

Parish: Tollerton
Ward: Easingwold

Committee date: 26 August 2021
Officer dealing: Marc Pearson
Target date: 30 April 2021

9

20/02752/FUL

Construction of 4no. dwellings and associated works.

At land and buildings South of Pond View, Tennis Court Lane, Tollerton

For: Ambleside Homes

This application is referred to Planning Committee at the request of a member of the Council.

1.0 Site, context and proposal

- 1.1 The application site is located on the west side of Tennis Court Lane immediately to the south of the recently constructed Pond View housing development and Doctors Surgery. The eastern part of the site adjacent to Tennis Court Lane is occupied by a variety of mid twentieth agricultural buildings that are in a state of dis-repair but are currently used as part of the farming enterprise that operates out of Japonica House off the east side of Tennis Court Lane/Main Street. The western end of the application site comprises open ground that at time of the officer site visit was used for the storage of hay. Vehicle access is provided off Tennis Court Lane. The site has an open frontage whilst the remaining boundaries are defined by a variety of timber fencing and hedgerows. There are also number of trees along the northern site boundary.
- 1.2 The surrounding context is defined by agricultural land to the west that forms part of the rural context to Tollerton and the south is a small paddock area that also includes a number of modern agricultural buildings. To the east off Tennis Court Lane are historic outbuildings associated with the farm operation at Japonica House. Also, on the east side of Tennis Court Lane within close proximity to the application site are a number of residential properties.
- 1.3 The application site sits immediately adjacent to boundary of the defined development limits contained within the Local Development Framework and the boundary of the Tollerton Conservation Area and is therefore located within the immediate setting of the designated area. Whilst there are a number of listed buildings to the north-east and within the core of the village, given the separation distance and intervening buildings it is not considered that the application site is located within the setting of these heritage assets.
- 1.4 The application site is located off a back lane to the west of the of the village, which historically had a rural character of agricultural land defined by hedgerows. To the north of the application site this character has changed from the mid-twentieth century with a variety housing development together with the recently constructed housing and doctors surgery. Nevertheless, the southern extent of the lane still retains its rural character. Views along the lane are generally enclosed by the hedgerows, with views of the upper levels of the new housing beyond, whilst at the southern end limited views are possible across the paddock area and the

application site. Long distance views are possible from Public footpath network to the west looking east towards the village but in these views the application site is read against a backdrop of housing and trees. There are limited opportunity for views out of the designated area itself towards the western context of the village. Limited views are restricted to those from Chapel Lane to the south-east of the application site. In these views the from Main Street views are possible to the countryside beyond, whilst closer to Tennis Court Lane an oblique view north-east towards the modern buildings on the application site is possible.

- 1.5 The proposed development involves the demolition of the modern agricultural buildings and the construction of four dwellings together with a passing place along the frontage to Tennis Court Lane. As part of the proposal a concurrent application (reference no. 20/02742/FUL) has been submitted for replacement agricultural building on the south side of Alne Road (to the west of Tollerton) on land within the ownership of the farmer. The replacement barn is only required if the re-development of the site occurs. On this basis officers have sought to ensure that if this application and the concurrent replacement agricultural building application are both resolved to be approved a legal agreement would be secured to ensure that the replacement agricultural building is only erected once the development of the residential site is secured. It is acknowledged that in order for the existing site to cease use the replacement building has to be erected and also ready for use. On this basis it is suggested that once the replacement building is erected and ready for use, the use of the existing site shall cease to be used for farming within one calendar month. The agent has confirmed that the applicant and landowner agree to this in principle and therefore should the applications be approved a s.106 legal agreement would be prepared on this basis.
- 1.6 The proposed housing would be served off a single access point on Tennis Court Lane and the proposed layout has been designed to provide a larger two storey property located close to Tennis Court Lane, whilst behind are three smaller properties loosely laid out around a courtyard arrangement to provide a mix of 1 no. house, 2 no. dormer bungalows and 1 no. bungalow. The proposed dwellings would be constructed in brick with pitched pantile roofs and they have been designed with architectural clues to reflect the historic and rural setting. The proposed site layout also includes a passing place along the Tennis Court Lane Frontage.
- 1.7 During the course of the application following discussions with officers the site layout and design of the proposed dwellings was amended to provide an alternative access point and the scale, form and design of the two storey dwelling was revised. Furthermore, additional heritage and arboriculture supporting information was also submitted.

2.0 Relevant planning and enforcement history

- 2.1 No planning history associated with this site.

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
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 – Site accessibility
- Development Policies DP9 – Development outside development limits
- Development Policies DP28 – Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
 - Interim Policy Guidance Note - adopted by Council on 7th April 2015
 - Size, Type and Tenure of New Homes SPD - adopted September 2015

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

- Policy S 1 - Sustainable Development Principles
- Policy S 5 - Development in the Countryside
- Policy HG 5 - Windfall Housing Development
- Policy E 1 - Design
- Policy E 2 - Amenity
- Policy E 3 - The Natural Environment
- Policy E 5 – Development affecting heritage assets
- Policy E 7 - Hambleton's Landscapes
- Policy RM 3 - Surface Water and Drainage Management

Hambleton emerging Local Plan

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

4.0 Consultations

- 4.1 Tollerton Parish Council – Objects on the following grounds noted in the two responses below (verbatim):

First response

From consultations held in the parish that informed the Parish Plan the residents have clearly stated that they do not want further expansion of the village and an increase in the number of houses. The exception was for the current development of 21 houses on the condition that this included the relocation of the doctor's surgery which is now up and running. They did not support the developments on South Back Lane currently being built.

Over the last couple of years as a Parish Council we have sought refusal of further developments only to have this not respected and overturned by the Hambleton Planning Committee which has countermanded the wishes of our community. Within the last year over 13 additional properties have been commenced along South Back Lane which, along with the northern development, has added 34 dwellings to an already stretched village. This expansion has resulted in loss of amenity to the community, which is contrary to the district's Planning framework policies and documents.

This proposed development will further erode the amenity of the village. Tennis Court Lane forms the link to access the rear of properties - former farms and small holding properties - to the fields and amenities beyond. It is partially made up, with grass growing down the middle, reflecting the use and nature of the Lane. The use may have changed over time but this lane has no through route except via another lane, that being Chapel Lane: both these lanes are less than the minimum width of a single carriageway. Currently, Tennis Court Lane is only used for vehicular access by the farmer and intermittently by four properties and those with rear access. The majority of the use is by the village population to walk to the various footpaths and other areas within the village.

The potential of an additional four dwellings causing upwards of thirty vehicle journeys on this lane and the resultant access onto either Alne Road via Forge Lane or Tennis Court Lane, or Main Street via Chapel Lane will place a huge unnecessary risk to the parishioners currently using these amenities. The existing use of the site is agricultural, with the current elderly owner residing in the village to the easterly side of the lane. These buildings house his equipment and livestock. There is a wealth of wildlife that frequents the buildings and site year round, including bats of various species, birds seasonally nesting, as well as many invertebrates.

The wildlife currently use the 'avenues' that the hedges, verges and trees along the lane provide to gain access to and from the nearby countryside. The provision of large dwellings with upwards of three bedrooms and sixteen parking spaces is currently well catered for within the current development by Daniel Gath Homes as well as the wider village and indeed Easingwold area. The destruction of yet another 'back lane' environment and loss of amenity to the community of Tollerton, as has occurred on South Back Lane, should not be permitted in Tennis Court Lane. As has been seen within the parish with the expansion of the village to date, the existing infrastructure cannot sustain further development. Increase in traffic and population is stretching the current systems.

Second response

The reduction of the 'pull in/lay-by will be detrimental to the flow of vehicles and pedestrian users

The moving of the property to the front of the site(south eastern) adjacent to the lane facilitates the access into the properties on the proposed development from behind trees and the doctors' surgery which will be considerably less visible to other users of the Lane and emerging vehicles from the development.

The moving of the property will increase the massing along the Lane and will destroy the currently experienced visual amenity the area enjoys.

- 4.2 Environmental Health – No objection.
- 4.3 Contaminated Land - No objection based on the submitted PALC.
- 4.4 NYCC Highways – No objection subject to conditions on access design, visibility splay, provision of the passing place and a construction management plan.
- 4.5 MOD – No safeguarding concerns.
- 4.6 Yorkshire Water – No response received.
- 4.7 Site Notice expired on 20.1.2021 and Neighbour Consultation period expired on 20.1.2021.

There have been 18 objections against the application as summarised below:

- Housing land supply already above 5 years
- Another example of further housing in the village
- Not an allocated site in the LDF
- No affordable housing
- Beyond the development limits and will encroach into the rural setting of the village.
- Impact on views from surrounding properties
- Concern about the loss of trees along the northern boundary
- Not of an appropriate design/appearance
- Highway safety concerns – tight junctions, narrow lane, conflict between vehicles and pedestrians
- Concern about lighting and impact on dark skies
- Impact on wildlife
- Concern about the choice of roofing materials
- Drainage and surface water concerns
- Concern about construction phase – delivery vehicle movements, contractor parking, damage to verges

9 observations in support of the application as summarised below:

- This is the last farm in the village and it would be of benefit to residents if the farming practice moved out of the village due to the noise, smells and disruption associated with the site (including vermin issues)
- The existing buildings are unsightly
- The removal of farm traffic from the lane would be of benefit
- The proposed development is well designed and in-keeping with the context.
- The proposal to provide smaller house including bungalows is beneficial.

- 4.8 The application was subject to a further consultation exercise (expired 2.7.2021) and no further observations have been received.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village and countryside; (iv) ecology; (v) residential amenity; (vi) highway safety and (vii) drainage.

(i) Principle of Development

5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Tollerton within the sub category of "Secondary Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:

- i. Development should support local services including villages nearby;
- ii. Development must be small scale, reflecting the existing built form of the settlement;
- iii. Development must not have a detrimental impact upon the natural, built and historic environment;
- iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
- v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
- vi. Development must conform with all other relevant LDF policies.

5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Tollerton is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Tollerton is allocated as a Secondary Village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

(ii) Housing Size, Type and Tenure

5.4 With regard to the scale of the development, the proposal for four dwellings is considered to be appropriate to satisfy the requirements of the IPG. The proposal would provide the following mix: 1 x 2 bedroom bungalow, 2 x 3 bedroom 1.5 storey house and 1 x 4 bed two storey house. Where On this basis officer's consider the proposal satisfy the requirements of the Size, Type and Tenure of New Homes SPD to provide a greater number of smaller two and three bedroom units (one of which is single storey), the SHMA, LDF Policy DP13 and thus Criterion 2 of the IPG. With regard to the emerging Local Plan the proposal would provide smaller homes and thus comply with the requirements of Policy HG2.

(iii) Character of the Village, Heritage and impact on countryside

- 5.5 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village.
- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework at paragraphs 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Furthermore, in assessing the proposal great weight must also be given to the assets conservation. In terms of the Local Development Framework policy CP16 – Protecting and enhancing natural and man-made assets and policy DP28 – Conservation require proposals to preserve and enhance conservation areas.
- 5.7 The applicant has provided a detailed heritage assessment as part of the application submission due to the location of the site within the setting of the Tollerton Conservation Area. Officers generally concur with the assessment provided and consider that the site currently contributes to the setting of the designated area through its continued agricultural use, the boundary hedges and occasional trees together with the glimpsed views across the site to the surrounding countryside from the lane.
- 5.8 As noted in 1.4 above the setting of the designated area is varied along Tennis Court Lane, the experience of the setting from within the designated area is limited to views only from Chapel Lane and views from the public footpath network to the west of the village. The development of the application site will change the setting from its current agricultural use but it is noted that its development for housing would be reflective of the character of the northern part of the lane.
- 5.9 During the course of the application officers discussed design alterations to the frontage plot facing Tennis Court Lane. This unit has now been designed to reflect the agricultural context with a reduced massing and limited openings facing the lane and it is therefore considered to be of an appropriate scale, form, massing and appearance. The remaining proposed dwellings are lower in height and would read as subsidiary structures that have also been designed with reference to the rural context. The dwellings are proposed to be constructed in brick with pitched pantile roofs and the precise details can be controlled through a suitably worded condition. Furthermore, an arboricultural assessment has also been provided which illustrates that the boundary hedges and the trees along the northern boundary can be retained as part of the site layout. On this basis the proposed development is considered to be of an acceptable design approach that retains existing landscape features and through a considered design approach that include the re-instatement of a hedgerow along the frontage of the lane would respond appropriately to the context.
- 5.10 Officers consider that the change in character would be harmful to setting of the conservation area, with reference to section 16 of the NPPF this is considered to be “less than substantial harm” (at the lower end of the scale) and therefore the identified harm needs to be outweighed by public benefit. It is considered that the removal of poor quality buildings, the removal of inappropriate use in close proximity

to residential properties, the re-instatement of a hedgerow along the frontage of the lane, together with a well-designed and carefully considered housing scheme that provides much needed mix of smaller housing is considered to outweigh the identified harm. On the basis of the above it is considered that the proposal would satisfy criterion 2 and 3 of the IPG and would satisfy policies DP32 and DP33 of the LDF. With regard to the emerging Local Plan the proposal is considered to satisfy the relevant parts of Policies S1, HG5, E and E5.

- 5.11 Criterion 4 of the IPG notes development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. As noted above the application site is surrounded by the development to the north and east. The development of this field enclosure would retain the agricultural to the west and south of the application site and would not lead to coalescence of settlements. On this basis the proposal is considered to satisfy criterion 4 of the IPG and LDF policies DP30 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies HG5, E1, E3 and E7.

(iv) Ecology

- 5.12 Criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. The submitted biodiversity report identifies roosting bats within part of the buildings on the site. Therefore, a license application to Natural England will be required and on this basis the issues can be dealt with via a suitably worded condition to overcome the identified protected species on site. On the basis of the above it is considered that the proposal would satisfy LDF policies CP16 and DP31 together with criterion 3 of the IPG. In terms of the emerging Local Plan the proposal would satisfy Policies HG5 E3 and E7.

(v) Residential Amenity

- 5.13 Given the separation distance, the scale of and design of the side elevations of the proposed dwellings from the properties to the north and east the proposal is not considered to raise any overlooking or shading concerns given. On the basis of the above, it is considered that the proposals do not raise any amenity concerns to the surrounding properties to the north or east and would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

(vi) Highway Safety

- 5.14 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. NYCC Highways Authority notes that the existing highway is narrow in the vicinity of the site and then widens approximately 80 metres to the north-east but a passing place is proposed on the frontage of the site which would benefit all users of the road. Given the small scale of the development, NYCC Highways consider a recommendation of refusal on highways grounds would not be appropriate. It is noted that a number of observations have been made regarding highways issues relating to the narrow lane and pedestrian/vehicle conflict together with the impact of construction traffic should the application be approved. Given the advice from NYCC Highways the proposal is considered to satisfy Criterion 5 of the IPG,

through the imposition of suitably worded conditions recommended by NYCC Highways relating to highway safety and construction management plan, the application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

(vii) Drainage

- 5.15 The proposal would dispose of surface water via soakaway and foul connection would be via Japonica House through to Main Street. Whilst Yorkshire Water has not provided a formal consultation response the Agent has confirmed discussions with Yorkshire Water have taken place separately regarding the connection to the sewer network via Japonica House. On the basis of the above it is considered that detailed matters can be controlled through the imposition of a condition. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

Affordable housing

- 5.16 This application relates to only four dwellings it does not trigger the affordable housing threshold of six dwellings and therefore affordable housing cannot be required in this instance.

Housing land supply

- 5.17 Observations have been received that note the application site is not an allocated site in the LDF and that there is sufficient housing land supply within the district. Whilst the site is not allocated in the LDF provision is made within the policies to allow for housing windfall development such as this proposal. Furthermore, whilst it is acknowledged that the current housing land supply is sufficient and the figures are not ceilings. On this basis it does prevent the development of windfall housing sites. It is noted that a supply of new homes in Tollerton, is strong and steady with, in the last 5 years, 12 permissions yielding 45 dwellings, 33 of which have built to date.

Planning Balance

- 5.18 The National Planning Policy Framework requires the local planning authority to carry out a direct balance between harm to heritage assets and public benefit. It has been established that the harm to the setting of the conservation area is considered to amount to less than substantial harm (at the lower end of the scale). It is clear that any harm must be given great weight and importance in the planning balance when considering whether or not the public benefits of the scheme reasonably offset that harm. The public benefit of removing an agricultural use that sits in close proximity to residential properties, the removal of buildings that are in state of disrepair, the provision of a hedgerow along the lane and well designed proposal that would provide much needed smaller houses is considered to outweigh the "less than substantial harm" and also weighs significantly in the planning balance as they would provide environmental and social gains. Furthermore, the concurrent application to continue the agricultural use on an alternative site provides an economic benefit.

5.19 It is considered that the proposal achieves gains in all 3 dimensions of sustainable development (environment, social and economic) and meet the requirements of the National Planning Policy Framework. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, ecology, design, amenity, drainage and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the construction of the replacement agricultural building (application reference 20/02742/FUL) and to cease the agricultural operations at the adjacent Japonica House and (b) 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 following drawings received by Hambleton District Council on 18.6.2021 unless otherwise approved in writing by the Local Planning Authority.

Block plan - 20092- VB- XX- XX- DR- A- (03)105 P01

Section - 20092- VB- XX- XX- DR- A- (03)150 P01

Plot 1 ground floor - 20092- VB- B1- 00- DR- A- (03)110 P01

Plot 1 first floor - 20092- VB- B1- 01- DR- A- (03)111 P01

Plot 1 roof plan - 20092- VB- B1- 02- DR- A- (03)120 P01

Plot 1 elevations - 20092- VB- B1- XX- DR- A- (03)130 P01

Plot 1 garage - 20092- VB- B1- XX- DR- A- (03)132 P00

Plot 2 ground floor - 20092- VB- B2- 00- DR- A- (03)110 P01

Plot 2 first floor 20092- VB- B2- 01- DR- A- (03)111 P01

Plot 2 roof plan - 20092- VB- B2- 02- DR- A- (03)120 P01

Plot 2 elevation 1 of 2 20092- VB- B2- XX- DR- A- (03)130 P01

Plot 2 elevation 2 of 2 20092- VB- B2- XX- DR- A- (03)131 P01

Plot 3 ground floor - 20092- VB- B3- 00- DR- A- (03)110 P01

Plot 3 roof plan - 20092- VB- B3- 01- DR- A- (03)120 P01

Plot 3 elevations 1 of 2 - 20092- VB- B3- XX- DR- A- (03)130 P01

Plot 3 elevation 2 of 2 - 20092- VB- B3- XX- DR- A- (03)131 P01

Plot 4 ground floor plan - 20092- VB- B4- 00- DR- A- (03)110 P01

Plot 4 first floor - 20092- VB- B4- 01- DR- A- (03)111 P01

Plot 4 roof plan 20092- VB- B4- 02- DR- A- (03)120 P01

Plot 4 elevations 1 of 2 20092- VB- B4- XX- DR- A- (03)130 P02

Plot 4 elevations 2 of 2 20092- VB- B4- XX- DR- A- (03)131 P02

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

4. 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.

5. Above ground construction shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. 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. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

7. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

8. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further

works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

9. 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 highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

10. The development shall not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference "Proposed Site Plan" (03) 105 P01 and Standard Detail number E50.
- Any gates or barriers must be erected a minimum distance of 5 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

11. There shall be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

12. The following scheme of off-site highway mitigation measures shall be completed as indicated below:

provision of a passing place on Tennis Court Lane prior to any part of the development being brought into use

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that

scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

13. No part of the development shall be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference "Proposed Site Plan" (03) 105 P01. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

14. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

15. As noted within the Quants Environmental Bat and Barn Owl no works to the buildings shall commence until a licence application sought from Natural England. Furthermore, details of the mitigation as set in out section 4 of the report shall be submitted to the Local Planning Authority for approval. The approved details shall be retained thereafter.

16. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

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 CP16, CP17 and DP30.
3. To ensure that the development is appropriate to the character and appearance of its surroundings.
4. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
7. In the interest of satisfactory drainage and to avoid pollution of the water environment.
8. 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.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
11. In the interests of highway safety.
12. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In the interest of public safety and amenity.
15. In the interest of biodiversity.
16. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.