
Appeal Decisions

Hearing Held on 6 November 2024

Site visit made on 6 November 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal A - Ref: APP/U2750/W/24/3348931

Welburn Business Park, Greets House Road, Welburn, Malton, YO60 7EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Welburn Park Venture against the decision of North Yorkshire Council.
 - The application Ref ZE/23/06933/FUL, dated 12 December 2023, was refused by notice dated 30 April 2024.
 - The development proposed is Redevelopment of site comprising the erection of 9no. dwelling houses with associated access and landscaping works following the demolition of existing buildings (resubmission of application ZE23/00452/FUL).
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Appeal B - Ref: APP/U2750/W/24/3348936

Welburn Business Park, Greets House Road, Welburn, Malton, YO60 7EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Welburn Park Venture against the decision of North Yorkshire Council.
 - The application Ref ZE/24/00016/FUL, dated 4 January 2024, was refused by notice dated 23 May 2024.
 - The development proposed is Redevelopment of site comprising the conversion of office building to 5no. dwellings (alternative scheme to 21/01117/GPCOU) and erection of 2no. dwellings following the demolition of existing commercial building, with associated access and landscaping works.
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Decision – Appeal A

1. The appeal is allowed. Planning permission is granted for Redevelopment of site comprising the erection of 9no. dwelling houses with associated access and landscaping works following the demolition of existing buildings at Welburn Business Park, Greets House Road, Welburn, Malton, YO60 7EP in accordance with the terms of the application Ref ZE/23/06933/FUL dated 12 December 2023 and subject to the conditions set out in the attached schedule.

Decision – Appeal B

2. The appeal is allowed. Planning permission is granted for Redevelopment of site comprising the conversion of office building to 5no. dwellings and erection of 2no. dwellings following the demolition of existing commercial building, with associated access and landscaping works' at Welburn Business Park, Greets House Road, Welburn, Malton, YO60 7EP in accordance with the terms of the

application Ref ZE/24/00016/FUL dated 4 January 2024 and subject to the conditions set out in the attached schedule.

Procedural Matters

3. The descriptions of the proposals contain wording that is not a description of development. The description of Appeal A should read 'Redevelopment of site comprising the erection of 9no. dwelling houses with associated access and landscaping works following the demolition of existing buildings'. The description of Appeal B should read 'Redevelopment of site comprising the conversion of office building to 5no. dwellings and erection of 2no. dwellings following the demolition of existing commercial building, with associated access and landscaping works'. I am aware of the planning history of the site.
4. The site is within the Howardian Hills National Landscape. Areas of Outstanding Natural Beauty (AONB) have recently been renamed as 'National Landscapes'. The wording of both the Ryedale Local Plan Strategy (2013) (RLPS) and Framework¹ pre-date this name change, but the provisions of the RLPS and Framework apply equally to the National Landscape designation.

Main Issues

5. The main issues in both appeals are i) whether the location of the proposals would be acceptable having regard to the locational strategy for development within the area, ii) the effect of the proposals on the character and appearance of the area including their effect on the Howardian Hills National Landscape, iii) the effect of the proposals on the living conditions of future occupiers with regard to noise and; iv) whether the proposals would prejudice the continued operation of adjacent businesses.

Reasons

Locational strategy for development

6. With regard to policies SP1 and SP2 of the RLPS relating to the general location of development and settlement hierarchy and the delivery and distribution of new housing, the weight that should be afforded to those policies should be determined with regard to their consistency with the Framework.
7. Broadly, these policies seek to direct the development requirements for Ryedale towards the principal towns and local service centres whilst restricting new housing within the wider open countryside to a limited range of circumstances which are not met with regard to these proposals. The policies are consistent with the Framework which amongst other things seeks to avoid the development of isolated homes within the countryside.
8. It is common ground between the main parties that the site is located within the wider open countryside. The provision of the housing under both schemes at this location would therefore consist of housing within the wider open countryside which would be in conflict with the identified locational strategy for development within Ryedale. The proposals would therefore conflict with Policies SP1 and SP2 of the RLPS.

¹ National Planning Policy Framework 2023.

Character and appearance

9. Welburn Business Park (WBP) is located only a short distance to the north of the A64 which is a principal regional road. The site, amongst other things contains a mixed array of buildings of various design, form, scale and materials including Greets Farmhouse, an office building and other commercial buildings. There is also a veterinary practice with associated outbuildings and structures as well as some residential property. The site also incorporates a substantial area of hard standing.
10. A number of two storey modern residential properties with a brick finish are arranged around Holmes Crescent, a short distance to the south of the site. WBP benefits from varying degrees of boundary screening. Significantly, it forms a self-contained cluster of existing development, visually distinct from the fields and woodlands which form the wider surrounding countryside.
11. Despite the alternative spread of development on site, the built footprint of the proposed new buildings would not be extensive under either scheme given demolition of existing buildings proposed under both schemes. Locally appropriate materials including stone walling and pantile roofs would be used on new buildings amongst other materials which would be more appropriate to local character and appearance than the block and metal finish on the commercial building which would be removed under both schemes.
12. In acknowledging that the development would be contained within the site boundaries, the LVA² for Appeal A identifies that there would be a landscape effect not greater than minor adverse in the short-term which would be likely to further reduce and become imperceptible as proposed landscaping matures and the materials on the proposed buildings weather. Long term visual effects would be no greater than minor/minimal adverse in the long term.
13. The LVA³ for Appeal B identifies a neutral short term landscape effect with a minor benefit in the long term. Visual impacts for this scheme would be neutral.
14. The site as existing has the potential to give rise to a significant amount of activity and comings and goings, therefore the proposal would not be likely to introduce any significant adverse change in this regard.
15. Neither proposal would therefore give rise to any significant harm to the character or appearance of the area. There would be no conflict with policies SP13, SP16 and SP20 of the RLPS which amongst other things require that the natural beauty and special qualities of the Howardian Hills AONB will be conserved and enhanced, that development proposals are well integrated with their surroundings and reinforce local distinctiveness and respect the character and context of the immediate locality and wider landscape.
16. I have had regard to the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. There would be no conflict with the purpose of national landscapes which amongst other things is to conserve and enhance the natural beauty of the area.

² Welburn Business Park Landscape and Visual Appraisal Golby and Luck, April 2023.

³ Welburn Business Park Landscape and Visual Appraisal Golby and Luck, November 2023.

Living conditions

17. Both of the schemes are supported by Residential Noise Impact Assessments⁴. The Council had outstanding concerns with regard to noise contours and the reporting of noise data relating to traffic passes on the road network during the night. However, those concerns were discussed but not clearly explained nor justified at the Hearing. The appellant has undertaken noise surveys that include recordings taken over the nighttime period and were confident in their methodology for assessing noise impacts at the site, which they considered to principally arise as a result of traffic movements. In the absence of any firm evidence to the contrary, I have no reason to disagree with that position.
18. The assessments indicate that on both schemes, internal noise levels within habitable rooms are predicted to be compliant with the requirements of the British Standards⁵ if an alternative glazing and ventilation strategy is included.
19. Effectively, this would mean that a limited number of rooms within the proposed dwellings would meet the standards only with windows serving those rooms closed with an alternative method of ventilation. Prospective residents would retain the option to open those windows should they choose to do so.
20. Such restrictions are likely to be required only in relation to a limited number of windows within both developments. However, the WHO guidelines⁶ note that it should be possible to sleep with a bedroom window slightly open.
21. External noise levels in relation to the dwellings under appeal A would range from 49.9 – 55.2 $L_{Aeq,16h}$ and under appeal B would range from 47.3-51.5 $L_{Aeq,16h}$. However, the BS advises that for traditional external areas that are used for amenity space such as gardens and patios it is desirable that the external noise level does not exceed 50dB L_{AeqT} . It does indicate that an upper guideline value of 55 dB L_{AeqT} would be acceptable in noisier environments and that these guideline values are not achievable in all circumstances. However, the lower level is clearly preferable and the external noise levels would have some adverse impact on the living conditions of future occupiers where they would be above the 50dB L_{AeqT} threshold.
22. The site is in a rural location rather than a dense urban environment and as such it is not unreasonable to seek the highest standards including allowing for open windows at night. Therefore, both of the appeal schemes would conflict with Policy SP20 of the RLPS which states amongst other things that with regard to amenity, developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

Adjacent businesses

23. The Council are in particular concerned about the effect of the proposed residential schemes on the continued operation of adjacent businesses including with regard to farming activity and the adjacent veterinary practice with regard to matters including noise, odour and insects.

⁴ Welburn Business Park Residential Noise Impact Assessment DC4466-NR1v2 & Welburn Business Park Residential Noise Impact Assessment DC4466-NR2.

⁵ British Standards 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (based on WHO guidelines).

⁶ World Health Organisation – Guidelines for Community Noise.

24. The adjacent veterinary business also deals in equine treatment and does have outbuildings within close proximity to the site. However, I am mindful that there are already at least two residential properties unrelated to the veterinary practice within WBP. There is no evidence that existing activities within or close to the WBP have resulted in any cause for complaint from nearby residents.
25. It is of course possible that these existing uses could give rise to some intermittent noise which could be heard by any future residential occupiers. However, there is nothing that would enable me to conclude with any certainty that any noise that may or may not arise would have any unacceptable impact on the living conditions of future occupiers and therefore draw complaint and potentially prejudice the continued operation of adjacent businesses.
26. I have therefore not identified any conflict with Policy SP20 of the RLPS with regard to this matter nor with the Framework which states amongst other things that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Other Matters

27. My attention has been drawn to Appeal Ref: APP/Y2736/W/18/3205468 with regard to the matter of living conditions. However, that appeal related to an outline scheme a matter to which the evidence points to leading to uncertainty around the impacts of the scheme in this regard. This differs from the schemes before me which are in full. I therefore afford limited weight to this appeal decision.
28. My attention is also drawn to Appeal Ref: APP/Y2736/W/16/3158779. This appears to relate to a scheme for residential development located a short distance from the A64. There are therefore significant parallels with these proposals in terms of location and therefore the approach to matters of living conditions and noise of that inspector should be afforded significant weight.
29. It was discussed at the Hearing that there had been some variation in the approach on planning applications within the area as the matter of open windows and noise at different site. However, I do not have the full details of other schemes such that I cannot be certain that the circumstances are directly comparable. I afford these matters limited weight.
30. There would be nothing unusual in having more than one planning permission relating to the site. It would be for the landowner to decide which permission to implement. The Council have not identified any significant adverse impacts in terms of highways safety and I have no reason to disagree. There is nothing to indicate that the site cannot be adequately drained and conditions are included in this respect.
31. There is an extant prior approval in place to convert the existing single storey office block to form 10no. residential units. This combines with an existing planning permission for external alterations and building operations to facilitate the change of use. I accept that this scheme differs from those before me and would provide 10 reasonably small residential units. The appellant advised that such properties would be most likely to appeal to buy to let investors.

However, there is nothing within the evidence which leads me to believe that this scheme would not be implemented were these appeals to fail.

32. Whilst they would be smaller properties, the fallback scheme would result in the provision of more residential units at the site within the countryside than either Appeal A or Appeal B. There would also be no compulsion for the developer of that scheme to provide for a specific scheme to manage noise levels at the residential properties and any future occupiers could suffer substantial adverse impacts on their living conditions as a result of noise intrusion. The fallback scheme should therefore be afforded substantial weight.

Conditions

33. I have considered the draft conditions submitted by the Council against the advice in paragraph 56 of the Framework, the Planning Practice Guidance and in the light of the discussions at the Hearing. In the interests of precision and enforceability I have amended some wording where appropriate.
34. Conditions, including a time limit for commencement and the compliance with approved plans as well as a condition relating to ground levels are necessary to define the developments. Conditions 4 and 17 are necessary to ensure appropriate drainage. Conditions 5 and 16 are necessary in the interests of the living conditions of those in the area. Conditions 7, 9, 10, 11, 12, 14, 18, 19 and 20 are necessary in the interests of the character and appearance of the area. Conditions 8 and 21 are necessary in the interests of highways safety. Conditions 3, 13 and 22 are necessary in the interests of biodiversity and character and appearance. Condition 15 is necessary in the interests of the living conditions of future occupiers.
35. A condition requiring EV charging points is not necessary as the matter would be covered by building regulations requirements.

Planning Balance and Conclusion

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
37. Both the appeal schemes in proposing housing within this particular location would conflict with the identified locational strategy for development within Ryedale and there would be conflict with Policies SP1 and SP2 of the RLPS.
38. There would be conflict with Policy SP20 of the RLPS which states that developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.
39. The proposals would subsequently conflict with the development plan as a whole. However, if the fallback scheme were to go ahead it would result in the provision of more residential units at the site than either of the appeal schemes. Further, it is likely that any future occupants of the fallback scheme would suffer greater adverse impacts on their living conditions when inside the properties given that the impact of noise in that sense can be carefully controlled via condition on the appeal schemes whereas there is no provision for such control in association with the fallback scheme.

40. I have identified conflict with the development plan. However, considerations indicate that the appeals should be determined otherwise than in accordance with it. I therefore conclude that both Appeal A and Appeal B should be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL A

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and site plan P01
Site Plan as existing P40C
Elevations as Existing P50 A
Site plan as proposed P140 J
Site first plan as proposed P141 H
Site roof plan as proposed P142 G
Site elevations as proposed Sheet 1 P150 F
Site elevations as proposed Sheet 2 P151 D
Site elevations as proposed Sheet 3 P152 D
Unit 1 Plans and elevations P160 G
Unit 2 Plans and elevations P161 F
Unit 3 Plans and elevations P162 F
Unit 4 Plans and elevations P163 G
Unit 5 Plans and elevations P164 G
Unit 6 Plans and elevations P165 G
Unit 7 Plans and elevations P166 F
Unit 8 Plans and elevations P167 G
Unit 9 Plans and elevations P168 G
Landscape strategy plan GL 2003 – 23

3. Prior to the commencement of the development hereby approved, a report should be submitted to the Local Planning Authority for approval in writing detailing the biodiversity value of the site and its value following the development hereby approved. The report should demonstrate how the site will achieve a net biodiversity gain (non-mandatory) and shall include a timetable for implementation. The scheme to provide net biodiversity gain shall thereafter be implemented in full in accordance with the agreed details and timetable.

4. No development shall 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 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.

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

- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

6. 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. The development shall proceed in accordance with the agreed details.

7. Prior to the commencement of the development hereby approved, a landscape scheme for the site in general accordance with the Landscape Strategy Plan Ref. GL 2003 23 should be submitted to the Local Planning Authority for approval in writing detailing numbers, species, heights of 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. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the details shown on the approved site plan as proposed. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times for the lifetime of the development.

9. Prior to the commencement of any above ground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

10. Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

11. Prior to the commencement of any above ground construction work the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

12. Prior to the commencement of any above ground construction work 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.

13. Prior to the commencement of any above ground construction work details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

14. Prior to the commencement of the above ground works, 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, in general accordance with the Landscape Strategy Plan ref GL 2003 23 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.

15. Prior to the commencement of the above ground works a comprehensive Noise Mitigation Scheme to include full details and specifications of proposed ventilation shall be submitted to and approved in writing by the Local Planning Authority to secure appropriate noise mitigation and ventilation within the dwellings hereby approved.

The scheme shall detail the means to achieve resistance to airborne sound with a view to achieving noise levels in all habitable rooms as recommended within BS

8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme shall provide details of noise levels that are to be achieved in all habitable rooms.

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

16. Any demolition, excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

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

18. No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

19. All planting, seeding or turfing shall be carried out in accordance with the approved details 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.

20. 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:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent

Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

22. All works shall be carried out in accordance with the details contained within paragraphs 4.2.2.2 (bats); paragraph 4.2.2.5 (lighting); Section 4.2.4 (species protection); paragraphs 4.2.2.4 and 4.2.3.3 (bat boxes and bird nesting) of the Preliminary Ecological Appraisal, dated 25 April 2023 produced by QUANTS Environmental.

SCHEDULE OF CONDITIONS – APPEAL B

1. The development hereby permitted shall be begun within three years of the date of this permission.

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

Location and site plan P01
Site plan as existing P10
Site plan as proposed P15 B
Site plan as proposed roof plan P16
Elevations as existing Sheet 1 P30
Elevations as existing sheet 2 P31
Elevations as proposed sheet 1 P40
Elevations and plans as proposed sheet 2 P41
LANDSCAPE MASTERPLAN GLY 00 52 22

3. Prior to the commencement of the development hereby approved, a report should be submitted to the Local Planning Authority for approval in writing detailing the biodiversity value of the site and its value following the development hereby approved. The report should demonstrate how the site will achieve a net biodiversity gain (non-mandatory) and shall include a timetable for implementation. The scheme to provide net biodiversity gain shall thereafter be implemented in full in accordance with the agreed details and timetable.

4. No development shall 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 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.

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

- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

6. 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. The development shall proceed in accordance with the agreed details.

7. Prior to the commencement of the development hereby approved, a landscape scheme for the site in general accordance with the Landscape Strategy Plan Ref. GLY 0052 22 should be submitted to the Local Planning Authority for approval in writing detailing numbers, species, heights of 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. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the details shown on the approved site plan as proposed. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times for the lifetime of the development.

9. Prior to the commencement of any above ground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

10. Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

11. Prior to the commencement of any above ground construction work the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

12. Prior to the commencement of any above ground construction work 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.

13. Prior to the commencement of any above ground construction work details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

14. Prior to the commencement of the above ground works, 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, in general accordance with the Landscape Masterplan Ref GLY 0052 22 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.

15. Prior to the commencement of the above ground works a comprehensive Noise Mitigation Scheme to include full details and specifications of proposed ventilation shall be submitted to and approved in writing by the Local Planning Authority to secure appropriate noise mitigation and ventilation within the dwellings hereby approved.

The scheme shall detail the means to achieve resistance to airborne sound with a view to achieving noise levels in all habitable rooms as recommended within BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme shall provide details of noise levels that are to be achieved in all habitable rooms.

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

16. Any demolition, excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

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

18. No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

19. All planting, seeding or turfing shall be carried out in accordance with the approved details 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.

20. 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:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

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

22. All works shall be carried out in accordance with the details contained within paragraphs 4.2.2 to 4.2.4 of the Preliminary Ecological Appraisal & Bat Survey, dated 13 November 2023 produced by QUANTS Environmental.

APPEARANCES

FOR THE APPELLANT

Carl Stott

Chris Chittock

Mark Smith

Tom Riddols

FOR THE COUNCIL

Alan Goforth

David Walker

Emma Gallafant

DOCUMENTS SUBMITTED DURING THE HEARING

Ryedale Local Plan Policy SP4