

Parish: Alne
Ward: Easingwold
1

Committee date: 23 August 2018
Officer dealing: Ruth Hindmarch
Target date: 31 August 2018

18/00995/FUL

**Demolition of existing storage sheds and construction of five detached houses with associated garages and access road
At Old Station Yard, Station Road, Alne Station
For Mr A Adamson & Mrs S Adamson**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is the former station yard at Alne Station, to the south west of the East Coast Main Line and east of Station Road and at the northern end of Alne Station. Alne Station is a separate settlement from the village of Alne, which lies approximately 650 metres to the south west by road.
- 1.2 The application site has a long standing use for storage and distribution associated with a stonemasonry business. There are a number of buildings on the site of a commercial nature, including storage containers associated with the business currently operating from the site. These buildings contrast with the neighbouring dwellings.
- 1.3 The adjacent railway and associated land forms, together with an existing vehicular track, form the eastern boundary of the site. To the south of the site is a commercial premises with residential properties beyond. The western boundary consists of fencing and planting, beyond which is the highway, and to the north is an embankment and a bridge which takes the highway over the railway line.
- 1.4 Permission is sought to remove the commercial buildings on the site, form a shared drive parallel to Station Road and erect five detached dwellings in a linear arrangement to the west of the drive with middle three properties fronting the drive and backing onto Station Road. A further property would form the end of the cul-de-sac with its principal elevation fronting south and its rear elevation facing north, the remaining property would be located close to the entrance to the development and would also have its principal elevation facing south and rear elevation facing north.
- 1.5 There is a change in level up to the highway and existing planting that could be supplemented along the boundary to provide screening of the rear elevations and garden areas. The scheme includes a three-bedroom bungalow, a two-bedroom bungalow and three three-bedroom houses.
- 1.6 A previous scheme was refused as no justification had been provided for the loss of employment land and the proposal did not address housing need in the area as it was for larger detached dwellings. This revised scheme provides marketing information relating to the site and justification for its loss and the housing mix has been amended to better reflect local housing need.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 83/1026/CAP – Certificate of alternative use proposed – Use of land as a builder's yard and construction of an office building; Granted 8 December 1983.

- 2.2 84/0431/FUL – Building for the storage of timber; Granted 27 September 1984.
- 2.3 85/0846/OUT – Outline application for a dwelling with domestic garage; Refused 25 July 1985, appeal allowed 9 April 1986.
- 2.4 88/0187/FUL – Garage/workshop building for use in connection with haulage business; Granted 4 October 1988.
- 2.5 99/50046/P – Revised application for a storage and distribution building with associated office accommodation; Granted 27 September 1999.
- 2.6 17/00382/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road; Refused 1 June 2017

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 CP8 – Type, size and tenure of housing
 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 DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP12 – Delivering housing on “brownfield land”
 Development Policies DP13 – Achieving and maintaining the right mix of housing
 Development Policies DP15 – Promoting and maintaining affordable housing
 Development Policies DP17 – Retention of employment sites
 Development Policies DP30 - Landscape Character
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Interim Guidance Note - adopted by Council on 7th April 2015
 Supplementary Planning Document - Size, Type and Tenure of New Homes
 National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection, although concern has been raised with NYCC Highways regarding the formation of ice on the slope down from the bridge causing cars to slide out of control. This will directly affect the proposed access and should be addressed as part of the application.

A question has been asked as to whether the County Archaeologist would be recording the site prior to any works taking place.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to conditions relating to noise and additional land contamination investigative works being carried out.

- 4.4 Network Rail – No objection subject to conditions but raises questions about land ownership. (Officer note: the location has been plan amended to reflect these comments).
- 4.5 Yorkshire Water – No objection subject to conditions.
- 4.6 Kyle & Upper Ouse Internal Drainage Board – No objections subject to conditions. The application may increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site.
- 4.7 Ministry of Defence – No safeguarding objection.
- 4.8 Environment Agency – No comments received.
- 4.9 Public comments – one letter of representation raising concern over potential visitor parking on Station Road.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) flooding; (iii) contaminated land; (iv) noise; (v) ecology; (vi) housing mix, (vii) design; (viii) heritage assets; (ix) highway implications and (x) residential amenity.

Principle

- 5.2 Alne Station lies beyond the Development Limits of the settlements listed in Policy CP4, which states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Alne Station is defined as an Other Settlement. Alne is approximately 650m away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two villages and access to bus services. Alne and Alne Station are identified as cluster villages within the IPG due their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site has most recently been used as a stone mason's yard which provided employment to the two owners of the company. The use of the site for this purpose is very limited with the business owners now operating the company from another site within the district. No evidence has been submitted to suggest that the business

could not continue to operate without using the site. Policy CP12 of the Council's Core Strategy seeks to support and sustain the economy of the District and policy DP17 seeks to achieve this by retaining employment sites unless material considerations indicate an exception can be made – such as: the site is no longer viable; or redevelopment would facilitate a new site to sustain an existing business.

- 5.6 In order to comply with policy DP17 the applicant has submitted information relating to marketing of the site as point ii of DP17 states that permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted unless evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future.
- 5.7 As stated above, the site's current use for employment purposes is limited. The information submitted with the application shows the site has been marketed since 25 September 2017, with little interest and the property consultants received limited telephone and email enquiries. The initial marketing of the site finished after seven months. This time period was not considered sufficient and the applicant was asked for further information and evidence to show there is no demand for this site to be retained for employment use. The site was marketed again from June 2018 and is still being marketed at present, the information submitted states that following the re-launch of the marketing no further enquiries have been received.
- 5.8 The information also states there are a number of features of the site which the applicant does not consider "market friendly", for example the shared entrance and proximity to dwellings, and there is a general lack of interest in this property. The property consultant also states there is ample supply of alternative property and locations within Hambleton District.
- 5.9 The proposal identifies criterion iii of DP17 as also applicable in this case, whereby planning benefit would be achieved by removing a use that could cause residential amenity problems. However, there is no evidence that the current use of the site has caused amenity problems or that an alternative employment use would cause significant harm and the applicants' transport statement concludes that traffic generation from the proposed five houses would be greater than when the stone mason's business was in full operation and there would therefore be no lesser impact on amenity in these terms. It is therefore considered the proposal could not be justified solely on criterion iii of DP17.
- 5.10 The site is considered to be a small scale employment site which is currently in very limited use; it is under one hectare and is not allocated for employment use. Residential redevelopment was previously refused as no justification had been provided for its loss in terms of DP17; however, the marketing information now submitted demonstrates there is no demand from other employment users of the site. Given the scale of the site and the submitted evidence it is considered that on balance the loss of this employment site would not have a significant detrimental impact on the level of employment land available within the district.

Flooding

- 5.11 The majority of the application site, in particular the land on which proposed houses would stand, is within Flood Zone 1, an area considered of the lowest flood risk by the Environment Agency. However, parts of the site, including the access, are within Flood Zone 2, assessed to be an area of medium flood risk. As the housing would be within Flood Zone 1, a sequential test is not required; however an assessment of the impact of the proposal on flooding elsewhere or the potential for the access to flood is required.

- 5.12 The applicant identifies that the access and egress to Station Road will remain in the current position, partly within Flood Zone 2, and that Flood Zone 2 areas are above the “design flood” level of a 1 in 100 year flood event, and therefore that safe access and egress will be available to and from the proposed development.
- 5.13 A suitable means of surface water drainage must be introduced to the site. The requirement to submit drainage proposals, including details of their future management, can be required by the imposition of planning conditions and would ensure surface water flooding is not worsened by the proposal.

Contaminated Land

- 5.14 The application is accompanied by a desk based Phase 1 assessment of contamination, which recommends a further investigation if development goes ahead and this is supported by the Environmental Health Officer’s advice. A suitable condition to require those works to be carried out and findings submitted to the Local Planning Authority for approval can be attached.

Noise

- 5.15 The location of the proposed development adjacent to the East Coast Main Line gives cause for concern regarding the potential impact of noise on the amenity of future occupiers. Submitted in support of the application is a noise assessment that concludes suitable attenuation measures could be introduced to achieve appropriate living conditions for occupants. The Environmental Health Officer has raised no objections on this basis but has stated the mitigation measures detailed within the noise report must be provided and adhered to. The mitigation measures stated in the report are not entirely specific to this development but a report detailing the specific measures to be incorporated could be required by condition.
- 5.16 A commercial building used for storage and distribution would remain adjacent to the site. While the introduction of dwellings in this location could conflict with the commercial use, there is nothing to suggest the operation presently causes a noise nuisance to existing neighbours or that this is likely to change in the future and the Environmental Health Officer has raised no concerns in that regard.

Ecology

- 5.17 The application is accompanied by a bat and breeding bird and barn owl scoping survey that assesses the buildings proposed to be demolished. The report finds there is a lack of evidence to suggest any use by bats in the buildings with building 1 having the most potential for bat roost but this is still considered to be low. It is recommended that following the scoping survey that has been completed a summer emergence survey should be carried out prior to demolition. The report concludes the risk of bat usage is limited and if bats were to be found in a summer survey, mitigation and licensing would be straightforward. The method statement recommended within the report refers to the summer emergence surveys, recommends that if bats are found to be present further advice should be sought regarding the need to apply for a Licence. The report also states that work should either be carried out outside of the bird breeding season or checks should be made for active bird nests and work carried out outside of the breeding season if nests are discovered. Overall this proposal is not considered to detrimentally affect protected species and implementation can be suitably managed so as not to have a detrimental impact on biodiversity.

Housing mix

- 5.18 The previously proposed development consisted of five detached dwellings each of four bedrooms, although the house types varied and there were different floor areas. However, the variations were not considered substantive and the scheme was considered as being for larger family homes.
- 5.19 Policy CP8 requires applications for housing to take account of local housing need in terms of the size, type and tenure proposed. Policy DP13 supports this and requires developers to work collaboratively with the Council in determining the appropriate housing mix. There is an identified need within the district for two and three-bedroom properties, the housing mix has been amended and the development consists of one two-bedroom bungalow, one three-bedroom bungalow and three three-bedroom houses.
- 5.20 The Council adopted a Supplementary Planning Document on Size, Type and Tenure of New Homes in September 2015 and has an up to date Strategic Housing Market Assessment (updated report published September 2016). Both identify the need for smaller housing units to address the shortfall across the district. Given the proposed housing mix it is considered the proposal complies with policies CP8 and DP13 in this respect and the revised housing mix is acceptable.

Design

- 5.21 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.22 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.23 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."
- 5.24 The Council's Statement of Community Involvement, adopted in 2013, requires applications for proposals that depart from the Development Plan, which this scheme does, to explain how public comments have influenced the chosen design. The Design and Access Statement does not refer to community consultation having taken place or informing the proposed design. Nor does the statement say whether alternative development options were considered; however a previous submission for pre-application advice proposed a much larger scale of development that has been revised following officer advice.
- 5.25 The Planning Statement, incorporating a Design and Access Statement, describes the character of the surrounding area as predominantly residential. In this regard there are a mixture of types and styles of properties, ranging from detached brick bungalows with concrete roof tiles to detached two-storey properties with rendered

walls and grey slate roof. It is considered the properties in the area vary in style and period with no architectural style defining the character. The applicant has stated the dwellings would be constructed of red brick with a mixture of natural grey and blue slate roofs and natural red clay pantile roofs. There is a mix of materials in the area and in order to assess the suitability of the proposed materials samples should be requested for approval through condition.

- 5.26 The proposed dwellings would appear appropriate to the location. Features such as porches and chimneys have been included, as well as soldier courses and stone sills to windows that provide detailing to enhance the overall design. The proposed dwellings are to be detached with moderate gardens and it is considered to be in keeping with the character of the area and would not detract from it.
- 5.27 No built site features worthy of retention are identified, reflecting the poor quality of some of the buildings on the site that vary in style, materials and appearance but are principally of a basic nature suited to their commercial purpose but not reflecting the character of the surrounding residential properties in the vicinity.
- 5.28 The proposed layout allows for a density of development that reflects the surrounding area, providing suitable garden space for each property as well as in-curtilage parking, visitor parking and a refuse and recycling collection point. The layout does however give limited aspect to the main road with rear gardens being adjacent to the site boundary and the provision of rear elevations and gardens adjacent the boundary is considered to be acceptable in this instance due to the site levels and existing landscaping features. The site levels rise up towards the highway and there is dense hedging in place that will provide screening of the proposed development. The retention of the existing hedging and provision of supplementary planting can be achieved through condition and this would ensure sufficient screening of the development is provided.

Heritage assets

- 5.29 There are no listed buildings on the site, which is not within a Conservation Area. The Parish Council asked whether the County Archaeologist will be inspecting the site. The County Archaeologist has provided comments on the application and states the developer has acknowledged within the submission that the goods shed is a heritage asset of local interest. It is acknowledged that retention of this building would be desirable and the agent was approached about its possible retention. They have stated that the building is not viable for modern commercial use, as the marketing exercise has demonstrated, and conversion to another use has been ruled out for similar reasons. On balance the building is not considered to be of such significance that it should be retained. The Archaeologist agrees that should planning consent be granted that the building, and its immediate environs within the development area, should be subject to archaeological recording. This can be secured via planning condition.

Highways

- 5.30 The Highway Authority raises no objection subject to conditions relating to the appropriate visibility splay, precautions to prevent mud on the highway, on-site parking and storage during development and implementation of the access, parking and turning areas.
- 5.31 The Parish Council has raised concern over the potential safety of the access during winter when vehicles can slide on ice down the slope from the railway bridge towards the site access. Whilst this is acknowledged, the site access is currently used by the business on the site and Station Road is part of the highway network and will be maintained in the appropriate manor by the Highway Authority.

- 5.32 A neighbour observation raises concern over visitor parking. The site provides sufficient parking for the proposed properties and provides two visitor parking spaces. Station Road has no restrictions in place and visitors could park there if desired, although it is more likely that visitors would park on the internal drive. Given the parking within the site is sufficient and there are no further restrictions in place it is not considered any further assessment is required.

Residential amenity

- 5.33 The proposed development provides sufficient amenity space for the occupiers of the proposed dwellings, which would be sufficiently spaced to ensure there is no significant overshadowing, overbearing or overlooking impact. It is further considered the proposed dwellings are sufficient distance away from neighbouring properties to ensure there is no significant impact on the amenity of neighbouring occupiers.
- 5.34 With regard to noise impact on the proposed occupiers, the submitted noise assessment recommends a 1.8m close boarded timber fence to the east of the site to protect from noise, which would also assist in securing the site to deter trespass to the railway. Due to its orientation, the garden to plot 5 would be more exposed to noise from the railway line and therefore a more substantial height of fence, potentially on a bund, could provide suitable mitigation. A condition can be attached to ensure sufficient noise mitigation measures are incorporated into the development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 location plan and proposed site layout FO37.02.20 REV A, floor plans and elevations received by Hambleton District Council on 14/05/2018, unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
 4. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
 5. A scheme of noise mitigation for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures in the approved noise mitigation scheme shall be implemented and retained unless varied by alternative details which have been submitted to and approved in writing by the Local Planning Authority.

6. 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 a splay is provided giving clear visibility of 59 metres in a northerly direction measured along the channel line of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, this visibility area shall be maintained clear of any obstruction and retained for its intended purpose at all times.
7. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted drawing (Reference F037.02.20). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.
9. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
10. This and the following land contamination investigation, remediation and verification conditions must be addressed sequentially: The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4.)
11. No development shall commence until a 'Phase 2' intrusive land contamination site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL2.)
12. No development shall commence until a Ground Gas Investigation and Risk Assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL3.)

13. No development shall commence until a 'Phase 3' land contamination Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL4.)
14. No further development shall commence until the approved land contamination remediation scheme has been implemented.
15. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL5.)
16. (A) No demolition/development shall commence until a written scheme of archaeological 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) the programme for post investigation assessment; (iii) provision to be made for analysis of the site investigation and recording; (iv) provision to be made for publication and dissemination of the analysis and records of the site investigation; (v) provision to be made for archive deposition of the analysis and records of the site investigation; and (vi) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

(B) No demolition or development shall take place other than in accordance with the written scheme of investigation approved under part (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 part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
17. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
18. The development hereby approved shall be carried out in accordance with the Bat, Breeding Bird and Barn Owl Scoping Survey, dated May 2018, particularly Section 9 Mitigation & Compensation which requires a further bat emergence survey to be completed.
19. No part of the existing boundary hedging and planting along the western boundary with Station Road shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved.
20. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment & Drainage Strategy prepared by HM Design (received 25th May 2018), unless otherwise agreed in writing with the Local Planning Authority .

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 CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
6. In the interests of road safety
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In accordance with Policy CP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. To ensure safe development of the site and to protect human health and the environment.
11. To ensure safe development of the site and to protect human health and the environment.
12. To ensure safe development of the site and to protect human health and the environment
13. To ensure safe development of the site and to protect human health and the environment.
14. To ensure safe development of the site and to protect human health and the environment
15. To ensure safe development of the site and to protect human health and the environment.
16. The site is of archaeological significance and contains a building considered worthy of formal recording.
17. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP17 and DP32.
18. To ensure the development does not impact on protected species in accordance with policy DP31

19. In order to soften the visual appearance of the development and provide any appropriate screening
20. In the interest of satisfactory and sustainable drainage

Informatives

1. The Internal Drainage Board current guidelines for any increase in surface water discharge are as follows:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk and select "Kyle & Upper Ouse IDB"

2. Contaminated land notes for applicants:

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL3 - Ground gas investigations should have regard to current best practice and the advice and guidance contained in British Standard BS8485, Construction Industry Research and Information Association (CIRIA) "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665) and NHBC "Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present" (NHBC, 2007).

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG November 2017), and "Verification Requirements for Gas Protection Systems, version 1.0 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

3. Your attention is drawn to the following Network Rail requirements:

The site currently provides a railway access point including the access track running adjacent to the railway and it is imperative that this Network Rail access is not restricted or obstructed in any way. Access is required on a 24/7 basis for ongoing inspection and maintenance works as well as emergency use.

The site appears to have been under previous railway ownership. It is incumbent upon the applicant to investigate all the covenants and understand any restrictions relating to the site which may take precedence over planning conditions. Please note that the comments contained in this response to the council do not constitute formal agreement of any existing covenants.

Below are some requirements which must be met, especially with the close proximity to the development of an electrified railway, in this instance, the East Coast Main Line.

Drainage

Network Rail asks that all surface and foul water drainage from the development area be directed away its retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton matthew.shelton@networkrail.co.uk for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or

vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged. Network Rail notes the proposals include fencing which should meet this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to

the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat "Zebrina"

Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. As stated above, the existing railway access track is in use on a 24/7 basis for ongoing inspection, maintenance and emergency use and must remain clear and unobstructed at all times both during construction works and during subsequent site use.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

You are advised that in particular the drainage, boundary fencing, method statements/OPE, soundproofing, lighting and landscaping are matters of interest to the rail operator the reasons for which can include the safety, operational needs and integrity of the railway.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

4. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

5. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015