

Parish: Helperby
Ward: Raskelf & White Horse
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Committee Date: 17 August 2017
Officer dealing: Mr T J Wood
Target Date: 25 August 2017

16/02159/FUL

Change of use of walled garden into events venue, including creation of a new access through the wall with associated track and parking area

**At Helperby Hall, Main Street, Helperby
For Sir Anthony Milnes Coates**

This application is referred to the Planning Committee as the proposal seeks approval for development outside Development Limits and requires consideration of the competing demands of protection of heritage assets and residential amenity and the potential benefits to the local economy

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies to the south of Helperby, beyond the Hall, and within land that has the feel of open countryside. The site is screened from and lies to the west of the highway that links Helperby with the villages to the south and west, Myton on Swale, Tholthorpe and Flawith and those beyond.
- 1.2 The ground is generally level and parts outside of the walled garden are wooded. The walled garden links to other formally laid out gardens associated with Helperby Hall and the estate property. However, the agent has confirmed that the application site and adjacent land to the south are owned by a Trust and are therefore in separate ownership from Helperby Hall.
- 1.3 There is a small group of estate properties including dwellings to the south of the application site and close to the proposed access route between the walled garden and the highway.
- 1.4 The application seeks to bring the currently unused walled gardens into a viable commercial use. The new use is intended to make the restoration of the garden walls and the buildings and formal planting within them a financially viable proposition.
- 1.5 The walled gardens are listed grade II as part of the curtilage of Helperby Hall and lie within the Brafferton and Helperby Conservation Area.
- 1.6 The scheme involves:
 - Removal of some greenhouses attached to the walls of the walled garden;
 - Formation of a new vehicular access to the interior of the walls;
 - Laying out a new access road within the walled gardens;
 - Parking and servicing areas;
 - A formal landscaping scheme;
 - Two lawned areas to accommodate marquees for events; and
 - A covered, open sided, building in which to conduct weddings.
- 1.7 When the application was first submitted concerns were raised with the applicants that the scheme lacked the necessary detail. The main aspect of concern was the lack of detail to show how the new use would impact upon the heritage value of the walled garden, its setting and upon the amenity of neighbours. During the long application process work has been undertaken to provide greater clarity of what it

proposed and how controls might be used to avoid harm occurring. Details have been supplied of:

- The proposed works to the walled garden;
- Proposals to limit the number of events to be held each year; and
- Infrastructure that would be required for those events.

1.8 These details provide that:

- Event would be limited to 120 guests;
- A minimum of 70 car parking spaces;
- Marquees would be temporary;
- A single “silent run” generator would feed all power requirements;
- Only low level lighting would be installed; and
- Any amplified music would be limited to within the marquee and where possible directed away from the nearest dwellings.

1.9 The number of events is set out in detail as follows:

- Between 1 March and 31 October:
 - An unlimited number of events finishing before 8pm;
 - No more than 45 events finishing after 8pm; and
 - For the 45 late events, all music and amplified noise would cease by 11.45pm.
- Between 1 November and 28 February:
 - No more than 10 events; and
 - All music and amplified noise would cease by 11.45pm.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP11 - Distribution of new employment development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP25 - Rural employment
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

- 4.1 Helperby Parish Council – wish to see the application refused noting the entrance/access to the site is not suitable for large volumes of traffic. There are three entrances into the site and the Parish Council feel one of the other entrances would be better. Local residents will be affected significantly with the volume of traffic using this access to the site
- 4.2 Highway Authority – No objection; recommends conditions relating to the access, the construction period, parking and turning and prevention of mud on the road.
- 4.3 Yorkshire Wildlife Trust – Recommends that a bat informative and a breeding bird informative are provided if planning permission is granted
- 4.4 Environmental Health Officer – objected on the basis of the information originally provided, which was considered insufficient to show that there would be not a significant impact on local amenity considering the close proximity of a number of residential premises and in the absence of further details and an appropriate limit on the number of events that can be held on the site each year and in any one calendar month.

Comments on the additional details summarised in paragraphs 1.8 and 1.9 are awaited and will be reported to the Committee.

- 4.5 NYCC Archaeology - The walled garden is likely to contain archaeological deposits such as evidence for heating systems, services, horticultural activity and design features such as pathways and planting beds. It is of archaeological interest and is a heritage asset (NPPF Annexe 2).

The proposed works are unlikely to have a major impact on archaeological remains where they are limited to creation of a new gravelled access and parking area. It is quite likely that the current horse menage will have caused some damage to archaeological remains and the area this covers is broadly similar to the proposed car park.

Aspects of the proposal that entail ground reduction, particularly in the northeast corner adjacent to the walls, and levelling elsewhere in the garden may have a negative impact on archaeological remains. A scheme of archaeological mitigation recording should be required by condition in respect of to these ground-disturbing works. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, to be followed by appropriate analyses, reporting and archive preparation in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 4.6 Natural England – No comment; advises that this does not imply that there would be no impact on the natural environment, but only that the application is not likely to result in significant impact on statutory designated nature conservation sites or landscapes. It is for the Council to determine whether or not this application is consistent with national and local policies on the natural environment, taking account of advice from other bodies and individuals, including specialist ecological or other environmental advice.

- 4.7 The Georgian Group - The large walled garden is of late nineteenth century date but designed in an early Georgian style and, it is understood, contained formal gardens when newly built. It is an architecturally distinguished example of its kind and plays a crucial role in the setting of the Hall, which was built c1709. Its considerable size, seventeenth century style corner pavilions, classical columned temple, and prominent location flanking the road into the village arguably make it amongst the most memorable gardens of its type and period in the region.

If restored, the walled garden could be a considerable asset to any business of this kind. It is not clear from the original supporting documentation whether other ways of achieving the applicant's requirements in terms of car parking and deliveries have been explored, and if so why they were discounted.

The proposed development involves the demolition of greenhouses which are attached to the walls, and of parts of the walls themselves. The proposed new vehicle opening would impact on the symmetry of this part of the composition, which has a central domed semi-circular garden temple and square pavilions at its corners. A degree of harm is being proposed to the fabric and significance of this heritage asset without appropriate measures being put in place to secure the repair of the remaining fabric.

Strongly urges that any demolition work is kept to an absolute minimum, and that materials other than tarmac are used for the road surface. Any approval should also be linked to an agreed programme of repairs which would ensure the walled garden's long-term future.

(Officer note: these comments pre-date the further details summarised in paragraphs 1.8 and 1.9.)

- 4.8 Victorian Society - Welcomes the principle of a proposal that would realise much-needed repairs to the fabric of the walled garden. The garden appears to date from the late nineteenth or early twentieth century and is an unusually good example of its type, with corner towers and a domed pavilion, as well as attractive iron gates and railings. In the short term ensuring that the fabric of the walls is properly maintained is of the utmost importance. If this application can facilitate this, and do so without unduly compromising its special qualities, then it should be looked on favourably. In the long term, restoring the space as a garden (using cartographic evidence to ensure a historically informed design) – a use which could dovetail successfully with the wider management of the site – should be a major priority.

Recommends that a full schedule of necessary repairs must form part of this application. While the physical interventions the application proposes would cause harm to the curtilage listed structure, this could be acceptable if it is conditional on the historic fabric being carefully and comprehensively repaired. In addition to being closely conditioned, all repairs should be carried out by an accredited and experienced craftsman.

The erection of a marquee, which is clearly required in order to accommodate the planned events, is acceptable only on the basis that it is strictly temporary. Again, this can be secured conditioned.

- 4.9 Ministry of Defence – no safeguarding objections

- 4.10 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues are: (i) the impact on, and opportunities presented for the protection, enhancement and on-going maintenance of heritage assets; (ii) the impact on the amenity of neighbours with regard to noise and activity; (iii) highway safety; (iv) the economic impact of the proposal; and (v) wildlife protection.

Impact on the heritage assets

- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. In this case the site is associated with Helperby Hall a Grade II Listed Building.
- 5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Brafferton and Helperby Conservation Area.
- 5.4 As noted earlier, the application originally lacked sufficient detail to allow this important issue to be evaluated in sufficient detail. However, on assessment of the material submitted during the course of the application it is considered that the proposal would lead to less than substantial harm to heritage assets. That harm would be:
- The partial demolition of garden walls to achieve vehicular access to the garden;
 - Changes of levels within the walled garden to create surfaces for siting marquees and ancillary equipment;
 - The creation of the hard surfaced access road leading to and within the walled garden;
 - The removal of trees to enable the construction of the access road;
 - The creation of hard surfacing for car parking and for vehicles associated with the operation of events; and
 - Alterations and upgrade of the loose surfaced vehicular access from the Helperby to Flawith road to tarmac to gain access to the site and other estate property.

Beneficial changes may also be identified:

- The removal of the menage;
 - The restoration of the walls and roofs to two corner buildings;
 - The restoration of features within and upon the walls;
 - The removal of greenhouses from the exterior of the south wall; and
 - The implementation of formal planting within the walled garden.
- 5.5 Paragraph 134 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.6 The public benefits of the proposal can be identified as:
- The restoration of the features of the walled garden; and
 - Achieving an economic use of the site, creating jobs and a place for functions including marriages.

- 5.7 It is considered that the two are linked. Whilst the walls are in reasonable condition they will require maintenance in future and the agent advises that extensive repointing will be needed soon. He also advises that two of the corner buildings have leaking roofs that need to be repaired. These and the costs of removing the greenhouses and the proposed restoration of formal planting within the majority of the walled garden cannot be met by the funds currently available to the Trust that owns the site and finding a new economically beneficial use of the walled garden is appropriate in order to secure funding opportunities.
- 5.8 No other alternative use has been identified for the walled garden. It appears that the scope for beneficial use of the walled garden other than as part of a visitor attraction to places such as a stately home or as a horticultural nursery is greatly limited. Avoiding the need for new buildings within the walled garden, which would potentially harm the significance of a space that has not been interrupted by buildings, is also beneficial but is not a public benefit that can weigh in favour of this application as any buildings would require permission in their own right. However, it gives an indication of the limited opportunities for finding a viable new use for the space.
- 5.9 The agent notes the concerns expressed by NYCC Archaeology and advises that it is known from the photographs provided and by a visual survey of the walls that there have been no structures within the garden beyond the walls and corner buildings. The agent also advises that the garden has been cultivated for potatoes in past years which would almost certainly have destroyed any evidence of paths and other garden structures.
- 5.10 The proposal would result in change to the heritage asset. The restoration of the walls and the buildings attached to the walls would be a significant benefit to this scheme, as would the removal of lean-to greenhouses with plastic sheet roofs. Conditions to require a programme for the implementation of the repairs to the walled garden and formal landscaping within it would be important to ensure that the benefits are realised.
- 5.11 The creation of an entrance to provide access to car parking would cause harm through the loss of fabric and the disruption of the symmetrical layout in which main openings are centrally positioned in the north, east and west walls, with two smaller openings either side of the temple that occupies the central position in the southern wall. Furthermore, the creation of car parking within the walled garden reduces the scope of the formal landscaping, although it should be noted that this is more a matter of reducing a gain than introducing major harm. The creation of the access track and the loss of a tree also have negative impacts, albeit limited. However, the agent advises that the entrance is needed in order to allow equipment for wedding ceremonies to be brought into the walled garden; this is a necessary part of the proposed use and it creates the opportunity for car parking to be provided. The alternative would be to create a car park outside the walled garden but this would affect its setting in public views and, depending on the precise location, could necessitate further tree loss.
- 5.12 Taking all of the foregoing into account and subject to appropriate conditions, it is considered that the benefits of the proposal outweigh the less than substantial harm it would cause to heritage assets. The harm is unlikely to be perceived from the Conservation Area generally and overall would ensure the preservation of the listed building.

Neighbour amenity

- 5.13 The LDF requires at policy CP1 that proposals that protect and enhance social well-being and amenity of the population will be supported, and at DP1 that all proposals must adequately protect amenity.
- 5.14 Concern is raised in the advice of the Environmental Health Officer that unlimited or unrestricted use of the site would have the potential to cause a significant impact upon nearby residential occupiers. This concern acknowledges that with further information there may be scope to limit the impacts by the use of planning conditions. Additional information has been supplied that limits the number of events to be held annually and that provides clarity over the type and location of equipment (such as power generation) that could cause disturbance to neighbours. The proximity of the nearest neighbours remains a concern and due to the limitations available to the applicants on suitable points of access to the walled gardens remains unchanged.
- 5.15 The nearest noise sensitive receptor is Gardeners Cottage, 24m from the proposed new opening in the wall and 13m from the upgraded access. The next nearest residence is The Bothy, built abutting the walled garden, The Bothy is within the same ownership as the walled garden. Helperby Manor is 200m east of the site and another dwelling, Pheasants Walk, 380m to the east. To the north at 270m lies Blackthorn House and at 310m lies Helperby Hall. Beyond Blackthorn House and Helperby Hall is the village of Helperby with many dwellings close to the Main Street.

Potential adverse impacts	Additional information	Control measure	Detailed condition or scheme to be supplied
Noise arising from the movements of vehicles associated with the preparation for events	Information has been supplied of the number of events and size and duration of events	Planning condition	Scheme to be supplied for approval
Noise arising from the movement of vehicles of guests	Information has been supplied of the number of events and size and duration of events	Planning condition	Scheme to be supplied for approval
Noise from power generation equipment	Location and type of electrical power generator	Planning condition and Environmental Health controls	Detailed planning condition
Noise from users and sound equipment during events	Information has been supplied of the number of events and size and duration of events	Planning condition and controls by Environmental Health and licensing	Scheme to be supplied for approval

- 5.16 The scheme details show locations for a marquee towards the south west corner and a larger marquee towards the north west of the walled garden. The lightweight fabric of marquees has been noted to give no significant attenuation of noise, although the garden walls will have some effect. The potential for disturbance to neighbours during events is such that controls would be required to prevent harm due to noise. The close proximity of the walled garden entrance to Gardeners Cottage provides a high likelihood that activity would impact upon occupiers of that property during events if noise levels were high and after events as visitors and vehicles leave the site.

- 5.17 The use of planning conditions and the other controls available, as noted in the table, would limit the impact upon neighbours. A balanced judgement is required by the policies of the Development Plan, in this case it considered that subject to the use of planning conditions the potential adverse effects identified above could be controlled and the level of harm to the amenity of neighbours mitigated sufficiently.

Highway safety

- 5.18 LDF Policies CP1, CP2, DP3 and DP4 all relate to the provision of appropriate and safe accesses to developments. The upgrade of the proposed access from the highway to the site is designed to the required standard and the Highway Authority recommends that the access be constructed to the appropriate standard but otherwise raises no concerns regarding the vehicular access. The proposal therefore meets the policy requirements in respect of a suitable safe vehicular access.
- 5.19 In view of the location of the site remote from large centres of population and significant public transport connections it is highly likely that the users of the site would be dependent upon the private car. There is no designated pedestrian access from the site to the village nor is there a hard surfaced footway along the roadside verge, however there is potential for the grass to be mown to create an informal route for pedestrians. The agent confirms that provision of an improved footway link is not proposed and they do not wish visitors to wander out on the road and consider that it is very unlikely people will arrive or depart from the venue on foot. The road is considered sufficiently quiet, direct and free from hazards to make the route viable for members of staff to cycle from Helperby and further afield.
- 5.20 The Parish Council's concerns about traffic generation are noted; however, taking account of the Highway Authority's advice it is considered that the local road network can accommodate the activity associated with events. It is noted that the site lies to the south of the village and therefore a proportion of visitors will not need to go through the village.

Economic impact

- 5.21 While LDF Policies seek to support developments that contribute to the economy and policy CP15 encourages development that would support the economic needs of rural communities, none of the circumstances where support will be given relate to the creation of a new business through reuse of a heritage asset. Nonetheless, policy DP25 allows for employment development outside of Development Limits provided that all of its five criteria are met and is broadly in accordance with the approach taken at paragraph 28 of the NPPF. In summary, the five criteria require that this development:
- i Is small in scale;
 - ii Comprises conversion and re-use or replacement of rural buildings of sound construction;
 - iii Is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;
 - iv Is supported by an appropriate business case which demonstrates support to the local economy, which would help sustain rural communities; and
 - v It would not adversely impact on the economy of the Service Centres.
- 5.22 Subject to planning conditions necessary to address the amenity impacts the level of use of the site would be considered to be small scale and would meet the first criterion.
- 5.23 In terms of the second criterion, the development is mainly the re-use of land and does not involve (or requires) the re-use of buildings that are features of the walled

garden, in this case the temple on the south wall. The buildings are however physically a very small part of the scheme, albeit important, to allow a registrar to undertake weddings because of the legal requirement that part of a ceremony must take place within a permanent, immovable structure with a fixed roof and solid floor capable of offering cover to the couple, two registrars and both witnesses.

- 5.24 Whilst weddings and other events are held at locations within Development Limits, they are increasingly held in historic and rural settings, largely due to liberalisation of the law affecting where civil weddings may be held in 2005. It is not considered that the full implications of how this has changed the ways and places in which weddings are held would have been known when the policy DP25 was being drafted and therefore it is not felt that strict adherence to this criterion should be insisted on in respect of this proposal.
- 5.25 The fourth criterion requires an appropriate business case to be provided which demonstrates the support that will be provided to the local economy which in turn would help sustain rural communities. A business case has been prepared by the agent, which attempts to identify the aspects of the business that will result in the purchase of additional services from other businesses in the locality and the value of these transactions. It identifies that the business would be expected to generate 1.25 FTE jobs in the direct employment of the estate and that up to 35 jobs would be supported, through functions such as wedding florists, photographers, event coordination and catering (but not directly created). The business case also provides a summary of those aspects of the proposed enterprise that will support businesses (such as transport, wedding outfits, cake and stationery) but that may be less likely to result in local employment.
- 5.26 The fifth and final criterion is that the development would not adversely impact on the economy of the Service Centres. As noted in the assessment of the third criterion, the proposal differs from the offer available in the Service Centres. The use of a heritage asset to provide a mainly outdoor function space in a rural location is not unique but the nearby Service Centres of Easingwold and Thirsk do not provide such facilities. There is no evidence to suggest that the approval of an additional venue at Helperby would have any material adverse impact upon the economy of any of the Service Centres.
- 5.27 It is considered that the scheme would provide a significant benefit to the local economy and is compliant with the policies of the LDF in this respect.

Wildlife

- 5.28 There is potential for the walled garden to provide a habitat for protected species, such as bats and nesting birds. Precautions will be required to avoid harm to wildlife protected by the Wildlife and Countryside Act 1981. An informative can be applied to ensure the applicant is made aware of their obligations in this regard.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** 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 HU-RJH-MS-570-16 02, 03, 10B and 11B, A2016001 revised and un-numbered plan "proposed highway entrance to wall

garden”; received by Hambleton District Council on 5, 14 and 25 October 2016 and 26 June 2017; unless otherwise approved in writing by the Local Planning Authority.

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (c) The existing access shall be improved by providing 6 metre radius kerbs, to give a minimum carriageway width of 4 metres, and that part of the access road extending 8 metres into the site shall be constructed in accordance with Standard Detail number E7; and (g) Provision to prevent surface water from the site discharging onto the existing highway shall be constructed in accordance with the approved details shown on drawing "Proposed Highway Entrance to Wall Garden" and maintained thereafter to prevent such discharges. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HU-RJH-MS-570-16-10 B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. No other parking, manoeuvring and turning areas shall be created without the prior written approval of the Local Planning Authority.
5. 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.
6. No development shall commence until a scheme for the repair and restoration of the walls and corner buildings of the walled garden has been submitted to and approved in writing by the Local Planning Authority. The approved repair and restoration shall be carried out prior to the use hereby permitted commencing.
7. The external surfaces of the development, including the surface of the access track and all surfacing within the walled garden shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
8. No development shall commence until details of the hard and soft landscaping of the walled garden in conformity with drawing A2016001 revised, including lighting and the location of marquees, have been submitted to and approved in writing by the Local Planning Authority and the use shall not commence until the approved details have been implemented in full. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. No generators shall be installed other than in full accordance with details, including siting and acoustic performance, that have been submitted to and approved in writing by the Local Planning Authority.

10. Events shall only be held in accordance with the following details. Between 1 March and 31 October no more than 45 events shall finish after 8pm and all music and amplified noise for those 45 events shall cease by 11.45pm. No more than 10 events shall be held between 1 November and 28 February and all music and amplified noise for those 10 events shall cease by 11.45pm.
11. No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (i) The programme and methodology of site investigation and recording; (ii) Community involvement and/or outreach proposals; (iii) The programme for post investigation assessment; (iv) Provision to be made for analysis of the site investigation and recording; (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation. 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 approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons 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 Development Plan Policies CP1, CP2, CP4, CP15, CP16, CP17, DP1, DP9, DP25, DP28, DP29, DP30, DP32 and DP33.
3. In accordance with Policy CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In order to achieve the identified heritage benefits of the development in accordance with Hambleton Local Development Framework policies CP16, CP17, DP28, DP32 and DP33.
7. In order to ensure that only materials appropriate to the setting of the listed building and the site's location within the Helperby Conservation Area are used.
8. In order to achieve the identified heritage benefits of the development in accordance with Hambleton Local Development Framework policies CP16 and 17 and DP28 and 32.

9. In order to avoid any loss of residential amenity and to avoid unacceptable harm to heritage assets in accordance with Hambleton Local Development Framework policies CP1, CP16, DP1 and DP28.
10. In order to avoid any loss of residential amenity in accordance with Hambleton Local Development Framework policies CP1 and DP1.
11. In accordance with Hambleton Local Development Framework policies CP1 and DP 29 and section 12 of the National Planning Policy Framework.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.