

Parish: Bagby
Ward: Bagby and Thorntons
5

Committee date: 18 October 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 27 August 2018

18/01132/FUL

Description: Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings
At: Bagby Hall Farm, Bagby
For: Mr T Robson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in the centre of the village of Bagby on the south side of the main road, close to the junction of Church Lane. Bagby is classified as a Secondary Village with the Settlement Hierarchy.
- 1.2 The application site is approximately 0.4 hectares in area, including an existing bungalow that fronts the main road to the north, the farm yard and buildings to the south, a long narrow paddock to the west of the farm buildings and a small area to the south where a static caravan is located. The farm is adjacent to the boundaries of residential properties, with the nearest being Manor House to the east and Bagby Hall to the west.
- 1.3 The land slopes downhill from the main road, in an approximately north to south direction with the farm buildings appearing "stepped". The access road follows the eastern boundary where there are a number of mature trees. There is an established landscape belt to the northwest of the site that includes mature trees and hedgerow. This forms part of the curtilage of Bagby Hall. Bagby Hall is a Grade II listed building. The land to the south is open in nature.
- 1.4 The village of Bagby is principally a linear settlement, with dwellings fronting the main road. On the north side of the road there are a series of short estate roads serving residential property. To the south side there are no residential developments behind the road frontage, farm buildings extend southwards towards the countryside, in the case of the application site the developments are 1284smq of intensive livestock buildings.
- 1.5 The existing site is an intensive livestock unit that focusses on the rearing and fattening of pigs. The pigs are delivered at a weight of 35kg and fattened to a weight of 110kg before being taken for slaughter. The pigs are delivered in cycles and there can be up to 1000 pigs on site at any time. The pigs are accommodated in the two main farm buildings, which are steel framed structures clad in profiled metal and fibre cement sheeting.
- 1.6 The agent and applicant has described that the existing business operations generates a significant amount of traffic, with a range of vehicles that include weekly HGVs for the delivery and collection of pigs, large vehicles for the delivery of feed, which include blower lorries delivering different combinations of feed up to three times a week, special vehicles for the collection of dead livestock, and traditional farm vehicles for the weekly delivery of bedding straw and the collection of "mucking-out" waste and slurry. There are also frequent pig welfare visits from vets.

- 1.7 The proposal seeks to relocate the existing intensive livestock business to other land and buildings within his ownership out of the village. It should be noted at this stage that the existing business will not be lost and will simply be relocated. This will allow for the demolition of the existing buildings on the site. The applicant is aware that many local residents are unhappy about the business and over many years has received numerous complaints about the noise and smell generated by the livestock, particularly during the summer months when people tend to have their windows open. Complaints have also been received about the size and frequency of vehicles associated with the business travelling through the village.
- 1.8 The re-development of the site shows the construction of 5 dwellings that has been designed in a courtyard configuration where the existing farm buildings are currently located.
- 1.9 The dwellings proposed are:
- Units 1 and 2 – two storey 4 bedroom
 - Unit 3 – two storey 3 bedroom
 - Units 4 and 5 – single storey 3 bedroom
- 1.10 The agent has outlined that the design concept is to create the illusion of a more traditional farm building grouping using a combination of quality traditional materials including clay brick, stone, pantile and slate, with oak window and door frames. It also incorporates different building widths and ridge heights in an attempt to create a strong traditional agricultural appearance.
- 1.11 Vehicular access will be from the existing access point, which will be widened to improve visibility. This requires the partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom. This will ensure that it can still continue to function as a single storey dwelling.
- 1.12 Each unit will have 2 car parking spaces. Units 1, 2 and 5 also have a double garage and units 3 and 4 a single garage. The two parking spaces associated with the existing road frontage bungalow are to be relocated to the front with direct access onto the main road.
- 1.13 Drainage is proposed to be achieved by use of soakaways for the disposal of surface water and that foul sewage will be disposed of by septic tank.
- 1.14 During the course of the application, discussions have taken place with the applicant regarding affordable housing. The agent has confirmed that the two, 3 bedroom single storey units are to be provided as affordable housing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 91/0421/OUT - Outline application for the construction of an agricultural workers dwelling; planning permission refused (10.01.1991) and appeal dismissed (03.09.1992).

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015

National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – wish to see the application refused.

Councillors do not consider it to be a natural infill, they felt the proposed application was over development of the site, and a courtyard development is totally out of character in terms of its appearance compared with existing development in the vicinity, and the proposed developments will set a precedent for all land owners on the south/eastern side to build behind properties.

They would also like to see affordable housing.

4.2 Highway Authority – no objection, subject to conditions regarding the discharge of surface water, private access and verge crossings, details of access, turning and parking, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development.

4.3 Yorkshire Water – no response received to date.

4.4 Environmental Health (Contaminated Land) – I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination however given the nature and scale of the proposed residential development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, ideally prior to determination, to demonstrate the land is suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation.

However, further details could be secured by planning condition.

4.5 Environmental Health – no comments received to date.

4.6 Public comments – 5 letters of support have been received and 2 letters of objection to the proposal.

A summary of the letters of support are:

- Vast improvement on the present intensive pig farm in the middle of a residential area. This is in terms of the noise, odour and large vehicle movements that are required for such operation
- Welcome a well-constructed small development in keeping with several similar developments in the village
- Bagby and Balk PC voted this as the preferred location for new housing within the village
- The location of the proposed development is in the geographical centre of the village where the road is wide and visibility good and further houses/ residents in this location can only improve this very residential area.
- Being the occupiers of Manor House, Bagby, the property adjoining the eastern boundary of the proposed access route into the development, we are directly affected by the application. Our view is that the demolition of the agricultural buildings will remove the noise and smell generated by the pigs which currently spoil our enjoyment of our garden, particularly during the summer months and for this reason we support the change of use from agriculture.
- The implication of visual intrusion from the houses would appear to have been addressed by the design of the proposed houses being single storey at the north and north eastern side, and we would accept the plans as presented, as long as no further application is made to alter the design to increase the height of dwellings, with further windows overlooking our property, should the application be granted.
- With regard to the increased traffic and visual intrusion into our property alongside the access route into the development, an additional panel/timber fence to extend at least 1 metre above the current wall height from the applicant's side of the wall should be imposed.
- The use of single storey dwellings at the front of the development will ensure that the replacement form is not obtrusive.

A summary of the letters of objection are:

- The development appears to suggest its main driver is the removal of the animal housing from a residential area. The development extends significantly beyond the boundaries of the existing buildings which are not redundant but remain in use. Any acceptance of this as criteria would require a significant reduction in the footprint of the site which extends to green belt land behind a listed building.
- A smaller application on a lesser area of land was refused by the District Council and such refusal upheld by the Planning inspectorate ref T/APP/G2713/A/92/207181/P2 essentially as not respecting the form and character of the village the south side retaining its strong linear character a feature which should be protected. "*Without special justification the grant of planning permission here would give rise to pressure for extensive backland development behind both frontages of the village street, leading to the destruction of its special character.*" (This proposal was for the construction of an agricultural workers dwelling)
- The development will have a significant impact as above on the amenity and privacy of the Listed Building overlooking two of the boundaries with not a single property but a number with a minimum of 3 bedrooms very close to both boundaries.
- The argument that the pigs or other animals housed in the buildings is not something that has ever caused nuisance to my family in the 21 year period the Hall has been in our ownership being part of what one expects in the countryside.
- The streetscape will be adversely affected with the insertion of a wider road to afford entrance to the development virtually opposite Church Lane with the removal of part of the existing bungalow to facilitate that. Further amenity will be lost in the removal of the grassed area between the bungalow and road to afford parking for two vehicles at the roadside and further dropped curbs as set out in the application.
- The village does not have the requisite infrastructure to support the development which requires off mains sewage with the need for large vehicles to service emptying

(with attendant odour) in addition to the requirement for delivery of fuel, oil or gas, there being no mains service at that point in the village. Those large vehicles together with the traffic movements for 5 houses of minimum 3 bedrooms will be close, if not more vehicle movement than for the farm buildings.

- The Hall in particular would suffer significant impact from this development which would detract from its Grade II listed building. Bagby is a rural village with farming its main land use, both historically and in present day. This would mean yet more loss of agricultural land for housing that is not really needed
- This development would alter the structure of the village and allow others to presume they could backfill behind the street line, thus altering the nature of the village. It is appropriate at this time to bring to your attention the inspectors report in 1992 where he clearly states that any development going behind the street line would be out of keeping with the strong linear character of Bagby. He goes on to say that it is a feature which should be protected, especially as the granting of planning permission would give rise to pressure for extensive back land development leading to destruction of its special character.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and design; (iii) heritage assets (iv) residential amenity, including loss of the intensive pig business from the site; (v) highway safety; (vi) drainage issues; (vii) affordable housing and (viii) the planning balance.

The principle of development

- 5.2 The site falls outside the Development Limits of Bagby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would in part be a departure from the Development Plan. The proposal as amended does however propose 40% affordable housing to be provided on-site and subject to meeting the policy tests of the LDF is a matter that is 'in principle' acceptable on land outside of the Development Limits of a secondary village.
- 5.3 Core Policy CP4 sets out the exceptional cases where development will be considered outside Development Limits. In this case criterion ii is considered to be relevant. Criterion ii. states that development may be supported where *"it is necessary to secure a significant improvement to the environment"*.
- 5.4 In this case the question is two-fold in terms of the impact of the current use of the land and the impact of the buildings associated with it.
- 5.5 In this case, the buildings are of an agricultural nature, of a type often found within village environments, and are not readily visible from public spaces in the village. Their scale does not result in a form that dominates or harms the character of the village or the setting of nearby heritage assets. However, the existing use as an intensive pig unit has the potential to result in a loss of amenity to neighbouring occupiers. As such the proposed development is considered to "secure a significant improvement to the environment" and thereby gain support from Core Policy CP4 in addition to the support relating to the provision of affordable housing.
- 5.6 It is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.7 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.8 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.9 In the settlement hierarchy contained within the IPG, Bagby is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.10 The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Supplementary Planning Document. These include two single storey 3 bedroom units of accommodation and three 3 bedroom units.

The character of the village

- 5.11 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for five dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.12 The piece of land that is the subject of this application comprises of 5 units and is considered small in scale.
- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework.
- 5.14 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."
- 5.15 In terms of design, 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.

- 5.16 As noted above, Bagby is a linear village characterised by traditional road frontage development set back from the main road by varying depths of front gardens. There are some exceptions to the linear character to the northern side of the village, with more in depth development. Some farms also remain, occupying the land to the rear of the frontage properties. Bagby Hall Farm is one such example, with a significant coverage of modern farm buildings (1,284 square metres), which extend the built form of the village in a southward direction.
- 5.17 The Design and Access Statement sets out the logic behind the proposed layout of the site and states that: *“This proposal involves the construction of 5 new dwellings in the location of these existing farm buildings, which will be designed in a traditional courtyard configuration, occupying a footprint of some 400 square metres. This together with the sloping nature of the land and the use of single storey development on the higher parts of the site will reduce the overall bulk, massing and appearance of the development when compared to the existing farm buildings, which means the development will not appear intrusive from the street, which will help preserve the form and character of the settlement.”*
- 5.18 It is considered that the proposed layout achieves a traditional courtyard by providing the basis for a development of different sizes and heights, generating a form of development that would be appropriate to the site location and the character and form of the village. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration. The existing structures cover 1,284 square metres), which extend the built form of the village in a southward direction. It is noted that this proposal also includes a small paddock area to the west; to the rear of Bagby Hall and the impact upon this Grade II listed building needs to be carefully considered (this will be considered in section 5.21 of the report)
- 5.19 The majority of the site comprises built development in the form of farm buildings and hard standings. There is some landscaping along the eastern boundary in the form of intermittent mature trees, and a mature wooded belt on the western boundary with Bagby Hall. The southern boundary with adjoining open countryside is open. However, it is considered that with additional planting along the southern boundary, in conjunction with a new development that is smaller in scale to the farm buildings will soften the built-up edge of the settlement. It is considered that this scheme will not be detrimental to the open character and appearance of the surrounding countryside.
- 5.20 The partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom will not harm the character and appearance of the village by virtue of the existing form and character of the bungalow that will be retained. The access point will be widened by approximately 2 metres. It is acknowledged that there will be loss of grass to accommodate this and the 2 car parking spaces for the existing bungalow. However, the majority of the grass to the front of the bungalow will be retained and will still contribute towards the rural character of the village and street scene.

Heritage assets

- 5.21 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.

- 5.22 Bagby Hall is a Grade II listed building located to the north of the application site. It could be argued that the existing scale and mass of the existing farm building, alongside their design and materials currently detract from the setting of Bagby Hall. However, this is currently mitigated by the sloping nature of the land towards the south and the boundary treatment of a mature woodland belt that shields views to and from the site to Bagby Hall. The impact of the use of the intensive livestock buildings on the Listed Building is not considered to be significantly harmful.
- 5.23 The proposed development has been designed to create a traditional farm courtyard by virtue of its scale, form, detailed design and use of materials. The visual relationship between Bagby Hall and the proposed development is separated by the mature woodland along the boundary. It is considered that if this vegetation were to be removed, the traditional farm courtyard of the development would be more in keeping with the character and appearance of Bagby Hall as a Grade II listed building. The use of the land for residential development would extend the existing built form.
- 5.24 On assessment of the application it is considered that it would not lead to harm to the setting or significance of the Grade II listed building.

Residential amenity

- 5.25 Consideration should be given to the loss of the intensive pig farm that is currently run from the site and is proposed to be relocated to the applicant's farm at New Manor Farm, which stands to the south east of the village of Carlton Husthwaite.
- 5.26 It is acknowledged that an intensive livestock unit generates nuisance, usually in the form of noise and odour pollution, and associated transport movements. Originally, the farm belonged to Bagby Hall. However, the Hall was sold off separately from the farm, and in 1997, the farm became available and applicant acquired it.
- 5.27 In 2000 the buildings were used for beef cattle, and in 2006 these were replaced by pigs, with the enterprise becoming intensive in more recent years. The applicant accepts that the business has changed over the past 20 years and now causes nuisances to local residents. The Council has evidence of complaints that have been received and a further letter from the applicant outlining the complaints he has received over the years.
- 5.28 It is considered that there are benefits of relocating the farming enterprise from the village to a more appropriate location in terms of noise, odour and traffic movements.
- 5.29 Furthermore, it is considered that scheme would not prejudice residential amenity particularly that of Bagby Hall and Manor Farm, it would not be overbearing in presence, and would not cause a loss of light or loss of privacy. The detailed design has carefully considered the siting of windows, the single storey elements and boundary treatments.
- 5.30 The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.31 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has

suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage

- 5.32 Surface water drainage will be accommodated within the existing soakaways, which currently drain surface water run-off from the expansive roofed farm buildings. Foul water will be taken to a new septic tank that will be able to accommodate the whole development. This will be located at the southern end of the site, where the static caravan is to be removed. The applicant has control of land to the south of the application site and could make use of the space to facilitate drainage of the site.
- 5.33 The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Affordable housing

- 5.34 During the course of the application, discussions have taken place with the applicant regarding affordable housing. The agent has confirmed that the two, 3 bedroom single storey units can be provided as affordable housing.
- 5.35 The Rural Housing Enabler has confirmed that this type and size of accommodation in this location is suitable for registered provider to take on.
- 5.36 The LDF Policy CP9 requires that schemes other than in Service Centres of 2 units or more or sites of 0.1ha or more must make provision for an element of affordable housing with the proportion of affordable housing set at 40% or 50% depending upon the location of the development relative to the Service Centre and its hinterland. Following the publication of the Ministerial Statement of November 2014 relating to affordable housing a Council resolution in July 2016 has had the effect of changing the threshold of CP9 to require the provision of an element of affordable housing on schemes of 6 units or more.
- 5.37 The NPPF 2018 is the most up-to-date statement of Government Policy and withdraws the Ministerial Statement. The NPPF 2018 is a material consideration and is to be considered in reaching a balanced planning judgement. The resolution of the Council of July 2016 continues to be the policy of the Council and the threshold for the provision of affordable housing on sites other than in Service Centres remains 6 (or more) dwellings.
- 5.38 In this case the applicant wishes to propose two dwellings to be affordable housing, but is not required by the Policy to do so; however the provision of affordable housing is a matter that weighs in favour of the development as noted below.

The planning balance

- 5.39 It is considered that the planning merits of this case fall into the following areas.
1. The degree to which securing the removal of an active intensive livestock unit from the village would improve the quality of life of local residents due to the removal of the associated noise and smell, and also the removal of associated traffic; and
 2. The degree to which the development would impact on other interests of acknowledged importance, including the form and character of the settlement, the

character and appearance of the surrounding countryside, and the setting of a Grade II Listed Building, and

3. The provision of two, single storey affordable units of accommodation

5.40 In light of the above assessment of the application, it is considered that there are benefits of the proposal. These benefits include providing housing in a sustainable location, providing a mixture of dwellings in terms of smaller bedroom units and single storey units of accommodation, providing 2 affordable units of accommodation, removing the intensive livestock building that currently harms neighbours amenity in terms of noise, odour and traffic movements, providing a high quality traditional courtyard design development, removing large modern agricultural and relocating an existing intensive livestock enterprise to a location that would not result in equivalent amenity issues within the District. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration and balanced against the benefits of the proposal.

5.41 It is considered that in this case, there are economic, social and environmental benefits of the scheme that are considered to outweigh any harm caused to the built form of the village.

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 drawing(s)

Location Plan HDC/3122/10

Proposed Site Plan HDC/3122/09

Proposed Bungalow Plans and Elevation HDC/3122/08

Elevations 1 HDC/3122/06

Elevations 2 HDC/3122/07

First Floor Plan HDC/3122/05

Ground Floor Plan and Site Plan HDC/3122/04

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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

5. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
7. 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 has 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 widening in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6Var.
 - d. The crossing of the highway verge to provide a parking area for the existing bungalow shall be constructed in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6.
 - h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3122/09). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) 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.

11. 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)

12. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
13. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, 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 1' Assessment shows that further investigation is not required.
14. No development shall commence until a 'Phase 3' 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 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
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.
16. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

The reasons are:

1. To ensure compliance with 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 Hambleton Development Plan Policies DP1, DP28 and CP17
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 in accordance with Hambleton Local Development Framework Policy CP17.

4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Hambleton Local Development Framework Policy CP2.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
13. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
16. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

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. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. 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.

4. With regard to the conditions of land contamination CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017.

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.

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 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (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.