

**Parish: Hushwaite**  
Ward: Raskelf & White Horse  
**10**

Committee date: 16<sup>th</sup> December 2021  
Officer dealing: Mr. M. Pearson  
Target Date: 1<sup>st</sup> October 2021

**21/01960/FUL**

**Construction of 5no. dwellings (including 1no. self-build) and associated infrastructure works**

**At: OS Field 8464, Highthorne Lane, Hushwaite**

**For: Daniel Gath Homes**

**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 This application was on the agenda for the 18<sup>th</sup> November Planning Committee 2021. However, the application was not heard at the committee meeting due to the vacancy and pending election of a ward member following the resignation of the Councillor for the Raskelf and White Horse Ward. This election has now taken place and a new member elected to represent the Ward. Since the publication of the committee report in November 2021 an additional public comment has been received regarding the status of hedgerow along the site frontage which is addressed in paragraph 5.12 of this report. Furthermore, consultee responses have been received from the MOD and Ramblers Association and these are noted in paragraphs 4.5 and 4.6 respectively.
- 1.2 The site is located on the south side of Highthorne Lane to the south of Hushwaite and immediately adjacent to the boundary of the Hushwaite Conservation Area. The 0.47ha site sits in the north-east corner of a larger agricultural field that rises to the higher ground to the south. In addition, only the northern boundary of the site adjacent to Highthorne Lane is defined by intermittent hedgerows and trees, whilst the remaining boundaries are open to the wider field. A public bridleway runs along the eastern boundary of the application site and a public footpath runs along the western edge of the field and this continues north towards the village. Adjacent, to the north-east boundary is a triangular shaped grass verge that contains a number of mature trees that are subject to a Tree Preservation Order.
- 1.3 The site is surrounded to the south and west by agricultural land that forms the rural context to the village. Further to the west is the Grade II listed Highthorne Farmhouse and the complex of farm buildings that sit on the higher ground above Highthorne Lane. Opposite the application site on the north side of Highthorne Lane are a variety of late twentieth century two storey detached dwellings, generally constructed in brick with pitched concrete pantile roofs. The properties are set back from the highway behind modest front gardens and are accessed via a driveway that leads to garaging. To the east, beyond the bridleway, located at the junction of Highthorne Lane are two late twentieth century detached two storey dwellings (Alford House and Drake

House) that are set in generous grounds and are constructed in brick with a concrete pantile roof.

- 1.4 In November 2020 outline planning permission (access only) was granted for the development of 5 houses on the site (ref no. 20/01426/OUT). The developer has subsequently sought to change the access arrangements through the provision of only three access point in comparison to the five previously approved. This is a full application that seeks the construction of five dwellings accessed via three access points. The proposed mix is as follows: three x 2-bedroom bungalows, one x 3-bedroom two storey house and one x 5-bedroom two storey house.
- 1.5 In a similar manner to the approved outline scheme the two storey dwellings would be at the east end of the site whilst the three bungalows would be to the west. In addition, landscape buffer is still proposed at the west end of the application site.
- 2.0 Relevant Planning History
- 2.1 20/01426/OUT - Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Approved November 2020.
- 2.2 21/00115/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/01426/OUT for Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.3 21/00126/NMC - A non-material amendment (changes to access arrangements from 5no to 3no access points as requested by the Local Highway Authority - new drawing 19030\_VB\_XX\_XX\_DR\_A\_(03)03) to previously approved application 20/01426/OUT for Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Withdrawn.
- 2.4 21/00886/MRC - Variation of Conditions attached to Planning Application Reference Number: 20/01426/OUT-Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.5 21/00907/NMC - A non material amendment to previously approved application 20/01426/OUT-Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.6 If this current application 21/01960/FUL is approved it is anticipated that applications noted at 2.2, 2.4 and 2.5 will be withdrawn.
- 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 DP28 - Conservation  
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  
National Planning Policy Framework  
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 3 - Spatial Distribution  
Policy S 5 - Development in the Countryside  
Policy S 7 - The Historic Environment  
Policy HG 2 - Delivering the Right Type of Homes  
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 CI 1 – Infrastructure Delivery  
Policy CI 2 - Transport and Accessibility  
Policy RM 2 - Flood Risk  
Policy RM 3 - Surface Water and Drainage Management

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 emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 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 at this time is no more than a material consideration to which only limited weight can be afforded.

#### 4.0 Consultations

##### 4.1 Husthwaite Parish Council – The Parish Council made the following detailed comments, verbatim:

**Appearance** – The Parish Council acknowledge and support the siting of the three bungalows opposite the existing Highborne Lane properties with the lowest eaves and would like assurances that the ridge heights of the proposed dwellings will be no higher than that of the existing houses. We would also support the installation of Air Source Heat Pumps in the new dwellings and would suggest that these are fitted to the rear of the properties. In addition, following consultation with village residents, the Parish Council request that the new properties are constructed with rustic bricks and include a mix and match design to give them character and individuality.

**Drainage** – The Parish Council acknowledge and support the inclusion of an attenuation tank with hydrobrake to restrict the dispersal of soakaway / surface water run-off from the new development.

**Landscaping** – If the highway is to be widened, and the existing hedge along Highborne Lane removed, it should be replaced with a substantial hedge similar to the existing. The Parish Council would also like to request that a new mixed species hedge is planted behind the houses to provide an aesthetic barrier between the bridleway and new development. In addition we would request that significant screening is included to separate the new development from its closest neighbour, Alford House.

**Construction Management Plan** – The Parish Council would like to insist that a detailed CMP with the following conditions should be applied and adhered to:

- Hours of operation are limited to 8am until 5pm Monday to Friday and 8am until 1pm on Saturdays. No Sunday or bank holiday working.
- Plant and materials must be stored within the site boundary, which should be secure.
- Sufficient off street parking for ALL construction workers MUST be provided on site and no parking should be allowed on the bridleway or sides of the highway.
- All deliveries should access the site from the top of the lane via The Nookin as Highborne Lane is not suitable for large vehicles. In addition, delivery times should be restricted to avoid school drop off / pick up times and the regular service bus timetable to alleviate traffic congestion within the village.
- All unloading of materials should take place on site and vehicles must be able to access and leave the site in a forward gear.

- Clean access should be provided to the site and wheel cleaning facilities should be available to ensure no mud or grit is transferred onto the existing highway.
- Neighbours should be kept informed of developments especially with regard to major disturbances and the disruption of services.

The Parish Council acknowledge that the proposed development will be subject to a CIL charge and ask if all five properties are liable for the charge?

- 4.2 NYCC Highways Authority – No objection but recommend conditions regarding the turning and parking areas, visibility splays, verge, access details, on-site parking, and on-site storage and construction traffic during development.
- 4.3 NYCC Footpaths – No response received.
- 4.4 Yorkshire Water - No objection but recommends a condition relating to separate systems for foul and surface water disposal.
- 4.5 Ramblers Association – Observations regarding the need for additional boundary treatment.
- 4.6 MOD RAF Topcliffe – No safeguarding concerns.
- 4.7 Contaminated Land – Recommends land contamination conditions.
- 4.8 Site notice and Neighbour Notification – 2 observations in support of the proposal as summarised below:
- Local developer who takes on local apprentices and has reputation for building good quality homes.
  - Small scale sustainable growth has happened for generations and should be encouraged – the houses opposite once stood on greenfield land
  - Bungalows much needed
  - Not uncommon for houses to sit opposite each other
  - New residents would contribute to the vitality of the village through use of the pub, village hall, school and church
  - Proposal would provide off-street parking so no parking on the highway

14 observations objecting to the proposal as summarised below:

- Impact of contractor parking during construction phase
- Concern about the proposals for surface water drainage – Highborne Lane is prone to surface water flooding and concern about the highway drainage ditch
- No need for the development beyond development limits when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM) – 26 houses approved with 23 not started.
- Impact on open countryside and loss of attractive field
- Proposal not in keeping with surrounding particularly Plot 5 and the triple garage.
- Loss of agricultural land

- Will set precedent for further development within the along the lane and elsewhere in the district
- Highways concerns relating to visibility at the Highthorne Lane junction, the narrow single track lane, conflict with walkers, cyclists and horse riders
- Loss of hedgerow and impact on wildlife
- Impact on views from Kendrew Green (referred to in the Greenspace Assessment) and the public footpath
- Impact on the Husthwaite Conservation Area and the ANOB
- Bungalows located at the bottom of the lane – the steep hill will be difficult for mobility
- Now there is no pavement proposed pedestrians will have to walk in the road
- Concern about steps in the garden areas of the bungalows – this will be difficult for those with mobility issues
- Concern about the site levels and relationship of bungalows to properties opposite
- Request covenant the bungalows be for locals within the village
- Bungalows are out of character and concern that they could be extended upwards under permitted development rights.
- Site forms part of the Yorkshire Green Corridor
- Impact of Plot 5 on adjacent trees
- Insufficient landscaping proposed
- Concern at the height of the retaining walls
- The Planning Bill notes more say to local residents
- 4<sup>th</sup> Bedroom in Plot 4 is shown as study when it will be a bedroom and this plot now has double garage.
- Comments relating to emerging Policy S5
- Field part of countryside stewardship scheme
- Concern about the determination of the outline application – significant constraints on proper public access, no public minutes or audio recording, no reason/statement to overturn the recommendation. The decision was also made at a time when the residents were not able to make their views known
- Consider the hedgerow forms part of a parliamentary enclosure.

## 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; (iv) residential amenity; (v) highway safety and (vi) flood risk and drainage.

### 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 Husthwaite within the sub category of “Service 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 is 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. Husthwaite is considered to be a service village. Whilst it is noted some public comments state that the village shop has closed recently and the Public House is now on the market, Husthwaite is still considered to be a service village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Husthwaite is allocated as a Service Village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

#### Housing Size, Type and Tenure

- 5.4 With regard to the scale of the development, the proposal for five dwellings is considered to be appropriate to satisfy the requirements of the IPG. The application would provide three x 2-bedroom bungalows, one x 3-bedroom two storey house and one x 5-bedroom two storey house. This mix would provide 80% - 20% ratio in favour of the required smaller 2 and 3-bedroom properties which is considered to be acceptable. It is also noted that Plot 5 is proposed to be a self-build unit. It is noted that a public comment notes that a first floor room in plot 4 is shown as a study and could be used as a bedroom. It is noted that the first floor study would be less than 7.5 sqm and following the National Prescribed Space Standards cannot be considered large enough to be considered as a bedroom.
- 5.5 On the basis of the above the mix is considered to be satisfactory and would generally accord with the SHMA and therefore the housing mix requirements contained within LDF Policy DP13. With regard to the emerging Local Plan the proposal would satisfy Policy HG2 as the indicative mix reflects the need for smaller dwellings noted within the SHMA. This mix would be able to be conditioned should the application be approved.

#### Character of the Village

- 5.6 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.

- 5.7 Husthwaite developed as a village laid out around an east/west main street with an access route from the south that connects to the centre of the village. The development pattern followed a linear approach with a variety of building types and forms positioned on both sides of these principal routes. On the secondary lanes around the village development is generally isolated and limited to farm complexes and individual properties. The application site is located on a secondary lane and sits opposite a short run of five detached houses constructed in the late twentieth century that are not considered to be reflective of the historic pattern of development within the village.
- 5.8 The proposed site layout drawing indicates that three of the dwellings would be bungalows. The proposed juxtaposition of the dwellings would be suburban in character which does not reflect the built form of the village. Whilst the established character of this short section of the lane is that of ribbon development, this form of development on the south side of the lane is not supported by the LDF policies and IPG. Whilst it is noted the proposal includes a larger dwelling on Plot 5 (self-build unit) that is different in scale, form, massing and appearance to the rest of the proposal it is not considered in itself to be inappropriate within the context of the varied built form of the context of the site. However, on this basis the proposal is not considered to satisfy criterion 2 of the IPG. It does not take into the account the character, setting, local identity or local distinctiveness required by design policy DP32 of the LDF or the integration of landscaping required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy the relevant parts of Policies S1, HG5, E1 or E5.
- 5.9 It is noted that a number of public observations relate to concern about the site levels and relationship of bungalows to properties opposite. The proposed bungalows at the western end of the site are at a higher level above the lane and therefore are not dissimilar in height to the two storey properties opposite. The ridge height of the bungalows would be no higher than the properties opposite and this raises no concerns. Furthermore, a number of public comments relate to the site levels, impact of retaining walls and steps in the garden areas of the bungalows. The issues relating to levels and use of retaining walls does not raise any concerns. The retaining walls are necessary to provide areas of level ground and where steps are needed to gain access across the change in levels this is considered to be acceptable.
- 5.10 Criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The application site is located adjacent to the Husthwaite Conservation Area which is focused around the historic village core along High/Low Street and extends south along The Nookin. The site forms part of the wider rural setting to the village and is therefore considered to contribute to the significance of the designated area. The development of part of a field enclosure that positively contributes to the setting of the village and is visible from public highways and public footpaths, both within and on the approach to the designated area, is considered to cause harm. In addition, it is considered that the single storey form of the proposed bungalows together with the linear layout fails to reflect the character of development within the wider village. In terms of section 16 of the NPPF the level of harm is considered to be "less than substantial". On this occasion the identified harm is not considered to be outweighed by the public benefit of the provision of new homes. The benefits of this scheme including the provision of bungalows as part of a mix of dwellings and the



wider economic benefits from development. It is noted that the site is located a significant distance to the west of the Grade II listed Highborne farmhouse and given the separation distance, intervening buildings and landscape it is considered that the proposal would not impact on the setting of this heritage asset.

- 5.11 On the basis of the above it is considered that the proposal would not satisfy criterion 3 of the IPG and the impact of the proposal on the setting of the conservation area would not satisfy the requirements of section 16 of the NPPF or protect the conservation area in accordance with Policy DP28 of the LDF. In terms of the emerging Local Plan the proposal would not satisfy Policies HG5 and E5.
- 5.12 A number of observations relate to the loss of the agricultural land but it is noted that only a relatively small area would be lost on this occasion and therefore this loss is considered acceptable. The submitted Habitat Survey and Ecological Survey notes that there are no protected species on the site and the hedgerows within the site are not considered to form part of a pre-1600 estate/manor or form an integral part of a pre-parliamentary field enclosure. However, a public observation notes evidence of a Tithe map that indicates the hedgerow should be considered to form part of a parliamentary field enclosure and could be afforded protection under the Hedgerow Regulations. The hedge has not been the subject of an application under the Hedgerow Regulations, it has not been found to be 'important' and is not the subject of a Hedgerow Retention notice. The importance of the hedge and its retention is a matter that can be considered in the planning balance. The proposed driveways result in a proportion of the hedgerow to be lost but this is now less when compared to the approved outline permission. The proposal also includes the retention of the roadside tree and following clarification of land levels within plot 5, the proposal will also not have a significant harmful impact on other trees that sit adjacent to the northern edge of the application site. Furthermore, the proposed landscaping plan provided illustrates sufficient tree planting and does not raise any concerns.
- 5.13 Public observations note that the site forms part of the Yorkshire Green Corridor and is part of countryside stewardship scheme. The development of a small parcel of land within these designations is not considered to cause any significant impact to warrant a reason for refusal.
- 5.14 On this basis the proposal is not considered to satisfy criterion 3 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30, nor take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF or the integration of landscaping also required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy Policies HG5, E3, E5 and E7.
- 5.15 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The site is located on the south side of the lane defined by a single field enclosure on rising ground that sits behind a hedgerow and the undulating topography which the field enclosure forms part of is considered to be important to setting of the village. In views from Highborne Lane and The Nookin the development would read as an obvious anomaly within the landscape and would be incongruous to the character of

the south side of Highborne Lane. The landscape impact is further compounded by the opportunity for short distance views across the site from the adjacent public bridleway immediately to the east and medium distance views from the public footpath that runs along the western edge of the field enclosure. In addition, limited longer distance views towards the site are possible from the public footpath to the north-west. In these views the proposed development would be clearly read as sitting to the south of the existing built form of the village. On this basis the proposal is not considered to satisfy criterion 4 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30 and it does not take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF. In terms of the emerging Local Plan the proposed development would not satisfy Policies HG5, E1, E5 and E7.

#### Residential Amenity

- 5.16 Given the separation distance from the properties to the north and east the proposal is not considered to raise any overlooking concerns. 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.

#### Highway Safety

- 5.17 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The NYCC Highways Authority response recommends conditions the development is found to be capable of being accommodated within the existing highway network. Furthermore, public comments regarding the impact of the proposal during the construction phase can be controlled via a suitably worded condition and thus raises no concerns.
- 5.18 Public concerns are stated relating to visibility at the Highborne Lane junction, the narrow single track lane, conflict with walkers, cyclists and horse riders. NYCC Highways do raise any concerns and it is noted the proposal is small in scale and thus does not raise any concerns in terms of potential conflict with other users. Furthermore, the lack of a footpath does not raise any concerns in terms of pedestrians walking in the road given the limited numbers and the fact this is an existing situation for residents on Highborne Lane and elsewhere in the village.
- 5.19 Whilst it is noted that the bungalows are located towards the lower end of the site the steepness of the lane is not considered to be an issue in terms of mobility.
- 5.20 On this basis the proposal is considered to satisfy Criterion 5 of the IPG, and through the imposition of the conditions recommended by NYCC highways relating to highway safety, 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.

## Flood Risk and Drainage

- 5.21 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.22 The scheme is proposed to drain foul water to the public sewer and for surface water to go to soakaway and the existing roadside ditch. Yorkshire Water raise no objection subject to the provision of separate foul and surface water provision. This can be controlled by a suitably worded condition and therefore the proposal is not considered to raise any flood risk or drainage concerns. Public observations note concern about how Highthorne Lane is prone to surface water flooding and concern about the works to the highway drainage ditch. The submitted drainage plan notes land drainage is to be provided and will discharge to the ditch separately from surface water and foul drainage. The scheme will not increase the risk of flooding. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

## Other Matters

- 5.23 Public observations have been made regarding there being no need for the development beyond development limits when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM) – 26 houses approved with 23 not started. Whilst the emerging policy does require consideration of alternative sites, the un-implemented permissions do not raise concern in this regard. In any event this policy can only be afforded limited weight as noted in section 3 above.
- 5.24 With regard to the proposal setting a precedent for further development within the lane and elsewhere in the district, each application is judged on its planning merits and will be assessed accordingly should any further applications along the lane be submitted.
- 5.25 There is no policy basis to require that the bungalows be for locals within the village and no control by covenant or other means can be applied.
- 5.26 With regard to concern that the bungalows could be extended upwards under permitted development rights, this is a valid concern due to the potential visual impact. On this basis it is considered to be appropriate to remove permitted development rights through the imposition of a condition.
- 5.27 Reference is made to the Planning Bill to give more say to local residents and concern regarding the determination of the previous outline application, none of these matters are pertinent to the assessment of the merits of this application which must be considered under the current legal and policy frameworks.

## Planning Balance

5.28 It is noted that the previous outline planning application was approved despite an officer recommendation for refusal based. The previous approval is a material planning consideration that must be part of the balanced assessment of the proposal. The site is considered to be in a sustainable location in principle and would provide an appropriate mix of housing including single storey two bedroom dwellings. However, the proposal is not considered to be appropriate from a layout perspective, its impact on the character of the area and impact on the setting of the adjacent conservation area. The impact of the development upon the roadside hedge is a factor to be considered. In accordance with section 16 of the NPPF the level of harm to the designated area is considered to be "less than substantial". At the time of the previous outline decision the harm was considered to be outweighed by the public benefit of the proposals. There are no harmful impacts in terms of highway safety, flood risk/drainage or local residential amenity and therefore on the balance the proposal is considered to be acceptable.

## 6.0 Recommendation

6.1 That subject to any outstanding consultations that the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing(s) unless otherwise approved in writing by the Local Planning Authority;

Site plan drawing no. (03) 03 P04 received by Hambleton District Council on 22.10.2021.

Plot 1 drawing no. (03) 10 P03 received by Hambleton District Council on 6.8.2021.

Plot 2 drawing no. (03) 09 P01 received by Hambleton District Council on 6.8.2021.

Plot 3 drawing no. (03) 08 received by Hambleton District Council on 6.8.2021.

Plot 4 drawing no. (03) 07 P01 received by Hambleton District Council on 6.8.2021.

Plot 5 drawing no. (03) 05 P03 and (03) 06 P03 received by Hambleton District Council on 22.10.2021

Site section drawing (3) 12 P02 received by Hambleton District Council on 6.8.2021.

Engineering drawing DR-C-0101 P5 received by Hambleton District Council on 3.11.2021

Visibility splay drawing DR-C-0101-1 P2 received by Hambleton District Council on 6.8.2021.

Drainage Strategy drawing (revision P7) received by Hambleton District Council on 3.11.2021.

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 of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. 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.

5. 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.

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 site shall be developed with separate systems of drainage for foul and surface water in accordance with the drainage strategy drawing P7 received 3.11.2021 unless otherwise approved by the Local Planning Authority.

8. No development shall be commenced until a Phase 1 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

9. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

12. 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.

13. There must 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. The works shall be implemented in accordance with the approved details and programme.

14. The development must not be brought into use until the accesses to the dwellings have been set out and constructed in accordance with the following requirements:

- The crossings of the highway verge must be constructed in accordance with the approved drawing reference DR-C-0101 P5 and Standard Detail number E50.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

15. There must be no access or egress by any vehicles between the highway and the application site until splays are provided for each access giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 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.

16. No part of the development must 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 (03)03 PO4. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

17. No development must 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;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- 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.

The reasons for the above conditions 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 Policy(ies) CP17 and DP32.
3. 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 Policy(ies) CP17 and DP32.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In the interest of satisfactory and sustainable drainage.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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12. 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.
13. In the interests of highway safety.
14. 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.
15. In the interests of highway safety.
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
17. In the interest of public safety and amenity.