

**Planning Inspectorate Reference:**  
**Local Planning Authority Reference:**

**APP/W9500/W/22/3308341**  
**NYM/2021/0923/OU**

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Egton and Mulgrave Estates

Against: Refusal of planning permission for outline application for construction of 9 no. dwellings with associated accesses, parking and amenity spaces together with public car park and mixed-use industrial units with associated access

Location: Land northeast and east of High Street, Egton, nr Whitby

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Statement by Local Planning Authority  
For Written Representations Appeal

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## 1.0 Introduction

1.1 This Statement refers to the refusal of outline planning permission for the construction of nine dwellings with associated accesses, parking and amenity spaces together with a public car park and mixed-use industrial units with associated access. The application was refused by North York Moors National Park Authority (NYMNP) as the Local Planning Authority (LPA) on 13 April 2022.

## 2.0 Appeal Site and the Surrounding Area

2.1 The village of Egton is located approximately 10km to the southwest of the coastal town of Whitby, and approximately 2km south of the A171 (Whitby to Guisborough road). Egton itself is classed as a 'Larger Village' in the settlement hierarchy set out in the North York Moors Local Plan.

2.2 The application site is located just outside the Egton Conservation Area and beyond the built-up limits of the village; comprising primarily an open field located on the northern edge of the village. The land forms part of the field that is used for the annual Egton Show and the western strip of the site currently provides a parking layby which is separated from the field by a mature tree and hedge line.

2.3 The site is bounded to the east by agricultural land, to the south by the built-up part of the village and to the north by two outlying dwellings. Further to the west, and across the main road that leads through the village is a terrace of affordable residential dwellings which were approved in response to Housing Needs surveys and as an exception site for affordable housing. This development was undertaken by a Registered Housing Association and there is a S106 Legal Agreement in place, ensuring these properties are remain as affordable housing in perpetuity.

## 3.0 Relevant Site History

3.1 There is no relevant planning history relevant to this appeal.

## 4.1 Proposed Development and the Decision

4.1 The proposal to which this appeal relates seeks outline permission for the construction of nine dwellings; new industrial units; the construction of a new village car park and a pumping station. The individual elements of the proposal are as follows:

- 4.2 Proposed Housing – Nine new dwellings are proposed in a linear formation fronting the road stretching between the main built-up part of the village and the two outlying properties known as Flushing Meadow and Abbotsford. The frontage of the site measures approximately 138m. This area of land comprises the existing tarmacked layby used for car parking, an established tree/hedge boundary and part of the adjacent agricultural field to the east (which forms part of the Egton Show field). The layby was formerly leased to Scarborough Borough Council for a car park, but the lease was surrendered by the tenant in February 2020.
- 4.3 Proposed Industrial Units - The proposed industrial area would be located in the field to the rear (east) of the current commercial garage. A new access road would be created alongside the northern boundary of the garage to serve the industrial area, proposed car park, pumping station and to allow for access to the field. The proposed area of industrial land is approximately 0.4ha. As the proposal was in outline there were no specific units proposed, however it was set out that the proposed uses would be largely those that fall within Use Class E (g) (formerly B1 Light Industrial) which can be carried out in a residential area without detriment to its amenity:-
- E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes.

In addition, there could be potentially some B2 general industrial units.

- 4.4 Car Park – This would be located southeast of the proposed housing area and immediately north of the existing Egton garage and workshop. The car park would be accessed by using the existing field access directly south of the proposed housing area and would allow for access to the proposed industrial area. The proposed car park would utilise the southern end of the agricultural field and would have approximately 40 parking spaces, partly to be used by cars that would usually park in the layby.
- 4.5 The application was refused by the Planning Committee at its meeting on 7 April 2022 and the Decision was formally issued on 13 April 2022. The Planning Committee refused the application for the following reasons:
1. The site is considered to lie outside of the main built-up part of the settlement of Egton and does not constitute a suitable small site as defined by Strategic Policy M and Policy CO7 of the North York Moors Local Plan in that the site is not located within the main built-up part of the village and does not fit in with the existing pattern of the settlement. If permitted, this development would represent harmful sporadic development and extend outwards the main built-

up form of the village to the detriment of the character of the environment and landscape of this part of the North York Moors National Park.

2. The site proposed for industrial units is considered to lie outside of the main built-up part of the settlement of Egton and does not comprise the re-use of or small extension to an existing building. Furthermore, it has not been demonstrated that the proposed industrial units would not result in noise disturbance that would be detrimental to the amenities of occupiers of existing or proposed residential properties. If permitted this proposal would be of a scale and in a location that would have a detrimental impact on the character of the locality and residential amenity contrary to Policy BL1 of the NYM Local Plan.
3. The site of the proposed car park is on agricultural land outside the main built-up part of the settlement and would have a detrimental impact on the character of the locality. Furthermore, there is no adequate justification that the proposed car park would meet an identified need or benefit both the community and visitors to the National Park. The proposal would therefore be contrary to Policy CO3 of the NYM Local Plan.
- 4 The proposal development would be located on the edge of the Egton Conservation Area in an area which contributes positively to its historical values and would go beyond the development limits of the village, negatively impacting the existing archaeology evident on the HER and LiDAR. Furthermore, the proposed design/layout of the housing, including features such as parking to the front, would not follow the form and grain of Egton, and would be very suburban in design, out of character with the locality. The proposal is therefore not suitable for such a prominent site in a North York Moors village, particularly given that it is also the gateway to a conservation area and its development would be to the detriment of the conservation area, contrary to NYM Local Plan Strategic Policy I and Policy ENV11.
- 5 If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new housing on inappropriate sites which would cumulatively pose a significant threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park and therefore have a detrimental impact the wider landscape of the Park, contrary to the aims of Strategic Policy B of the North York Moors Local Plan.

## 5.0 Planning Policy and Guidance

- 5.1 This section covers both the statutory Development Plan and the general implications of the location of the appeal site within a National Park.
- 5.2 At the time of decision, the Development Plan for the area formally consisted of the North York Moors Local Plan which was adopted by the NPA on 27 July 2020. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014) and the Helmsley Local Plan (2015), though these do not contain policies relevant to this appeal).
- 5.3 The most relevant policies in the determination of this appeal are considered to be:

Strategic Policy B - Spatial Strategy. This sets out how development will be guided by the settlement hierarchy including that in the larger villages additional housing (principal residence and affordable housing), employment and training premises and new facilities and services for the immediate and wider locality will be supported within the main built up part of the village and that in the open countryside development will only be permitted where development re-uses a building of architectural or historic interest; where there is an essential need to meet the needs of farming, forestry and other rural enterprise or land management activities; where it is essential to meet social or community needs and there are no other suitable and available locations within villages; where it meets the requirements set out at Policy UE2 (Camping, Glamping, Caravans and Cabins); where development proposals are part of a Whole Estate Plan that has been approved by the National Park Authority

Strategic Policy M – Housing. Seeks to ensure the delivery of new homes to help meet the needs of local communities and includes delivery through development of principal residence dwellings on suitable small sites in larger settlements; through affordable housing schemes on rural exception sites and through proposals put forward in accordance with a Whole Estate Plan approved by the National Park Authority. Affordable housing schemes will be encouraged in larger and smaller villages through rural exception sites. The supporting text of Strategic Policy M states that sites must be of a scale that is appropriate to the size and function of the settlement. This will generally be sites capable of accommodating no more than five dwellings in Helmsley and the Larger Villages and no more than two dwellings in Smaller Villages. Development proposals must be well related to the form and grain of the existing surrounding residential development.

Policy C07 - Housing in Larger Villages. This sets out that in larger villages such as Egton, principal residence housing will only be permitted on suitable small sites within the main built-up area of the village, with proposals meeting the need for smaller dwellings and generally being sites capable of accommodation no more than five dwellings.

Policy BL1 -Employment and Training Development. Sets out that development of new employment facilities will only be permitted within the main built-up areas of the larger villages, where it reuses existing permanent buildings, forms a small extension of an existing building, or in the case of new buildings, there is no other suitable accommodation available in the locality. It goes on to state that all proposals will be expected to demonstrate that the scale and location of the proposal would not be detrimental to the character and appearance of the local and wider landscape; the site can be safely accessed by the existing road network; there is sufficient land and storage space and there is no unacceptable harm in terms of noise, activity or traffic generation on the immediate neighbourhood, either individually or cumulatively with other development.

Strategic Policy I -The Historic Environment. Seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

Policy ENV11 - Historic Settlements and Built Heritage. This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park

Policy C03 -Car Parks. This states that new parking facilities will only be permitted where it is the only way to solve existing identified parking problems; it will benefit the needs of both communities and visitors to the National Park; it uses an existing or previously developed site unless it can be demonstrated that no such suitable sites are available.

- 5.4 The National Planning Policy Framework - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the Development Plan as the starting point for decision making but is an important material consideration in the determination of an application.

Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Local Plan (NYMLP) was adopted on 27 July 2020 under the provisions of the Town and Country Planning (Local Planning)(England) Regulations 2012 and does not conflict with national policies in the NPPF. It is therefore up-to-date and should be the starting point for any planning decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in the NPPF (July 2021). Paragraph 176 says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Furthermore, whilst at the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 176 also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks.

The North York Moors National Park was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. When it appears that there is conflict between these purposes the 'Sandford principle' confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), 'Environment Act 1995, part III: 'National Parks' DoE, 11 September 1996.

In addition, Para 78 sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

## 6.0 Local Planning Authority's Case

6.1 The primary considerations in this case are considered to be the fundamental departure from adopted policy, in terms of the principle of development in this open countryside location, in relation to all elements of the proposals. As this is an outline application, issues such as design and materials are not being considered at this stage.

### 6.2 Site setting and departure from policy

The proposed development site occupies a substantial open field located beyond the last continuous development on the northern side of the road, which forms the end of the built-up part of the village of Egton. To the west and across the main village road is more recent residential development (affordable housing) that was approved as a rural exception site on land outside the main built-up part of the village.

Approximately 138m to the north of the commercial garage which forms the last building in the main built-up part of the village, are two outlying residential properties which are surrounded on all sides by agricultural land with the recreation ground on the opposite side of the road to the west.

This site creates an open verdant space which imparts a 'soft' edge to the village, and which is looked out across from the public right of way that runs from east to west immediately to the south. Its development would create a much more urban and 'hard' edge to this important entrance gateway to the village and form a significant extension to the existing developed part of the village into open countryside.

### 6.3 Housing development

As set out above, the application site is not considered to be within the main built-up part of the village of Egton, nor is it a brownfield site, just a narrow strip is hard surfaced land, being used as a car parking area, with the majority comprising undeveloped agricultural land.

Furthermore, the proposed site is not considered to comprise a suitable small site within the main built-up area of the settlement, with a frontage of over 130m in length separating the last development in the built part of the village and the two outlying residential properties.

The supporting text to Policy C07 states that proposals must relate well to the form and grain of the existing surrounding residential development. The site is located beyond the northern edge of the built-up part of the village. This space



significantly changes the character of this edge of Egton, from the built-up area of the village to the more open countryside. This space therefore makes a positive contribution to the setting of Egton, its overall form and character, and as it is relatively elevated provides

important views out into the surrounding countryside. Quite clearly this land is part of the open countryside surrounding Egton rather than part of its built form. In view of this, the proposal is considered to be contrary to the Authority's spatial housing policies, which seek to resist the consolidation of sporadic outlying development and does not meet the definition of a site that is suitable for housing development.

#### 6.4 Industrial units

Again, the site is outside the main built-up part of the village of Egton and does not re-use or form a small extension to existing buildings. The proposal is therefore contrary to the criteria set out in Policy BL1 of the North York Moors Local Plan.

In addition, Environmental Health has expressed concerns with regard to the possibility of noise disturbance to both the proposed and existing residential development.

Furthermore, in the last year the appellants have gained planning permission to convert two ranges of barns into principal residence accommodation (five dwellings in total). One of these ranges has had previous planning permission in place for conversion to five office units, the other with a previous permission for light industrial uses. These previous permissions were not implemented, presumably because there was no demand for them.

No convincing justification or important public interest has been put forward to override the above adopted Local Plan policies which seek to protect the National Park and focus appropriate levels of development in suitable locations.

#### 6.5 Car park

The site proposed is agricultural land and as with the proposed industrial units, it is not considered that there is adequate justification that the proposed car park would benefit identified needs of both the community and visitors to the National Park

#### 6.6 Impact on setting of Conservation Area.

The proposal for nine houses, a car park and industrial units are located on the edge of the Egton Conservation Area. Egton is characterised by grassy verges, traditional architecture and openness. The proposed mixed industrial units would

go beyond the development limits of the village and would negatively impact the existing archaeology evident on the Historic Environment Record (HER) and LiDAR. It is clear that this area contributes positively to the historical values of the conservation area and the story of Egton as a whole. Its development would be to the detriment of the Conservation Area.

Whilst the HER indicates that the area to the north where the housing is proposed is possibly where 12th century Egton was situated, this has never been verified. However, the proposed design of the housing does not follow the form and grain of Egton, the pattern/ layout of development alongside features such as parking to the front is very suburban in design and not at all suitable for such a prominent site in a North York Moors village, particularly given that it is also the gateway to a Conservation Area. The proposals are therefore considered to be contrary to Strategic Policy I and ENV11.

The area is used at the show field and as such has communal values for the residents of Egton. Communal values are also linked to the Conservation Area as the village and as such the loss of this space would be to the detriment of the communal values of the site and the Conservation Area.

## 6.7 Ecology

This proposal is for the development of over 1ha of greenfield land, currently largely improved grassland, along with intact and remnant sections of hedging. All hedge lines and sections of remnant hedging appear to be of long standing based on a brief comparison with historic maps, and therefore may feature as of cultural or archaeological importance as well as potentially of ecological importance. No ecological information has been provided in support of the application.

A Preliminary Ecological Appraisal of the site was not submitted in order to assess the existing habitats and potential for species present. Such an appraisal should have included a detailed appraisal of existing and remnant hedgerows for their importance.

Furthermore, a considerable extent of hardstanding would also be created as part of the proposal, and the applicant hasn't demonstrated that increased rates of run-off as a consequence can be adequately attenuated to prevent impacts water levels on surrounding areas and watercourses

## 7.0 Comments on Grounds of Appeal

7.1 In Section 2 of the Appellant's Case it is argued that the appeal site is within the main built-up part of the village due to two outlying dwellings and due to the affordable housing site opposite. However, the supporting text of Strategic Policy

M states that it is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside. Gaps created by the development of rural exception sites which are not part of the main built-up area of the settlement will not be considered to be suitable small sites. The presence of the affordable housing on the other side of the village on an exception site (which by definition is land not suitable for housing development) does not change the nature of the appeal site which is clearly a significant extent of open countryside lying beyond the existing built form of the village and used as the village show ground. It is also important to recognise the amenity value of certain undeveloped spaces within the main built-up area of settlements and therefore not every site will be considered suitable for new housing.

7.2 In Section 5.2 of the Appellants Case, reference is made to various Paragraphs of the NPPF which relate to Economic and housing development. However, any reference to Paragraph 176 is omitted. As set out in Paragraph 5.4 above, Paragraph 176 confirms that the scale and extent of development within protected landscapes such as National Parks should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks. Within the context of the National Park Local Plan, the proposed level and scale of housing and industrial development lies outside the definition stated in paragraph 176.

## 8.0 Conclusion

8.1 The proposal is contrary to Strategic Policies B, M and I and Policies CO7, BL1, ENV11, CO2, and CO3 of the adopted NYM Local Plan in that it does not constitute a suitable site within the main built up part of the village of Egton. It would have a detrimental impact on the setting of the Conservation Area, be detrimental to highway safety and it has not been demonstrated that there is a justified need for a car park on undeveloped land. It therefore presents a significant conflict with the development plan, national policies relating to development in National Parks and consequential harm to landscape and the character of Egton. There are not considered to be overriding material considerations or public benefit to set aside such a conflict.

Therefore, the NPA respectfully requests that the Inspector dismisses the appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix 1.

**APPENDIX 1**

**Conditions**

1. The development hereby permitted shall be commenced on or before whichever is the earlier of the following dates:
  - i) three years from the date of the outline permission NYM/2021/0923;
  - ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  
2. The development hereby permitted shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
  - i) the siting, design and external appearance of the building, including a schedule of external materials to be used;
  - ii) the means of access to the site;
  - iii) the landscaping of the site; and
  - iv) the existing ground levels and proposed finished floor and ground levels.
  
3. The dwellings hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The properties shall be the only or principal home of the main occupant and shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The properties shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the properties shall not be used as a single unit of holiday letting accommodation.
  
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

5. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority (lighting will only be considered acceptable if it is of a style and luminance which minimises glare and light pollution with all bulbs shielded to prevent upward and minimise horizontal light spill ).The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
6. No work shall commence on the construction of the walls and roof of the development hereby permitted until details of the exterior wall finish and tiles, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development (including dressings) have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7. No work shall commence on the installation of any new windows or external doors in the development hereby approved until plans showing the details of all window frames and external doors to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour. The window frames and exterior doors shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
9. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for mixed native species hedge planting along the southern boundary and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these

and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

12. No work shall commence on the surfacing of the accesses and car park hereby approved until full details of the access surfacing have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.
13. No work shall commence on the construction of the walls of the development hereby approved until details have been submitted to and approved by the Local Planning Authority of the location of integral bat boxes/access tiles and in built swift boxes. The development shall be carried out and in accordance with the approved details and thereafter be so maintained.
14. The industrial units hereby approved shall not be used other than as industrial buildings and shall not be used for any other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
15. No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
16. 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.
17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays are provided in accordance with the approved plans. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

18. 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 at (insert location) 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.

19. There must be no excavation or other groundworks until the following details have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority: -

- Ground investigation report (of sufficient detail to determine if infiltration is viable at the site).
- Preliminary drainage layout plan with proposed discharge point
- Preliminary Hydraulic calculations (quick estimates of runoff rates and attenuation).
- Preliminary Landscape Proposals (for Exceedance routes).

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

20. There must be no excavation or other groundworks until a Preliminary Ecological Appraisal of the site to assess the existing habitats and potential for species present has been submitted to and approved by the Local Planning Authority. This should include a detailed appraisal of existing and remnant hedgerows for their importance (using assessment guidance under the hedgerow regulations, NERC act and consideration of priority habitat). In addition, to be in accordance with our Statutory Purposes and support the conservation of biodiversity within the National Park, the applicant will need to demonstrate that a Biodiversity Net Gain can be achieved as part of the development utilising the Defra Biodiversity metric 3.0.

21. Prior to the laying of any hard surfacing in the development hereby approved, the applicant should demonstrate that increased rates of run-off as a consequence can

be adequately attenuated to prevent impacts water levels on surrounding areas and watercourses.

22. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
23. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate to not to exceed 3.5 litres per second.
24. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
25. Prior to the first occupation of the industrial units hereby approved, a report shall be submitted from a competent individual/organisation giving details of the noise impact of the proposed industrial units on the proposed and existing residential properties, particularly those to the south of the site on the road running east off the High Street and which have line of sight across an open field. Any such assessment shall be undertaken in accordance with the procedure laid down in BS4142:1997 (Method of Rating Industrial Noise Affecting Mixed Residential And Industrial Areas). The report shall detail any mitigation measures which are to be incorporated into the site design and which the applicant wants the Local Planning Authority to take into consideration when determining the suitability of the development.
26. The development hereby permitted shall not be brought into use until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority [as part of the reserved matters submissions required by condition 1. The approved scheme shall be implemented and thereafter retained in operation.