermine the overall, wider purpose of the VIUA between Langton Road and Welham Road which is to provide a buffer from the built edge of Norton. It is considered that the development of this site to meet a specific need significantly outweighs the loss of part of the VIUA.

The site would be served by an improved access and 'in-curtilage' parking provision and the development would not create adverse highway safety conditions and associated traffic can be accommodated by the local highway network.

In light of the above assessment, it is considered that, on balance, whilst the site is outside of development limits, the type of housing proposed ('purpose provided' self-build plots) and the specific locational factors and increasingly urbanised setting of this edge of settlement site are significant material considerations in favour of granting permission for the development which outweigh the disbenefits of departing from Policy SP2 of the Development Plan in relation to the local of new housing development. The proposed development complies with Policies SP1, SP4, SP12, SP14, SP16, SP17, SP18, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional approval.

If permission is granted a significant number of conditions that, inter alia, seek to establish the design principles and development parameters are required to steer and guide the reserved matter process and the future the development of both wider site infrastructure and the individual self-build plots. In light of the relatively limited detail that forms the outline planning application an extensive list of the conditions is necessary to afford the LPA comfort and confidence that a high quality residential development can be achieved.

RECOMMENDATION: **Approval** (conditions to follow in Late Pages)

Appendix 2

20/00770/OUT Decision Notice

RYEDALE DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

OUTLINE APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

**RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS
CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED
SUBJECT TO THE CONDITIONS STATED BELOW:**

Application No: 20/00770/OUT

Proposal: Residential development of 5no.dwellings (site area 0.72ha) - access to be considered

at: Land At Sutton Grange Langton Road Norton Malton YO17 9PU

for: Mr Paul Sedman (Sutton Grange Developments)

Decision Date: 9 December 2020

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy
National Planning Policy Framework
National Planning Practice Guidance

CONDITIONS AND ASSOCIATED REASONS

01 Commencement time limit
Application for approval of reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

Mr Paul Sedman (Sutton Grange Developments)
C/O Mr Graeme Holbeck (ONeill Associates)
Lancaster House
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YO30 4GR

The development of each individual plot hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.

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

02 Reserved Matter approval

Approval of the details of the Layout; Scale; Appearance; and Landscaping ('the reserved matters') shall be obtained from the Local Planning Authority prior to the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.

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

03 Design Code

The details to be submitted for approval of the matters reserved by condition 2 above shall be substantially in accordance with a Design Code for the entirety of the site which is to be first agreed in writing by the Local Planning Authority. The Design Code shall be based on the principles and criteria set out in the Design Intent Strategy dated 5 August 2020. The development shall thereafter be carried out in accordance with the agreed details.

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

04 Approved drawings

The development hereby permitted shall be carried out in accordance with the following approved plan(s):

OS Location Map ref. EX10 04, dated 01.07.20

Proposed Landscape Plan ref. PL20, dated 03.08.2020

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

05 Housing numbers and type

The development hereby permitted shall comprise no more than 5 detached self-build dwellings as defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

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

06 Sustainable building standards

No reserved matters applications shall be submitted for individual plots until such time as a scheme which details sustainable building standards for the entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should identify and incorporate opportunities for the use of sustainable technologies including, but not limited to, energy

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efficiency; sources of energy supply; and water efficient design to minimise water consumption. The development shall thereafter be carried out in accordance with the agreed scheme.

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

07 New and altered Private Access or Verge Crossing

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

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

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

All works must accord with the approved details.

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

08 Provision of Approved Access, Turning and Parking Areas

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land at Sutton Grange have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.

09 Construction Phase Management Plan

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

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

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;

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3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours;
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

10 Electric Vehicles Charging Points

No development shall commence until a scheme for the provision of one electric vehicle charging point per house has been submitted to and approved by the Local Planning Authority in writing. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

Reason:- To promote sustainable transport in accordance with Policy SP18.

11 Archaeological investigation

No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

12 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

13 Site levels

Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: In order to ensure a satisfactory external appearance and satisfactory drainage in compliance with Policies SP17 and Policy SP20.

14 Drainage

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

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

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

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

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

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

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

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

18 Boundary treatments

Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality to ensure that the proposal satisfies Policy SP20.

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

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

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

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

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

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

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

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

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

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

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

24 Landscape scheme

No development of the site shall take place without the prior written approval by the Local Planning Authority of a landscape scheme for the site that indicates numbers, species, heights on planting, and positions of all trees and shrubs, specifications and schedules, phasing of planting, seeding or turfing, existing plants to be retained and showing how new landscaping relates to any underground services and existing landscape features. No trees, shrubs, or hedges within the site that are shown to be retained on the approved plan shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in accordance with Policies SP16 and SP20.

25 Commencement of planting

All planting, seeding or turfing set out in the details approved in Condition 24 shall be carried out in accordance with the approved phasing plan and beginning the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in accordance with Policies SP16 and SP20.

26 Materials (surfaces)

Prior to the construction of each dwelling details of the ground surfacing materials within that plot shall be submitted to and approved in writing by the Local Planning Authority.

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

27 Materials (samples)

Prior to the construction of each dwelling details and samples of the materials to be used on the exterior of the building(s) within that plot shall be submitted to and approved in writing by the Local Planning Authority.

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

28 Materials (panels)

Prior to the construction of each dwelling the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction building(s) within that plot. The panel so constructed shall be retained only until the development has been completed.

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

29 Windows and doors

Prior to the construction of each dwelling, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP16.

30 Hours of construction

During the period of construction, no power operated machinery shall be operated on the site and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

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

31 Removal of permitted development rights

Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

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

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

The erection or provision within the curtilage of a dwellinghouse of

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

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

INFORMATIVE(S)

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

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf .

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

- 02 Nesting Birds

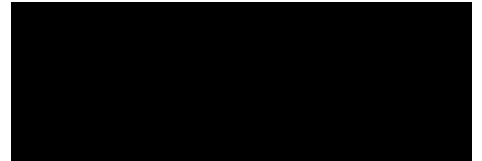
Any works to the buildings and any groundworks or vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.

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.

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NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



HEAD OF PLANNING

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