

Parish: **Aiskew**

Committee date: 15.10.2020

Ward: Bedale

Officer dealing: A O'Driscoll

3

Target date:

20/00497/FUL

Construction of 85no. residential dwellings with associated access, parking, landscaping and infrastructure

At Land North East Of Ashgrove, 89 Bedale Road, Aiskew

For Taylor Wimpey UK Ltd

This application is referred to Planning Committee as the proposed development is a major development and a departure from the Development Plan.

1.0 Site, Context and Proposal

- 1.1 The application site is located on the north side of Bedale Road and to the north east of the settlement of Aiskew. This green-field site measures approximately 3.27ha and is currently used for agriculture. There is an existing field access from Bedale Road and the site is otherwise enclosed by hedgerow and clusters of trees. The site is relatively flat with a slight incline upwards towards the western corner. The site is linked to both Bedale and Leeming Bar by a public footpath. There are no public rights of way within or immediately adjacent to the site.
- 1.2 Residential development is located to the south and south east of the site. To the north and immediately adjacent to the site is part of Wilberts Farm a site which was allocated for housing under the current LDF and which has secured permission for 116 dwellings. The immediate character is edge of settlement, with sparse rural development along Bedale Road to Leeming Bar and the A1.
- 1.3 The site is a preferred option for 85 homes in the Emerging Local Plan under Policy AIB 1: Northeast of Ashgrove, Aiskew.
- 1.4 This is a full application for 85 dwellings of which 23 will be affordable. Access is to be gained from Bedale Road approximately halfway along the site frontage and the existing access is to be closed off. Dwellings will be set back from Bedale Road approximately level with the existing dwellings to the south west. A pumping station and a SUDS basin are to be located to the eastern corner fronting Bedale Road. At the northern end of the site a link road is proposed to connect through to the Wilberts Farm development.

- 1.5 During the life of the application the potential for a link road through to the Wilberts Farm development was discussed. The applicant subsequently agreed that this could be provided, through provision of a connection point through to the boundary of the Wilbert Farm site. It is noted that the applicant has no control over the actual connection to the Wilbert Farm site, although provision was made for this connection within the approved layout for the Wilbert Farm site. The delivery of this link would provide a second means of access to Bedale Road, rather than reliance on Sandhill Lane and the mini-roundabout onto Bedale Road. However, to offset the financial costs of this additional infrastructure, the number of dwellings provided as affordable housing have been reduced by 3 to the 23 now proposed.
- 1.6 It should be noted that the proposed link road to the Wilbert Farm site was not a requirement for the development of that site. The Highways Authority being satisfied that the site could be accessed via Sandhill Lane. Nor is the link a technical highways requirement for the current application site. However, it is clear that the local community remain extremely concerned about the use of Sandhill Lane by the traffic generated by the Wilbert Farm development.

2.0 Relevant Planning and Enforcement History

- 2.1 This is a greenfield site with no recent planning history

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 CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019

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.

The following draft policies are considered material.

AIB1: Northeast of Ashgrove
HG 2: Delivering the Right Type of Homes
HG 3: Affordable Housing Requirements
E 1: Design
E 2: Amenity
E 3: The Natural Environment
CI 2: Transport and Accessibility
RM 3: Surface Water and Drainage Management

4.0 Consultations

- 4.1 Aiskew and Leeming Bar Parish Council – Concern over the timing of the application during the pandemic reducing the ability to meet and discuss the proposal with residents. Concern was also raised over the lack of vehicular connection to the Wilbert Farm site, uninspired design of the dwellings and sewerage and flooding issues. The level of affordable housing is welcome and the Parish Council hope that HDC will resist attempts to reduce this.
- 4.2 Highway Authority – Following the submission of requested additional information the Highways Authority recommend conditions relating to detailed plans for roads and footways, closing of the existing access, visibility splays, Travel Plan, removal of permitted development rights, and construction management plan.
- 4.3 Lead Local Flood Authority – Awaiting final comments at the time of writing.
- 4.4 Yorkshire Water – Recommend a condition relating to the provision of separate systems for foul and surface water drainage.
- 4.5 Swale and Use Internal Drainage Board – As surface water is to discharge to a watercourse in their area a discharge rate of 1.4ls/ha is required.
- 4.6 Yorkshire Wildlife Trust – The measures in Section 6 of the Ornithological Report and the Bird Box specification report should be secured by condition. Some non-native species are included, which we would advocate replacing with native alternatives.

A Landscape and Ecological Maintenance and Management Plan should be produced to maximise the biodiversity value of retained and newly created habitats.

We would welcome the implementation of Defra v2.0 metric as industry standard to demonstrate a measurable net gain in biodiversity.

- 4.7 Natural England – Refers to standing advice
- 4.8 NYCC Children and Young Peoples Services – Based on the current number of dwellings proposed no contribution for primary or secondary school places is required. Should the number of units increase further consultation will be required.
- 4.9 NYP Designing Out Crime Officer - The overall design and layout of the proposed scheme is considered acceptable.
- 4.10 Environmental Health Officer Contaminated Land – Recommends a condition relating to the reporting of unexpected contamination.
- 4.11 Public comments – Three letters of representation were received from two members of the public raising the following issues:
- Existing infrastructure cannot cope with increased housing
 - Link road to Wilberts Farm development
 - Flooding and sewerage issues
 - Reduction of services at the Friarage Hospital means more people will have to travel to James Cook Hospital up to an hour away
 - Gas heating should be replaced with air source heat pumps

5.0 Analysis

- 5.1 The main issues to consider are: i) the principle of development and the Emerging Local Plan; ii) affordable housing; iii) housing mix; iv) design and impact on the character of the area; v) amenity; vi) drainage; vii) highways safety; viii) open space; ix) landscaping; x) heritage matters and xi) biodiversity

Principle

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The site falls outside the Development Limits of Aiskew. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the current development plan.
- 5.3 As mentioned at 3.1 above the Emerging Local Plan has been submitted to the Inspectorate and public hearings are set to take place in October. As such the Emerging Local Plan is a material consideration which can be afforded limited weight.

- 5.4 The site is a preferred option in the Emerging Local Plan under Policy AIB1:Northeast of Ashgrove. Should the draft allocation and Emerging Local Plan be adopted the principle of development of this site would be established.
- 5.5 Paragraph 48 of the National Planning Policy Framework states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraph 49 states: However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.7 Paragraph 50 states: Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 5.8 The Council has a healthy housing land supply at just over 10 years, however, this number includes this site at 85 dwellings.
- 5.9 In conclusion, the principle of development on this site is not currently supported by policy contained within the Local Development Framework and only limited weight can be given to the draft allocation at this stage. As such, development should only be approved if other material considerations are considered to weigh sufficiently in favour of the proposed development.

Affordable Housing

- 5.10 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.11 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%. On a development of 85 dwellings this would equate to 25.5 dwellings.
- 5.12 During the life of the application the applicant indicated that a link road could be provided to join this development to the previously approved development at Wilberts Farm to the north. In order to achieve this in terms of viability it was proposed that the number of affordable units be reduced to 23.
- 5.13 It is clear that the proposed affordable housing is below the Policy requirement of 40% and that of the draft policy of 30%.
- 5.14 The initial submission offered a quotient of 30% affordable housing, which would have been in-line with the emerging Local Plan. In discussion with the applicant with regard to the proposed link road, it was clear that the cost of this should be considered as an abnormal cost. As such a discreet assessment of cost was carried out for the link and the cost off-set against the affordable housing provision in making the current affordable housing offer.

Housing Mix

- 5.15 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing mix targets outlined in the Size, Type and Tenure SPD. In addition to this, Emerging Local Plan Policy HG2 requires that a range of house type and sizes be included that reflect and respond to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, where the agreed mix has had regard to evidence of local housing need or market conditions and the ability of the site to accommodate a mix of housing.
- 5.16 The SHMA indicates that the need for 2 and 3 bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). Policy HG2 of the Emerging Local Plan also requires the provision of 10% 2 bedroom bungalows to reflect the needs of the ageing population in the district.

Type	Target %	Proposal %
One Bedroom	10	0
Two Bedroom	35	16.4%
Three Bedroom	25	56.4%
Four Bedroom	10-15	27%
Two Bedroom Bungalow	10	0

- 5.17 The proposed mix does not conform exactly to the guidelines in the SPD. However, a total of 72.8% of proposed dwellings are 2 and 3 bedroom which reflects a balance between the current guidance and the evidence provided by the SHMA. In addition the applicant has indicated that, whilst no bungalows are proposed, this mix is required as part of the financial offset to achieve the link road to the Wilberts Farm development.

Design

- 5.18 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.19 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.21 Policy E1 of the Emerging Local Plan states that all development should 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.
- 5.22 The Design and Access Statement submitted in support of the application considers the site constraints and opportunities. Opportunities identified include open views to the countryside and existing trees and hedgerows. In addition the statement provides a case study of The Stripe, a development in Stokesley which bears some similarity in terms of location and opportunities to the application site. The case study was used to identify elements of design that work well and those that don't. Elements which were identified as positive include changing rooflines providing interest, active frontages, use of detailing and materials, and good use of landscaping and boundary treatments. Elements which were considered less successful include blank gables at important junctions and in areas where rooflines were not varied the character of the street scene was less successful.
- 5.23 The layout of the site takes account of its surroundings with buildings fronting Bedale Road set back approximately in line with the existing dwellings to the west. Dwellings to the north and east have been orientated to take advantage of open views of the countryside. The general layout makes good use of open space and is considered to positively respond to the character of the area.

Amenity

- 5.24 LDF Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.25 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure:
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - b. the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
 - c. there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character);
 - d. that adverse impacts from the following sources will be made acceptable:
 - i. air pollution; ii. contamination; iii. dust; iv. obtrusive light; v. odour; vi. overheating; and vii. water pollution;
 - e. adequate and convenient provision is made for the storage and collection of waste and recycling;
 - f. that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.
- Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.
- 5.26 Overall the site is well spaced with separation distances of between 19 and 21 metres between dwellings facing each other. The orientation of dwellings in relation to adjacent development has also been taken into account. Outdoor amenity spaces are provided with the majority measuring approximately 10 metres in length.
- 5.27 A noise assessment has been submitted with the application which addresses noise arising from traffic movements on Bedale Road. Mitigation measures such as high performance glazing are proposed to ensure that an acceptable level of noise can be achieved within the dwellings affected. The use of noise reducing glazing often necessitates mechanical ventilation in order to be effective. This is so that dwellings can be adequately ventilated without the need to open windows. At the time of writing the Environmental Health Officer has indicated that the noise report is acceptable, however, some minor details relating to the provision of ventilation are yet to be agreed. It is considered, however, that the development can be adequately protected from noise and remaining matters can be dealt with by a condition should details not be agreed prior to determination.

Drainage

- 5.28 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible and DP43 seeks to ensure that development has no adverse impact in terms of flooding.
- 5.29 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.30 The supporting text of the Draft Allocation AIB1 states that “parts of the site along the north-eastern boundary and to the south adjacent to Bedale Road are vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.”
- 5.31 The Lead Local Flood Authority was consulted and additional information was requested.
- 5.32 A SUDs scheme has been incorporated into the design and discussions have taken place with regard to the specific run-off rates from the site and discharge rates into the Internal Drainage Board controlled water course. The requirements of the pertinent agencies are now incorporated into the design and will be conditioned accordingly.
- 5.33 It is considered that matters relating to drainage have been adequately addressed and as such the proposed development is considered to comply with the requirements of policy. The proposed development is considered to have no adverse impact in terms of flooding.

Highways Safety

- 5.34 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.35 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.36 North Yorkshire County Council Highways Officers were consulted and the following comments were received: The L.H.A is satisfied that the development's impact on the operation of the existing highway network will not be severe. It has been shown that Bedale Road has capacity and the internal layout include with the application has been prepared using standards acceptable to the L.H.A. The development is expected to generate

approximately 40 vehicles in the am and pm peak times of which it is expected one third of the vehicles will travel west towards Bedale and the remaining will travel east towards the A1(M). The developer has shown that the new access has capacity to allow egress and ingress to and from the site.

- 5.37 The developer has also assessed the mini roundabout at the junction of Bedale Road and Sand Hill Lane and again shown this has spare capacity for both the committed and proposed site. The design standard for the site entrance is Design Manual for Roads and Bridges and the required visibility splay is 120m metres by 2.4m metres and this can be achieved in both directions from the access. The developer has agreed to contribute to a new Zebra crossing facility to assist residents to cross Bedale Road to access services on the other side of the road. It is suggested this contribution is included in any S106 agreement prepared by the planning authority for the site. The estimated value of these works is £35,000.00.
- 5.38 The Officer raised no objections to the scheme and recommended conditions relating to detailed plans for road and footways, closing of the existing access, visibility splays, Travel Plan, removal of permitted development rights, and construction management plan.
- 5.39 It should be noted that there are bus stops on the north and south side of Bedale Road, in close proximity to the application site.
- 5.40 The proposed link road to the Wilbert Farm site did not comprise part of the original submission and as such the Highway Authority has been consulted on this amendment. Their response is awaited at the time of writing.

Open Space

- 5.41 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings.
- 5.42 Similarly Appendix E of the Emerging Local Plan indicates that a play area is required on site. At the time of writing this was not proposed, however, a request has been made for the calculation of the contribution which would be required in its absence.
- 5.43 Given the proposed open space areas to be provided on site and subject to the agreement of either the provision of a play area on site or a contribution towards the provision the proposals are considered acceptable.

Landscaping

- 5.44 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and: i. creates a visually pleasant, sustainable and biodiversity-rich environment; ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction

materials will be encouraged; iii. protects and enhances key landscape features; iv. creates new features and areas of open space that reflect local landscape character; v. contributes to character, appearance and sense of place; vi. promotes a public realm which is rich in identity, attractive and safe.

- 5.45 The supporting text of draft allocation AIB 1 of the Emerging Local Plan indicates that existing features should be retained, including hedgerows and mature trees, and boundary features enhanced to screen views of the site from the east.
- 5.46 An Arboricultural Survey was undertaken in order to establish the quality of the existing trees within the site and to help steer the design of the development. An Arboricultural Impact Assessment was also submitted outlining the proposals for tree and hedgerow removal, retention and protection during construction. The survey found that one category A 3 Veteran Oak (T8 on plan) is located to the north of the site. Category A indicates trees of high quality with an estimated remaining life expectancy of at least 40 years and sub category 3 indicates Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran).
- 5.47 A second Veteran Oak (T7 on plan) was noted slightly south east of the one above, however, the quality of this tree was not as good and it was categorised as B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years) 3 (Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran)).
- 5.48 Eleven individual trees and one group were identified as category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm). Four trees were categorised as U (Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).
- 5.49 The Arboricultural Impact Assessment and landscaping scheme indicate the removal of 10 trees (T4, T4a, T4b, T5-T7, T9-T12) mainly along the boundary with the Wilbert Farm site. The majority of these are mature or over mature hedgerow trees predominantly Ash, which have previously showed signs of dieback. Due to the current condition exhibited it is considered likely that any construction works would cause further decline to the tree's condition. Given the type of development proposed the removal of these trees, which would otherwise require further inspection, remedial work and management by individual householders, is considered acceptable. The planting plan shows a good level of replanting of large specimen trees within the site to offset the removal.
- 5.50 One of the trees marked for removal is the Category B3 Oak (T7). This tree is described as squat and gnarled but in good structural condition. The Arboricultural impact Assessment indicates that construction of the access road and dwellings will have a significant impact upon the tree and mitigation measures would not be sufficient to ensure its survival. Replacement planting is recommended.

- 5.51 All of the trees and hedgerow on the most easterly boundary are to be retained. The majority of the hedgerow around the site is also to be pruned and retained. However, a section will need to be removed to facilitate the access.

Heritage

- 5.52 North Yorkshire County Council Heritage Services were consulted and returned the following comments: The proposed development site is within an area of archaeological potential, only 600m away from the scheduled monument at Aiskew Roman Villa and any remains existing within the site will have an increased significance due to their association. The geophysical survey has identified archaeological activity within the application site consisting of enclosures and boundary ditches which were thought to represent the remnants of prehistoric or Romano-British field systems. In addition the variable soil conditions across the site could mean that responses from infilled features are weaker in some areas and it is possible that additional features are present which have not produced clear magnetic anomalies. Therefore there is potential for the proposed development to have an impact on archaeological remains that may be associated with the scheduled Villa to the west and/or the Roman Road to the east.
- 5.53 A Geophysical Survey and Trial Trenching have been carried out on the site. The archaeological investigations have confirmed the presence of multiple ditches across the site probably forming two separate areas of activity. A rectangular enclosure and medieval activity in the west and a more complicated sub rectangular system in the north east that may be Iron Age or Romano-British in date. Therefore the ground disturbance associated with the development has the potential to encounter further remains of either Iron Age/Romano-British or Medieval date.
- 5.54 It is advised that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.
- 5.55 North Yorkshire County Council Heritage Services recommend that a condition be included in any permission to secure the above works and recording.

Biodiversity

- 5.56 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation [...] Support will be given [...] to the enhancement and increase in number of sites and habitats of nature conservation value'.

- 5.57 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm is unavoidable, then appropriate mitigation should be provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.58 A Preliminary Ecological Assessment was submitted in support of the application. Natural England and Yorkshire Wildlife Trust were consulted. Natural England returned comments referring to the standing advice available on their website. Yorkshire Wildlife Trust requested that the additional surveys recommended in the assessment be completed. These were subsequently carried out and the results and an updated Assessment were submitted in support of the application.
- 5.59 The breeding bird survey found 1 Barn Owl and 1 Fieldfare roosting within or adjacent to the site. Both species are protected under Schedule 1 of the Wildlife and Countryside Act 1981. However, no evidence of breeding was recorded. Key red listed (severe population decline) breeding bird species present on the site are; Song Thrush, Tree Sparrow and Linnet. Key amber listed (moderate population decline) breeding bird species are Stock Dove, Dunnock, Bullfinch and Reed Bunting. The most abundant green listed bird species recorded on site are Wren, Blackbird and Robin.
- 5.60 The breeding bird species assemblage recorded on the site is composed of a large percentage (71%) of more common green listed species, with relatively few red and amber listed bird species of conservation concern present. Breeding birds were mostly recorded from boundary trees, hedgerows and scrub, with no ground nesting species recorded from the open area of grassland.
- 5.61 The development will result in the loss of open foraging areas utilised by a number of species including Barn Owl and Fieldfare. However, adjacent agricultural land, which provides large areas of foraging grounds, ensures that impact is limited.
- 5.62 The Ecologist recommends that any clearance works take place outside of bird nesting season unless the site is surveyed by a suitably qualified ecologist giving confirmation that clearance will not impact any nesting/breeding birds. Mitigation and compensation measures recommended include a range of bird boxes, enhancement of the hedgerows and treelines, landscape planting that includes seed, fruit and berry bearing vegetation to improve foraging habitat.
- 5.63 One pond within 500m of the site was assessed as average habitat for Great Crested Newt although eDNA analysis was negative indicating the pond is absent of Great Crested Newt.

- 5.64 Commuting and foraging habitat suitability of the site to the local bat population is considered to be 'low' in relation to the Bat Conservation Trust's Guidance. Due to proposed retention of the hedgerow linear habitats, no further surveys are recommended.
- 5.65 It is noted in the Ecological Assessment that one tree on site offers a high potential for bat roosts. This tree is identified as Ash T6 in the Arboricultural Impact Assessment. This tree is category U and is marked for removal. The Ecologist recommends that should this tree be impacted by development 3 nocturnal vantage point activity surveys for bats will be required. This has been flagged to the applicant who, at the time of writing, was organising an Ecologist to carry out the survey. Should a roost be found consideration can be given to the retention of the tree as a feature of the site whilst acknowledging that the tree is not protected by a Tree Protection Order (nor is it a suitable candidate for such protection) and the development is likely to cause further decline. As such if a roost is found it is likely that removal and mitigation will be required including a licence from Natural England.

Planning Balance

- 5.66 It is clear from the above report that had the Local Plan been at a more advanced stage, the principle of development would have been likely to be accepted. However, given the limited weight to be given to the plan the development of this site for housing is not currently supported by adopted policy and development should only be approved if other material considerations outweigh this policy position.
- 5.67 Whilst the Local Highway Authority is satisfied that the existing road network and proposed layouts will adequately provide for the development, there is a strong local view that the now proposed link through from the Wilbert Farm site will have a significant, beneficial impact in reducing the impact of traffic on Sandhill Lane and the existing mini-roundabout on Bedale Road. It is considered that this is a material consideration to which weight can be given, against the lack of support for the development in the Local Development Framework.
- 5.68 In terms of the technical assessment of the scheme, it is considered that the design and layout, housing mix and drainage are acceptable. The affordable housing quotient is below the policy target but is considered reasonable in terms of viability.
- 5.69 It is considered in this case that the additional weight given to the provision of the link road is sufficient to allow a recommendation of approval to be made in this instance.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. Unless otherwise approved in writing by the Local Planning Authority the permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered and received:

Planning Layout - 000 REV E received 16.09.2020

House Type - NA20 Ashenford Floorplans - NA20/7/PL1 E received

11.05.2020

House Type - NA20 Ashenford Elevations - NA20/7/PL2 E received

11.05.2020 House Type - NA32 Byford Floorplans - NA32/7/PL1 F received

11.05.2020 House Type - NA32 Byford Elevations - NA32/7/PL2 A received

11.05.2020

House Type - NA42 Huxford Floorplans - NA42/7/PL1 F received 11.05.2020

House Type - NA42 Huxford Elevations - NA42/7/PL2 A received 11.05.2020

House Type - NB32 Colton Floorplans - ND40/7/PL1 D received 11.05.2020

House Type - NB32 Colton Elevations - ND40/7/PL2 F received 11.05.2020

House Type - ND40 Coltham Floorplans - NB32/7/PL1 F received

11.05.2020 House Type - ND40 Coltham Elevations - NB32/7/PL2 E

received 11.05.2020 House Type - ND42 Kingham Floorplans - ND42/7/PL1

G received 11.05.2020 House Type - ND42 Kingham Elevations -

ND42/7/PL2 H received 01.10.2020 House Type - PD30 Amersham

Floorplans - PD30/7/PL1 E received 11.05.2020 House Type - PD30

Amersham Elevations - PD30/7/PL2 received 30.09.2020 Single Garage

Central Door - MF:SG received 01.10.2020

Single Garage - HG:SG received 01.10.2020

Boundary Treatment Layout - 01 REV D received 16.09.2020

Boundary Treatment Details - 20329-BTD received 05.03.2020

Planting Plan - Sitewide Layout and Schedules - Drawing No. BR_LP100

REV B

Planting Plan Sheet 1 - BR_LP001 REV B received 01.07.2020

Planting Plan Sheet 2 - BR_LP002 REV C received 24.09.2020

Planting Plan Sheet 3 - BR_LP003 REV B received 01.07.2020

Planting Plan Sheet 4 - BR_LP004 REV B received 01.07.2020

Landscaping Management Plan YD2_BR LMR001 - Rev A received

02.10.2020

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. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

5. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
6. The development must not be brought into use until the existing access onto BEDALE ROAD has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
7. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD until splays are provided giving clear visibility of 120 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.
8. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. 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.
9. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

12. No development for any phase of the development shall commence until a Construction Management Plan for that phase 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 Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. restrictions on the use of existing field access for construction purposes;
 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 4. the parking of contractors' site operatives and visitor's vehicles;
 5. areas for storage of plant and materials used in constructing the development clear of the highway;
 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 8. protection of carriageway and footway users at all times during demolition and construction;
 9. protection of contractors working adjacent to the highway;
 10. details of site working hours;
 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
 12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 13. measures to control and monitor construction noise;
 14. an undertaking that there must be no burning of materials on site at any time during construction;
 15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
 16. details of the measures to be taken for the protection of trees;
 17. details of external lighting equipment;
 18. details of ditches to be piped during the construction phases;
 19. a detailed method statement and programme for the building works; and
 20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
13. The site shall be developed with separate systems of drainage for foul and surface water.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall, other than the existing local public

sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

15. Site clearance works including removal of trees, scrub and vegetation, earth-moving and groundwork's shall take place outside of bird nesting season, March to August inclusive, unless a bird nesting check/survey is carried out by a suitably qualified ecologist within 48 hrs prior to the works and no nesting birds/active nests are found to be present. The results of the check/survey shall be submitted to the Local Planning Authority prior to the works commencing.
16. Prior to the occupation of the development, hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will set out all necessary ecological mitigation and enhancements measures and timing for implementation, including those specified in Section 6 of the Breeding Bird Survey conducted by Biodiverse Consulting and received by Hambleton District Council on 25.06.2020.
17. A) No demolition/development shall commence until a Written Scheme of Investigation for a Strip, Map and Record 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 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 Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
18. 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.

19. Notwithstanding the details shown on the approved plans, development above foundation level shall not commence until a scheme detailing arrangements and specification for the provision of the link road between the application site and the Wilbert Farm site to the north shown on plan ref Planning Layout - 000 REV E received 16.09.2020 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed before 75% of the market units are occupied and shall be retained for the lifetime of the development.

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) DP30.
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 secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
5. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
6. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
7. In the interests of highway safety
8. In the interests of highway safety.
9. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
10. To establish measures to encourage more sustainable non-car modes of transport.
11. To ensure the retention of adequate and satisfactory provision of off street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity.
12. In the interest of public safety and amenity

13. In the interest of satisfactory drainage and to avoid pollution of the water environment
14. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the public sewer network.
15. To ensure that no active nests of breeding birds are present before works commence.
16. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity.
17. In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.
18. 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.
19. To ensure the link road, which has been given weight in the decision making process, is provided and retained for the life of the development.