

Parish: Tollerton
Ward: Easingwold
6

Committee date: 4 August 2022
Officer dealing: Naomi Waddington
Target date: 10 January 2022
Extension of time 8 August 2022

21/02712/FUL

Construction of 3 detached dwellings with garages and access
At: Part OS Field 1745, Back Lane, Tollerton, North Yorkshire
For: Messr's N & M Ramsden & Foster

This application is referred to Planning Committee due to the level of public interest

1.0 Site, context and proposal

- 1.1 The application site forms part of a larger field located on the north-east side of the Back Lane which runs to the rear of the Main Street. The site abuts the remainder of the field on the north-east and north-west boundaries, a semi-detached bungalow abuts the south-east boundary and there is a hedge and tree to the south-west boundary. Across the road to the south-west is residential development. The width of the Back Lane reduces from the south-east where it allows two-way traffic to the north-west that is single track.
- 1.2 Full planning permission is sought for the construction of 3 detached dwellings with garages and access, sharing a single vehicular access point, and having a separate pedestrian access point at the south-east corner. The proposal involves the removal of a section of a 14.5m hedge and tree to create the vehicular access and visibility splays. A further 1.5m section of hedge to create a pedestrian link A new 9m section of hedge is proposed behind the visibility splay. All three proposed dwellings are bungalows, plots 1 and 2 each have two bedrooms, plot 3 has three bedrooms. All have a garage along with parking for 2 or more cars and turning provision within the site.
- 1.3 The application is submitted with a planning statement, movement and access study, Phase I desk top study, heritage statement, ecological appraisal, tree survey, and small sites metric for biodiversity.

2.0 Relevant planning and enforcement history

- 2.1 17/00943/OUT Outline application (all matters reserved) for the construction of five dwellings. Withdrawn 12.06.2018

3.0 Relevant planning policies

- 3.1 The relevant policies are:

National Planning Policy Framework (NPPF)

Local Plan Policy S1 - Sustainable Development Principles

Local Plan Policy S2: Strategic Priorities and Requirements

Local Plan Policy S3 - Spatial Distribution

Local Plan Policy S5 - Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG2 - Delivering the Right Type of Homes

Local Plan Policy HG3 – Affordable Housing Requirements

Local Plan Policy HG5 - Windfall Housing Development

Local Plan Policy E1 - Design

Local Plan Policy E2 - Amenity

Local Plan Policy E3 - The Natural Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7 - Hambleton's Landscapes

Local Plan Policy CI1 – Infrastructure Delivery

Local Plan Policy CI2 - Transport and Accessibility

Local Plan Policy RM1 - Water Quality and Supply

Local Plan Policy RM2 - Flood Risk

Local Plan Policy RM3 - Surface Water and Drainage Management

Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

National Planning Policy Framework (NPPF)

4.0 Consultations

4.1 Parish Council - Objection summarised as follows:

- Wish to see the above application REFUSED
- Recent Parish survey had 92 respondents, majority did not want further development in the Parish
- 34 new dwellings constructed in last 2 years
- 13 on South Back Lane have eroded nature of that area
- Proposal will erode the nature of the Back Lane
- Residents/pedestrians enjoy the tranquil nature of the Back Lane
- Additional vehicle movements will destroy the nature of lane
- Highway safety
- Evidence from South Back Lane shows additional vehicle movements beyond those specified in submission
- We have continuously requested the expansion of the Parish to be curtailed.

4.2 Highway Authority – Recommend conditions in relation to new and altered private access or verge crossing, visibility splays, provision of approved access, turning and parking areas, and construction management plan.

- 4.3 Environmental Health - No objections. They advise the proposed development is in close proximity to existing residential dwellings. In the interest of nearby residents, the Environmental Health Team would recommend the conditions for construction hours and noise and dust.
- 4.4 Environmental Health (contaminated land) - Recommend conditions
- 4.5 NYCC Heritage Services - recommend condition to secure the archaeological recording of the ridge and furrow.
- 4.6 Yorkshire Water Services - On the basis of foul water only draining to public foul sewer and surface water draining to plot soakaways no observation comments are required
- 4.7 RAF Linton on Ouse - no response received (expired 23.12.21)
- 4.8 Site notice posted and expired 03.01.2022
- 4.9 Public comments - site notice displayed and neighbours consulted. 22 representations received from 11 authors, summarised as follows:-
- Highway safety
 - Back lanes are an important amenity for villagers
 - Back Lane inadequate to cope with the proposed development in width, visibility and construction
 - Pedestrian access crosses third party land
 - Movement and Access Statement inaccuracies, no continuous footpath, there are amenities heading northwards, Moorlands Lane is not in good condition, road frontage of the site has not been recently widened.
 - Pinch point on Back Lane cannot accommodate a highways compliant road
 - In 2018 NYCC Highways required a 4.5m wide carriageway and 1.5m wide footway. What has changed?
 - Highways report silent on highways safety related concerns raised
 - Insufficient Parking Provision
 - Highways report devoid of detail
 - Allowing development without seeking a full Highways report will be a breach of duty.
 - Highways comparison with development on South Back Lane is not comparable
 - Block Plan does not accurately show visibility splays and more hedge to be removed than shown
 - Impact of new hedges on visibility splay
 - Arboricultural survey makes no reference to the tree being dangerous
 - Householders/visitors will park on Back Lane
 - Residents already experience difficulty with parking on Back Lane
 - Lack of infrastructure contributions, what is collected is not spent on highways or drainage
 - Tollerton has enough housing
 - Beyond development limits
 - Nature of the Back Lane would be destroyed
 - Erosion of green areas around the village has to stop
 - Increased development straining the village, infrastructure and community spirit

- Loss of hedge and tree does not protect or enhance the Conservation Area
- Preservation of hedge and tree portrayed as a positive in submission
- Proposal will not enhance setting of Conservation Area
- Proposal does not follow the style, size or density of adjoining property
- Planning statement inaccuracies, number of buses overstated
- Inaccurate site boundary
- Site previously considered by HDC and dismissed
- Small incremental developments avoid contributions
- The field floods regularly
- Land Contamination, understand the site was a former cattle market
- Proposal does not satisfy sustainability criteria
- Loss of Wildlife Habitat
- Services - Foul & Surface drainage, Telecoms, Electricity and Water all under distress
- Pre-application advice said the site has potential to accommodate maximum of two dwellings
- Lack of transparency

5.0 Analysis

5.1 The main issues to consider are i) principle, ii) highway issues, iii) design, iv) amenity, v) biodiversity, landscape and ecology, vi) flood risk and drainage, vii) contaminated land, and ix) Impact on heritage assets

i) The principle of development

5.2 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.

5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG5: Windfall Housing Development.

5.4 Policy S3 sets out the settlement hierarchy. Tollerton is a Secondary Village within the Easingwold sub area. Such villages are expected to see development. This is because they have been identified as having the better access to services and the settlement character would be able to accommodate new development.

5.5 Policy S5 sets out what constitutes the built form of a settlement, land outside it is defined as countryside. The application site does not fall within the built form of Tollerton and therefore it is in the countryside. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

5.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states that a proposal for housing development on a site adjacent to the built form of

a defined village, which infers land within the countryside, will be supported, subject to provisions within the policy a- e.

- 5.7 Criterion a) requires that a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village. The agent has advised they have undertaken an assessment of the village and checked the planning portal have not been able to identify any previously developed land available within the built form. There are no sites in Tollerton on the Council's brownfield land register.
- 5.8 Criterion b) requires a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). A new Housing SPD has been approved by Cabinet and is scheduled to be adopted in July 2022. The SPD requires 40-45% two bedroom homes and 40- 45% three bedroom homes, and states at paragraph 3.7 the Council is keen for developers to include 2 bedroomed bungalow in their schemes. The proposal relates to 2 x 2 bedroomed bungalows and 1 x 3 bedroomed bungalow, and would provide an appropriate mix and would meet the requirements of criteria b. The above requirement of HG5 also means the proposed development would satisfy policy HG2.
- 5.9 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that 3 dwellings can be considered small scale in this context. It is acknowledged that there has been a series of approvals resulting in housing growth within the village but cumulatively they equate to a small proportion of the existing households in the village. The development of 3 dwellings on Back Lane is physically unrelated to any of the earlier approvals and avoids any significant cumulative harm.
- 5.10 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site abuts the boundary with neighbouring development on one side and is opposite residential development on another. There is a tall hedge to the roadside the restricts views into the site. The site is not within the conservation area The site does have a historical connection with the village by virtue of its medieval ridge and furrow field system. This is discussed in greater detail in issues (ix) below
- 5.11 Criterion e) requires that the proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character. The location of the site has an association with the surrounding built form and is screened by hedges. There would be some change to the character of the Back Lane by the creation of the vehicular and pedestrian access points and visibility splays. These are not considered to cause significant alteration to its enjoyment.
- 5.12 The location and layout of the site, and its relationship with adjacent built form is considered to result in an appropriate development without projecting unacceptably into the open countryside, and without significant harm to the character and appearance of the area. The proposal is considered to meet the requirements of Local Plan Policy HG5

ii) Highway issues

- 5.13 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.14 The submitted Strategic Movement and Access Study states Back Lane is predominantly single lane within the vicinity of the site and subject to 30 mph speed limit. It considers the site access and details 25m visibility splays. The initial consultation response from the Highway Authority commented the submitted drawing has the splays shown incorrectly and the provision of the splays will require the removal of a tree in the centre of the site's frontage and more of the hedge than shown. Whilst the agent felt the tree could be retained a subsequent tree survey found the Ash tree to the site frontage to be in poor condition, and an amended plan was received showing the tree removed and the hedge relaying. The Highway Authority are satisfied with the revised details, and recommend conditions to be attached to any approval
- 5.15 The Strategic Movement and Access Study considers access by 'non-car modes' and finds the site to be within walking distance of a bus stop, pub, shop, community hall, church, GP and recreational facilities
- 5.16 Third party representations are concerned about highway safety and ask why the Highway Authority recommendation on the current application differs from earlier withdrawn application on the same site. In 2017 the Highway Authority commented on a proposal for 5 dwellings advising a 4.5m wide carriageway and 1.5m wide footway adjacent to the full length of the site and a footway extending from the existing footway between Yew Tree House and Meadow Croft would be required. The Highway Authority have responded advising the current application is for a smaller number of dwellings with a pedestrian link provided within the site, and are mindful of a comparable appeal decision on South Back Lane where the Inspector commented

"The widening of the lane itself to create a greater carriageway width along with the creation of footpaths ...would be harmful in itself" and "given the modest scale of the proposal and the limited quantum of vehicle movements attributable to the appeal proposal....I am not persuaded that South Back Lane or its junction with Newton Road is inherently unsuitable"

The Highway Authority comment further

"Back Lane is comparable to South Back Lane albeit with a generally wider carriageway in the vicinity of the proposed development. The section of Back Lane on the site's frontage where two vehicles could not pass is only short and given the Inspector's comments about the impact of widening of South Back Lane, I concluded that it would not be appropriate to pursue any widening of the carriageway for this application".

- 5.17 Third party representations have also commented the site plan that the Highway Authority find acceptable does not accurately reflect the required visibility splays, would require more hedge and tree removal than shown, and that the Highway Authority do not acknowledge the pinch point in the road the Local Highway Authority have responded stating

“The required visibility splays of 2 metres x 25 metres can be achieved and the tree to the north-west would not be affected nor would any section of hedge beyond the site boundaries.

I have recommended visibility splays measured to the channel lines of the road and whilst the submitted block plan shows the splays extending into the carriageway, there would be an additional 1 to 2 metres of hedge affected with the splays taken to the channels as per the wording of the recommended condition.

Manual for Streets does give some leeway in making a visibility assessment by suggesting measuring to the “nearside edge of the vehicle track”. I have assessed this to be a point 0.5 metres from the channel line of the road and I could amend my recommendation if required but in practice that will not make much difference to the measurements of affected hedge given above. I note that the hedge is to be relayed or replaced and the required splays can be provided within the site boundaries.

The section of Back Lane on the site’s frontage where two vehicles cannot pass is short and it acts to keep vehicle speeds low. A pedestrian link is to be provided within the site through the south-eastern corner and therefore I consider that it would not be appropriate or necessary to pursue any widening of the carriageway for this application.”

The agent has been requested to provide an accurate plan showing the visibility splays to the channel lines and extent of hedge removal. These are expected prior to the Committee meeting. Third parties were also concerned hedges would grow and obscure visibility splays, however one of the recommended conditions requires the visibility splays to be maintained clear of any obstruction and retained for their intended purpose at all times.

- 5.18 Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe. The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

iii) Design

- 5.19 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. The proposal is of a modest scale (3 units) and reflects the linear character and scale of development along Back Lane.
- 5.20 The proposed bungalows are considered to be well designed. Each is proposed to be constructed in a material palette to match the local vernacular comprising brick walls, clay pantiles to plots 1 and 3, and flat grey slate tiles to plot 2. The character of Back Lane is varied, however is predominantly brick with an assortment of roof materials. The proposal is considered to assimilate into the varied character of the immediate area. The proposed development will be in accordance with Local Plan Policy E1.

iv) Amenity

- 5.21 Policy E2 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings are an acceptable distance from the two storey dwellings on the opposite side of Back Lane. To the south-east side of plot 1 is the side elevation of a bungalow 'The Oaks' with several side windows. Proposed plot 1 has a blank side gable facing The Oaks, and is sited largely forward of The Oaks. There is a side-to-side separation distance of approximately 6.3m at the closest point. The gable of plot 1 would face towards one window of The Oaks, however this window would appear to be a secondary window serving a room with a main window to the front. Environmental Health recommend conditions in relation to the hours of construction work and compliance with current legislation on noise and dust.
- 5.22 A representation received from the occupier of The Oaks suggests the pedestrian access exits onto land in her ownership. The agent has advised the land registry documents suggest otherwise but for the avoidance of doubt have moved the link 900mm to the west. The agent comments the location was assessed as being the closest and safest point to cross to the footpath on the opposite side of Back Lane and consider the footpath is important to link to the village.
- 5.23 The submission shows the retention of the existing post and wire fence along the boundary between The Oaks and plot 1, with the agent advising this is to retain openness for The Oaks. This would however result in a loss of privacy to the side windows and rear garden of The Oaks, and the garden of plot 1, a condition is recommended requiring the construction of a 1.8m fence to this boundary. The fence would be within approximately 3.2m of side windows to The Oaks, however this is balanced against the fact a 2m high fence could be constructed as permitted development. Subject to conditions the proposal is not considered to have overlooking, overbearing or overshadowing impacts upon neighbours.
- 5.24 It is also necessary to consider amenity levels to be afforded to future occupants of the proposed dwellings. The internal space and layout of each dwelling complies with the National Described Space Standards. The rear and western boundaries are by marked the planting a new hedge with a 1.2m high post and rail fence. Rear gardens between the dwellings are divided by 1.8m high vertically boarded fencing. Each dwelling would be afforded an acceptable level of amenity.

v) Biodiversity, landscape and ecology

- 5.25 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district. The proposal includes the removal of two lengths of hedge facing Back Lane, an approximately 1.5m section at the pedestrian link and 14.5m at the vehicular access point, 9m of which will be replanted to match behind the highway visibility line. The cumulative effect is that 7m of the existing hedgerow will be removed as a result of the proposed development. It is acknowledged the expected revised plan showing the visibility splays to the channel lines of the road will result in an additional 1-2m of hedge removal. In addition an Ash tree adjacent to Back Lane is proposed to be felled. The submitted block plan shows 125m of new hedgerow to be planted to demarcate the north-east and north-

west boundaries from the remaining field. All hedges are to be staggered double rows comprising Field Maple, Spindleberry, Blackthorn and Dogrose. The hedges to the field boundaries are to be interspersed with 13 heavy standard trees comprising 6 Field Maple and 7 Rowan trees.

- 5.26 The Natural England Small Sites Biodiversity Metric test has been used to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change. The metric shows a net gain in habitat and hedgerow units in accordance with Local Plan policy E3.
- 5.27 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. The appraisal recommends new hedgerow planting to the northern and western edges of the site. This will provide a habitat corridor feature around the edge of the site, enhance nesting opportunities and improve foraging and commuting opportunities for bat species. The appraisal also recommends an artificial bird nesting bricks and bat bricks are included within each proposed dwelling. These are shown on the submitted drawings
- 5.28 During the consideration of the application a tree survey has been carried in respect of the Ash tree to the site frontage. The survey finds the Ash tree to be
“a mature tree in poor physiological condition with a life expectancy of less than 10 years, a classification of 'U, and states "Poor shape & form. Declining. Unable to inspect stem due to ivy. Fungal brackets (*Inonotus hispidus*) visible on stem. Epicormics on stem. Broken branches in crown. Moderate deadwood. Unbalanced crown shape. Low branches over road/footpath. Possible evidence of ash dieback on ground debris. Concrete in base of stem at root collar".

Whilst the Local Planning Authority would normally seek to resist the loss of a tree, in this instance given the poor health of the tree, the very limited life expectancy and high-risk location there is no objection to its removal.

- 5.29 The Tree survey also comments on the existing hedge to the road frontage, finding it be to be in poor condition with many gaps, overrun with ivy, and thickened hawthorn stems no longer producing lower sprouts. The survey recommends relaying the hedge, removing ivy and infilling gaps
- 5.30 The submitted landscaping details relate largely to the perimeter of the site. A condition is recommended to also require landscaping within the site. Overall, it is considered the loss of the Ash tree and sections of hedge is mitigated by the new tree and hedge planting, and the proposal accords with the provisions of policies E3 And E7

vi) Flood risk and drainage

- 5.31 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. Foul water will discharge to public foul sewer network. Yorkshire Water have not raised any objections to. foul water only draining to public foul sewer in Back Lane and surface water to plot soakaways.

- 5.32 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 5.33 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. Surface water is proposed to discharge to soakaway Percolation testing has not yet been carried out. Conditions are recommended to require separate systems of drainage for foul and surface water on and off site and the submission a scheme detailing the surface water drainage strategy including the maintenance and management.
- 5.34 Subject to conditions the proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.

vii) Contaminated land.

- 5.35 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. A Preliminary Assessment of Land Contamination' form has been submitted along with a Phase I Desk Top Study. The Assessment produced by Arc Environmental indicates the site should be considered as being low risk in respect to contamination, and recommends further intrusive investigation to address geotechnical issues, including ground contamination testing on selected samples of soil taken from selected points across the site. Environmental Health (contaminated land) have been consulted. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

ix) Impact on heritage assets

- 5.36 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 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal. In addition, the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance.
- 5.37 The site is located outside of the Conservation Area boundary which runs along the edge of the road immediately adjacent to the site. The development area contains part of a medieval ridge and furrow field system. The application is submitted with a Heritage Statement which sets out the value of the non-designated medieval ridge and furrow field system, which runs in a continuous block from Back Lane to the railway line to the north-east. The ridge and furrow field system is a non-designated heritage asset and is of local significance in that it relates directly to the

Conservation Area at Tollerton which is also medieval in character. The medieval ridge and furrow field system is assessed as a low value heritage asset. The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The Heritage Statement finds the proposed development will have a moderate adverse impact on the medieval field system and recommends mitigation. The mitigation is to undertake a single trench excavation across the ridge and furrows within the proposed development area to record the extent and profile of the agricultural features, thereby preserving them in record by being set out in a report. The applicant's Heritage Statement advises the loss of the openness of the field following the development would not give rise to significant harm to the elements that contribute to the significance of the Conservation Area and considers that any impact to the Conservation Area would be slight adverse and outweighed by the clear public benefits of providing additional housing that meets the needs of the local community. The Statement advises further the proposals would have a neutral impact on the setting of the Grade II listed buildings within the vicinity.

5.38 A consultation response has been received from NYCC Heritage Services who comment the Heritage Statement makes a fair assessment of the value of the ridge and furrow, agreeing the ridge and furrow is of local interest and would not normally preclude development in its own right but would be a factor to be balanced alongside all other planning considerations in accordance with the NPPF. NYCC Heritage Services recommend a condition requiring a Written Scheme of Investigation of site investigation and recording.

5.39 The Local Planning Authority accepts the findings of the Heritage Statement, and considers the proposal overall would result in less than substantial harm to the significance of the non-designated heritage asset. This harm is considered to be outweighed by the benefits of the provision of three bungalows, the condition requiring the recording of the non-designated heritage asset, and that a larger proportion of the ridge and furrow system remains. The proposal is not considered to result in harm to the setting of the adjacent designated conservation area and listed buildings on Alne Road that are physically and visually unrelated to the site.

Planning Balance

5.40 The principle of residential development is considered acceptable in this location. Subject to conditions the proposal is considered acceptable in terms of its impacts on highway safety, design, amenity, biodiversity, landscape ecology, flood risk and drainage, contaminated land and heritage assets. The proposed development accords with the policies contained within the Local Plan.

6.0 Recommendation:

6.1 That subject to any outstanding consultations the application be **APPROVED** subject for 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 drawing numbers 124-03H (due to superseded) Block Plan received by Hambleton District Council on XX 2022; 124-04 A Plot 1 received by

Hambleton District Council on 1 February 2022, 126-06 A Plot 3 received by Hambleton District Council on 31 January 2022; 124-05 Plot 2, 124-07 Garages and 124-01 A Location Plan received by Hambleton District Council on 15 November 2021, unless otherwise approved in writing by the Local Planning Authority.

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. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:
 - i) The crossing of the highway verge must be constructed in accordance with Standard Detail number E50.
 - ii) Any gates or barriers must not be able to swing over the existing highway.
 - iii) Provision to prevent surface water from the site discharging onto the existing highway must be constructed in accordance with the approved details shown on drawing 124-03 Rev? and maintained thereafter to prevent such discharges.
 - iv) 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.

Informative Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition

5. There must 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.
6. 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 details shown on drawing 124-03 Rev?. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No development must commence until wheel washing facilities, an area for storage of plant/materials and a parking area for contractors' vehicles have been provided in accordance with the details shown on drawing 124-03 Rev?. Once provided, these must be retained for their intended purpose at all times during the construction of the development.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
9. Prior to the commencement of the development a scheme detailing the surface water drainage strategy including the maintenance and management shall be submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority following consultation with the statutory sewerage undertaker. The development shall commence in accordance with approved scheme and thereafter retained and maintained in accordance with the agreed details. There shall be no piped discharge of surface water from the development prior to the completion of the approved scheme.
10. All existing hedges shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with BS 5837:1991. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.
11. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing number 124-03 ? received by the Hambleton District Council on XX 2022 been planted or seeded in those positions. In addition a section of new hedge shall be planted to extend the existing hedge from the south east corner of the site to abut the screen fence between plot 1 and the boundary with The Oaks. 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.
12. Notwithstanding the terms of condition 13 above, a detailed landscaping scheme showing landscaping within the curtilage of each dwelling 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.
13. Notwithstanding the terms of condition 2 above the dwellings hereby approved shall not be occupied until a 1.8m high close boarded fence has been erected along the

south east boundary of the site from the point marked SF1 to the south east of plot 1 on drawing number 124-03 ? extending to the north east corner of the site.

14. 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. 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.
15. 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 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.
16. 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.
17. 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.
18. Development shall be carried out in accordance with the recommendations at Section 4 of the Ecological Appraisal prepared by Quants Environmental Ltd dated October 2021
19. A) No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition (A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of the visual amenity of the area in accordance with Local Plan policy E1.
3. In the interests of the visual amenity of the area in accordance with Local Plan policy E1.
4. 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, in accordance with Local Plan policy IC2.
5. In the interests of highway safety in accordance with Local Plan policy IC2
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development, in accordance with Local Plan policy IC2
7. In the interest of public safety and amenity in accordance with Local Plan policy IC2.
8. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policy RM3.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan policy RM3.
10. To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7
11. In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan policies E1, E3 and E7
12. In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan policies E1, E3 and E7

13. In the interests of privacy and residential amenity, in accordance with Hambleton Local Plan policy E2
14. 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, in accordance with local plan policy RM5
15. 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, in accordance with local plan policy RM5
16. 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, in accordance with local plan policy RM5
17. 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, in accordance with local plan policy RM5
18. In the interests of enhancing the biodiversity of the site in accordance with Local Plan policy E3
19. In accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance, and local plan policies S7 and E5