NORTH YORKSHIRE COUNCIL

Decision No ZB24/00174/FUL

Mr Andrew Cunningham
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NOTICE OF DECISION

Application No. ZB24/00174/FUL

Date: 17th December 2025

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PROPOSAL: Construction of 1 No. Detached Dwellings, Provision of Vehicular Access and Associated Domestic Curtilage
LOCATION: Land Adjacent Ambry Lodge Sutton Howgrave North Yorkshire
APPLICANT: Mr D Potter (The Bendelow Trust)

North Yorkshire Council, being the Planning Authority for the purposes of the above application which was received on 29 January 2024, having considered the following policies:

Local Plan Policy S5: Development in the Countryside
Local Plan Policy HG5: Windfall Housing Development
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy S3: Spatial Distribution
Local Plan Policy E3: The Natural Environment
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
National Planning Policy Framework

and taken into account the following reasons:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Plan Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

have resolved that it should be **APPROVED**; subject to the following conditions:

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3155/05, HDC/3155/03 _ HDC/3155/02 received by the Local Planning Authority on 04/07/2024 _ 15/12/2025.

3. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
    - Any gates or barriers erected must not be able to swing over the existing or proposed highway.
    - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
    - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
    - Measures to enable vehicles to enter and leave the site in a forward gear.

    All works must accord with the approved details.

4. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 31.2 metres to the North and 25.2 metres to the South measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

5. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
    - vehicular, cycle, and pedestrian accesses;
    - vehicular and cycle parking;
    - vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and; loading and unloading arrangements.

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

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
    a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
    b) on-site materials storage area capable of accommodating all materials required for the operation of the site.
    c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

9. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

10. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

11. Development shall take place strictly in accordance with the mitigation measures on pages 25 to 29 of the Ecological Impact Assessment prepared by MAB Environment & Ecology Ltd dated September 2023 received by the Local Planning Authority on 04 July 2024. Details of the location of the one bat box and one bird

box shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

12. A) Development shall not take place until a Written Scheme of Investigation for Archaeological Monitoring 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. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

13. Before any materials are brought onto the site or any development is commenced, the developer shall implement the approved Arboricultural Survey Report (Smeeden Foreman dated July 2025) in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

14. Prior to the commencement of this development, a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition attached to this permission, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- A programme for the implementation and completion of the biodiversity enhancement measures set out in the approved BGP.
- Proposals for legally securing the provision any off-site biodiversity enhancement measures.

- Proposals for the maintenance and monitoring of the on-site biodiversity enhancement measures. Where the biodiversity enhancements proposed in the BGP are considered by the Local Planning Authority to be "significant" in relation to the pre-development baseline biodiversity value of the site, provision shall be made for their maintenance and monitoring for a period of not less than 30 years from the date of completion of the development (including completion of the on-site habitat enhancements).
- Proposals for the submission of monitoring reports to the Local Planning Authority.

The scheme as approved shall be implemented in its entirety in accordance with the programme set out in the approved scheme or such other period which has first been approved in writing by the Local Planning Authority.

Any Planning obligations that are proposed within the scheme shall be completed before the development is first brought into use. The Local Planning Authority shall be notified in writing within 28 days of the date of completion of the development (including completion of the on-site habitat enhancements). If the development has commenced but completion of development is not reached, and construction works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site with a timetable for the completion of the approved habitat enhancement works. In the event that the development (excluding any approved on-site habitat enhancements) is not completed, the on-site habitat enhancements shall still be implemented in full in accordance with the timetable approved by the Local Planning Authority and they shall be maintained and monitored in accordance with the provisions set out in the approved BGP.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. 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.

4. In the interests of highway safety.

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

6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. In the interests of highway safety.

9. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.

10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

11. In the interests of protected species and diversity in accordance with Policy E3.

12. In the interests of archaeology in accordance with Policy E5.

13. To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.

14. In order to meet the requirements of Schedule 7A of the Town and Country Planning Act to achieve biodiversity net gain.

Attention is drawn to the following Informatives:-

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits. The Biodiversity Gain Plan shall be submitted to the Council as part of a 'discharge of condition(s)' application. A fee is applicable for this type of application, details of which can be found within the latest version of 'The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment and Transitional Provision) Regulations 2025.

COMMUNITY INFRASTRUCTURE LEVY

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on

the 07 April 2015. Details of the charging schedule are available on the Council website. www.northyorks.gov.uk

M. I. Grainger

Martin Grainger
Head of Development Management

DATE 17 December 2025

NOTES

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