

Parish: Aiskew
Ward: Bedale
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Committee date: 7 February 2019
Officer dealing: Mrs H Laws
Target date: 15 February 2019

18/02545/MRC

Variation of conditions 8 & 11 attached to planning permission 17/02422/OUT (Outline application for the construction of three dwellings with access from Bedale Road) to alter position of access

At: Land adjacent to Peace Haven, 93 Bedale Road, Aiskew

For: Mr G E Harrison

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which forms part of a paddock, lies on the northern side of Bedale Road, to the west of the A1(M) and parallel A6055 road, which are positioned on road bridges set at a higher level than Bedale Road and the application site. A section of the paddock is excluded from the application site boundary and this separates the application site from the roads above.
- 1.2 The site lies almost midway between the villages of Aiskew to the south west and Leeming Bar to the north east and is outside the Development Limits of both settlements. It lies immediately adjacent to the dwelling at 93 Bedale Road (also known as Peace Haven), which is a single storey bungalow.
- 1.3 Planning permission was granted in January 2018 for the construction of three dwellings on the site. The application was an outline application with all matters reserved except for access. The site for the three dwellings covers an area of approximately 0.25 hectares and is bordered to the south east by a timber post and rail fence that fronts onto Bedale Road. The site is set higher than the adjacent road and the highway verge slopes down steeply from the fence.
- 1.4 The approved scheme includes an access, which would be taken from Bedale Road. Access to the existing bungalow lies to the south west of the property and the driveway leads to the rear of the dwelling. The approved scheme is to use the same access to serve the application site with a new access track running behind number 93, parallel to the Wensleydale Railway. The current application is for an amended access position and to separate it from the existing bungalow. The proposal would be to provide the access towards the north eastern end of the site frontage with a shared driveway following the northern boundary of the site and extending around the site to the rear to serve each of the properties.
- 1.5 The remaining matters of appearance, landscaping, layout and scale would be for a later application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00318/OUT – Outline application with some matters reserved for the construction of five dwellings (with access considered); Withdrawn 31 March 2017. This covered a larger site area than the current application.
- 2.2 17/01737/OUT - Outline application with some matters reserved for the construction of three new dwellings; Refused 2 October 2017 for the following reasons:

1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.
 2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the scale and location of the development would fail to respect the character and appearance of this rural countryside setting, would lead to the coalescence of settlements and would therefore have a detrimental effect on the immediate environment.
- 2.3 17/02422/OUT – Outline application for the construction of three dwellings with access from Bedale Road (all other matters reserved); Granted 17 January 2018.

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 Policies DP1 - Protecting amenity
 Development Policies DP4 - Access for all
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP30 - Protecting the character and appearance of the Countryside
 Development Policies DP13 - Housing Mix
 Development Policies DP32 - General design
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the effect of the proposed alterations on the character and appearance of the wider countryside; (ii) residential amenity; and (iii) highway safety.

- 5.2 The principle of the residential use has been established with the grant of permission in November last year. Although the granting of permission for this application would result in a new planning permission for the construction of the dwellings, it is only the changes to the scheme that will be discussed in this report.

The effect of the alterations on the character of the countryside

- 5.3 The proposed access would remain wholly within the application site boundary and would not extend further into the adjacent undeveloped land. It is not considered that the altered position of the access and driveway would detract from the open character and appearance of the countryside.

Residential amenity

- 5.4 The access would lie immediately adjacent to one of the proposed dwelling plots but it is not considered that its use by three households would create noise and disturbance that would have an adverse impact on residential amenity.

Highway safety

- 5.5 The Highway Authority has no objection to the use of the proposed alternative access to serve the additional dwellings subject to conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from 17 January 2018 (before 17 January 2021) and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from 17 January 2018 ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. 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 situate 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.

6. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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

7. No development shall take place until a scheme for protecting the proposed dwellings from noise from the nearby road network and the railway line, has been submitted and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a). vehicular and pedestrian accesses; b). vehicular turning arrangements; c). manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals

have been submitted to and approved in writing by the Local Planning Authority for the provision of: a). on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b). on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

12. Prior to the occupation of any of the dwellings hereby approved, the footway illustrated on drawing no. 13825/01A shall be formed linking the units to the A684.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan; and Indicative Site Layout (access) received by Hambleton District Council on 27 November 2018 and drawing no. 13825/01A received on 22 January 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
7. To protect the amenity of occupiers of the new dwellings in accordance with LDF Policies CP1 and DP1.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
12. In order that an appropriate level of access is achieved for the proposed development and to accord with the requirements of Policy DP3 of the Local Development Framework.

13. 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.

Informatives

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

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

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

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

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

2. The proposals required by condition 9 shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.