

**Parish: Bedale**

Ward: Bedale

**2**

Committee Date: 10 December 2015

Officer dealing: Mrs Clare Davies

Target Date:

**15/00006/FUL**

**Construction of 81 dwelling houses with associated access, parking, open space and landscaping.**

**For Persimmon Homes (Teesside) Ltd.**

**At Lyngarth Farm, Bedale**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Planning permission was originally sought for the construction of 88 dwellings, associated access, open space and landscaping. However, the layout has been revised and permission is now sought for a total of 81 dwellings on a site 2.5 ha in area. A revised Design and Access Statement has been submitted.
- 1.2 The revised proposal would deliver a development of approximately 32 dwellings per hectare. 32 of the dwellings (39.5 %) are identified as affordable housing, with the balance of 49 dwellings would be for sale on the open market. The affordable dwellings are distributed through the site and are designed to appear indistinguishable from the market dwellings.
- 1.3 The proposed dwellings are predominantly two-storey in height with some incorporating accommodation in the roof space, providing a mix of 2, 3 and 4 bedroom dwellings. 8 bungalows have been included.
- 1.4 Proposed architectural details include: entrance canopies/porches, brick chimneys, decorative soldier courses. All dwellings would have private amenity space in the form of rear gardens and there would be space for refuse/recycling storage.
- 1.5 Access is proposed from South End.
- 1.6 The site presently consists of grassland, used for grazing and boundaries are made up of a mixture of fencing, hedgerows and trees. A mature tree is located adjacent to the western boundary and is considered to have a high public amenity value. A Public Right Of Way (PROW) runs along the southern boundary of the site.
- 1.7 The proposed development is located on the south-east edge of Bedale. The site forms part of the BH6 (Lyngarth Farm) Allocation. Policy BH6 states that the site (2.5 ha) is allocated for housing development subject to:
  - i Development being at a density of approximately 30 dwellings per hectare, resulting in capacity of around 75 dwellings of which a target of 40% should be affordable;
  - ii Types and tenure of housing developed meeting latest evidence on local needs;
  - iii Contributions from the developer towards providing public open space, provision of footpath and cycleway links towards Bedale town centre, improvements to pedestrian access along Firby Road and, if required, additional drainage and sewerage infrastructure; and
  - iv Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.8 Surrounding the site are existing residential properties, open land and the sewage treatment works is located across South End Road.

- 1.9 The application has been screened under the Environmental Assessment Regulations 2011 and in the opinion of the Local Planning Authority does not constitute EIA development.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None other than the allocation described above.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP5A - The scale of new housing

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing

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

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Core Strategy Policy CP20 - Design and the reduction of crime

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP29 - Archaeology

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP34 - Sustainable energy

Development Policies DP36 - Waste

Development Policies DP37 - Open space, sport and recreation

Development Policies DP43 - Flooding and floodplains

Affordable Housing Supplementary Planning Document, Adopted April 2015

Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011

Size Type and Tenure Supplementary Planning Document, Adopted September 2015

Sustainable Development Supplementary Planning Document, Adopted April 2015

## **4.0 CONSULTATIONS**

Bedale Town Council

- 4.1 First response: The site is over-developed; numbers and density should be reduced. The 2.5 storey houses should be removed from the scheme as they are out of character with the general Bedale area. Parking provision is inadequate and must be addressed to prevent parking on roads. The narrowness of estate roads also needs to be addressed. The proposed access is dangerous and is too close to the existing 30mph sign. Pedestrian access should be provided in the form of an extension to the South End footpath. The local network will not be able to accommodate the additional traffic, in particular at the White Bear Junction and at Firby Road. Firby Road improvements to footpaths are required at the junction with Sussex Street. The Flood Risk Assessment is inaccurate and the site has historic drainage issues. Yorkshire Water must confirm the surface water run off approval and land drainage problems should be rectified and properly identify the course of the land drains, access points on the old and new site. Regardless of whether Aiskew is to have a new GP Surgery, the HDC Planning Dept should allocate a percentage of the CIL from the Lyngarth Development, to the development of Glebe Surgery. Apart for the increase in numbers, the role of the GP is about to increase; our elderly population is set to increase, so investment in Glebe Surgery is required.
- 4.2 Second response: Surface water and flooding issues have not been resolved; the 30mph sign near Broadlands should be removed to the southern end of the site to reduce traffic speed. Concerns are expressed regarding slow moving lorries exiting the site without any speed control from the southern approach road. The public footpath alongside the B6285 from South End that currently terminates opposite 110 South End should be extended as far as Broadlands. Clarity is required as to the number of affordable houses to be provided. Bungalows are required. Some of the designs were not appropriate to this area of Bedale as it is a key approach to the Town and the designs should be sympathetic to the houses in South End. Three floors high dwelling with large brick gables and 45 degree steep roofs, especially on the edge of the development were not appropriate or reflective of the rural design of Bedale. This is contrary to the LDF policy CP17 and DP32. The Police Architectural liaison officer has raised concerns regarding the POS and the proximity of the roads to the POS, we request this is looked at again as ultimately Bedale TC could be responsible for this area. The Council would also like to draw your attention to the comments they made in response to the original planning application which they do not believe have been fully addressed in the recently submitted amended application.

Practice Manager, Glebe House Surgery

- 4.3 Expresses concern that they are reaching capacity and that they will be unable to meet demand.

Highway Authority

- 4.4 First Response: The Transport Assessment is generally considered to be acceptable. Comments regarding the existing layout are as follows:
1. The extent of several of the shared surface areas is unclear and further details are necessary. Shared surfaces should maintain a continuous width of 6.5m along their full length.
  2. The site layout plan does not indicate if tactile paving is to be provided. It will be necessary to ensure that dropped kerbs and buff coloured tactile paving is provided.
  3. It is noted that the existing 30mph speed limit located to the north of the site on South End is to be extended south to encompass the proposed site access junction. However, this cannot be secured as part of the planning application and

visibility splays of 90m are requested that conform to NYCC standards, rather than the relaxed standards shown.

4. The layout of some of the parking courts does not appear to allow sufficient separation/spacing between spaces to allow vehicles to reverse and manoeuvre from spaces in parking courts.
5. It is noted from the Transport Assessment that South End varies in width in the vicinity of the site, however along the site frontage, the main carriageway should be a minimum of 5.5m in width.

Additional information is required, including:

1. Information in relation to the location of gulleys and drains for surface water discharge;
2. Cross-section or construction details are required in relation to the development footways, carriageway / shared surface areas and site access junction.

4.5 Second response: no objections subject to conditions.

#### NYCC Education

4.6 Contributions are required and £299,112 would be sought for primary education facilities as a result of this development. A developer contribution would not be sought for secondary school facilities at this time. Should the density of the site change we would be required to recalculate this figure based on pupil numbers available at the present time.

#### NYCC Historic Environment Team

4.7 The site has potential for archaeological deposits and a geophysical survey is required. Following the receipt of the geophysical report a condition is recommended to cover a scheme of archaeological mitigation and recording. Second response: Following further work undertaken by the applicant, no further action is required.

#### Environment Agency

4.8 The applicant states that surface water run-off will be disposed to public sewer, due to the likely poor permeability of ground conditions and there being no watercourses in the vicinity of the site. As such, all surface water drainage details must be agreed with Yorkshire Water before development commences.

#### Natural England

4.9 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. We have not assessed this application for the impact upon protected species. The application provides opportunities to incorporate features that will benefit wild life including bats or the installation of bird nest boxes and there are opportunities to enhance the character of the local landscape.

#### Environmental Health Scientific Officer

4.10 No objections to the scheme.

#### HDC Leisure Services

4.11 In principle we support the location of the Public Open Space. Children's play equipment is required. 3 or 4 pieces of play equipment on this site suitable for under

5's. The Town Council would be required to take on responsibility for the maintenance of the equipment and POS with a suitable fee to cover this agreed, or a management company. We would also look for an appropriate amount to be secured for off-site provision for young people in accordance with the Public Open Space, Sport and Recreation Action Plan for Bedale.

#### Yorkshire Water

- 4.12 The Flood Risk Assessment is not satisfactory. The report indicates that ground investigations have been carried out and prove ground conditions are not suitable for infiltration due to clay. The ground investigation report should be submitted for approval so that the next alternative route for surface water disposal can be discussed. Screening of the sewage treatment works is required. If the application is to be approved conditions should be attached.

#### Swale and Ure Internal Drainage Board (IDB)

- 4.13 This site lies outside the Board's district but naturally drains into it. Yorkshire Water will not accept highway drainage into the public sewer and a route should be found to the Bedale Beck, which is 110 m from the site frontage. The Flood Risk Assessment indicates storage below ground only to the 1 in 1 year storm event and this is not acceptable. No above ground surcharge should occur in a 1 in 30 year storm with exceedance above that catered for on site without increasing off site risk. The application should be refused or withdrawn until an acceptable drainage solution is presented.
- 4.14 Second response: Following further work on drainage no objections are raised.

#### Planning and Housing Manager

- 4.15 The developer is offering 40% affordable housing subject to viability. The Council will be seeking 70% social rent and 30% intermediate tenure spilt. Local space standards for affordable housing that align with the Nationally Described Space Standards, published in March 2015, should be met. The proposed mix of affordable homes is predominantly two and three bedroom homes. Advice from Broadacres Housing Association suggests that a higher proportion of two bedroom homes are needed, including some bungalows and that there may be some need for 1 bedroom quarter houses (not flats). Following early discussions with the developer the distribution of the affordable homes has been improved and is now acceptable. The developer needs to confirm a willingness to transfer the affordable homes to a Registered Provider at the Council's Transfer Price. In market terms a higher proportion of smaller homes is required and 10% market bungalows.

#### Neighbourhood Policing Team

- 4.16 Recommend the scheme be designed to Secured by Design Part 2. The Design and Access Statement (DAS) should state how crime is addressed. The POS should not be used for children's play; if it is, it should be fenced off; signage/litter bins and dog fouling bins are required; security during the construction phase is required.

#### Design and Maintenance Manager (drainage advice)

- 4.17 Positive resolution of the on-site drainage issues is required and the applicants are undertaking further work. An update will be reported to Committee.

#### Ramblers Association

4.18 No objection. The footpath width surface and enclosure should be specified.

#### Publicity

4.19 2 petitions of objection have been received, one with 47 names and one with 118.

4.20 23 individual objections have been received to date, including comments on different revisions to the scheme, some from the same people, summarised as follows:

- Loss of agricultural land, green field site and loss of Green Belt land;
- Incorrect allocation of the site;
- Too near to the sewage works, issues with odour;
- Site released too early;
- New housing is not needed;
- Over development, 88 houses are too many for the site;
- Poor design;
- Will have a negative impact upon crime;
- 2.5 storeys are out of character with the area and will over dominate neighbours;
- Lack of bungalows, the aging population is not catered for;
- Local facilities (schools and medical services) cannot cope with additional residents;
- Bedale will be less attractive to visitors;
- Access is dangerous and too near to the 30mph sign;
- Highway cannot cope with additional users;
- Highway capacity issues in the wider area;
- A footpath is required along the site frontage;
- Flood Risk Assessment is inaccurate, the site has historic drainage issues;
- Too near to the Flood Zone;
- Land drainage problems;
- Spoiling views;
- Devaluing property;
- Parking courts next to existing residents/general noise disturbance;  
Too close to existing properties, should be decent buffer to existing properties;
- Impact upon residential amenity, houses would be overbearing and would overshadow neighbours;
- Loss of privacy;
- Disturbance during construction;
- Existing hedges/trees should be retained;
- Impact upon ecology including bats, owls and herons;
- New trees should not be planted near neighbours houses;
- Affordable housing not needed/should be grouped together;
- Lack of information, poor quality submission;
- Public consultation responses have not been followed up by Persimmon.

## **5.0 OBSERVATIONS**

5.1 The principle of residential development on this site has been set through the LDF process. The LDF Core strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton, including the Bedale area. Following on from this the Allocations DPD identifies sites to meet and deliver the targets and objectives set out within the Core Strategy.

5.2 The site relates to the BH6 Lyngarth Farm, Bedale allocation and as such it is considered suitable for residential development, in principal, subject to provisions

detailed within paragraph 1.7 of this report. The site is not within the Green Belt as suggested by objectors.

5.3 The main planning issues to consider in the determination of this application are therefore matters relating to:

- The mix of new housing
- Design and density
- Highway matters and car parking
- Residential amenity
- Drainage and flood risk
- Sustainable construction
- Ecology
- Archaeology
- Public Open Space
- Affordable housing and viability
- Other contributions

#### The Mix of New Housing

5.4 The application proposes a mix of 2, 3 and 4 bedroom dwellings in short terraces, detached and semi-detached form. 45 dwellings would be a larger size having 3 and 4 bedrooms and 36 would have 2 bedrooms. 8 bungalows have been included in the revised scheme to meet the requirements of adopted Supplementary Guidance. The proposed mix is generally considered to meet the need for the range of family homes required in the locality and it includes 10% bungalows to meet the needs of older people.

5.5 In order to create an inclusive development the Council would not support the grouping of affordable units together. Affordable properties should be 'pepper potted' though the site amongst open market properties. An amended layout plan has been submitted which shows that the affordable dwellings would now be spread throughout the site, mostly in short runs. Confirmation has been sought as to whether the affordable properties would meet the minimum floor space requirement as set out by the SPD Affordable Housing. The applicant has confirmed that the affordable units will meet the Nationally described space standards but some of the open market units fall below the standard set out in the adopted SPD. This is a relatively marginal breach and facilitates the delivery of slightly more affordable housing as a result.

#### Design and Density

5.6 Policy DP32 states that the design of all development must be of the highest quality. Attention to the design quality of all development will be essential. Development must seek to achieve creative, innovative and sustainable design that take into account local character and settings and promote local identity and distinctiveness.

5.7 In terms of density, the minimum range of 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for the site involves an understanding of the characteristics of the area; the desirability of achieving high quality, well designed housing, the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.

5.8 The application site covers an area of 2.5 ha and the development of 81 dwellings gives a density of approximately 32% dwellings per hectare. This is broadly consistent with the aims of the BH6 allocation, which seeks some 75 dwellings at 30 dwellings per hectare.

- 5.9 The revised scheme achieves greater separation distances between properties and the addition of bungalows which avoid problems of overlooking and overshadowing and the space introduces some permeability into the site. Parking courts have now been removed. The revised layout is considered to be in keeping with the character and context of the local area. The revised drawings show defensible space around the properties and boundary treatments would be conditioned to address the issue of crime. The Public Open Space would be located in the middle of the site and would be overlooked by the proposed dwellings. A revised Design and Access Statement has been submitted addressing the potential for crime and a condition can be applied requiring the submission of details and implementation of crime prevention measures for the site.
- 5.10 The design of the house types (mainly two-storey) reflects the more traditional elements of Bedale's built environment and the palette of materials would reflect the local vernacular and the proposal would be acceptable in this respect. The Town Council has expressed concerns regarding the 2.5 storey houses, stating that they are not part of the Bedale vernacular, however they are located within the site and not on the main road frontage at South End and are thus considered not to have an impact on the character or appearance of the town overall. Chimneys have been added to frontage properties to add interest to the street scene and skyline. A condition can be imposed to secure precise details of external materials to ensure full integration.
- 5.11 Greater separation distances to the mature boundary tree in plot 14 would now be achieved. The majority of existing hedges, including that to the frontage, which screens the development, would be retained. A condition requiring boundary treatment details and tree protection measures should be applied.

#### Highway Matters

- 5.12 The scheme proposes an access from South End and objections have been raised by local residents with respect of the access and highway safety in general.
- 5.13 The Highway Authority is satisfied with the proposal in principle. The allocation was made on the understanding that South End could accommodate the traffic associated with a development of approximately this scale and it is considered that South End is capable of accommodating the traffic arising from the 81 dwellings now proposed. The location of the access is considered to be acceptable and visibility splays accord with requirements. The access has adequate room for both refuse vehicles and fire tenders to manoeuvre within the site as required.
- 5.14 In terms of amenity it is accepted that vehicle movements on South End will increase, but it is not considered that they would increase to such a level that they would have a significant detrimental impact upon the amenity of neighbouring residents. The request from the Town Council with regard to the 30mph speed limit sign has been passed to NYCC Highways and any further advice on this will be reported to Committee. The Highway Authority is otherwise satisfied that suitable visibility splays can be established to preserve highway safety, given the current position of the 30mph limit.
- 5.15 With respect to parking, each property would have its own off-street parking. A condition requiring the provision of the footpath along the frontage of the site should be applied to ensure accessibility. Suggested highway related conditions are to be forwarded by the Highway Authority and will be reported to Committee.

#### Residential Amenity



- 5.16 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.17 The Local Planning Authority advocates indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based on standards contained within time expired Supplementary Planning Guidance Note 3: Residential Infill. Whilst the guidance is time expired, SPG3 continues to be a useful tool for assessing the likely impact of proposed development upon residential amenity. Similar guidance relating to separation distances is contained within By Design. Notwithstanding the usefulness of these documents their standards should not be slavishly adhered to but appropriate judgement should be used on a case by case basis.
- 5.18 The amended proposal achieves an acceptable level of separation between the properties in line with the guidelines above and show all the properties with private amenity space (rear gardens).
- 5.19 The nearest neighbours are properties to the north-west and south-west boundaries of the site. Concern has been expressed by residents that the two storey properties would dominate the character and form of the area and impact detrimentally on residential amenity. The revised scheme introduces 8 bungalows to these boundaries and taking this into account with the separation distances achieved, it is not considered that significant adverse impacts would arise in terms of the properties being overbearing or overshadowing neighbours. The new dwellings would be positioned so that significant adverse loss of privacy, or overlooking to existing neighbours would not arise.
- 5.20 A neighbour near to plot 18 has requested that trees are not planted near to their house and this detail could be resolved with the submission of a detailed landscape plan which would be conditioned.
- 5.21 A sewage treatment plant is sited across the road, however, it is screened by mature plants and trees. The proposed properties would be set back within the site behind a wide margin (containing a number of telegraph poles), the frontage hedge would be retained and there are existing properties in close proximity. No objections have been raised by Environmental Health to the scheme and it is not considered that the amenity of future occupiers would be adversely affected in this regard.

#### Drainage & Flood Risk

- 5.22 A Flood Risk Assessment was submitted with the application. The site is located within Flood Zone 1 and as such the development should not suffer from river flooding.
- 5.23 Concerns have been raised by Yorkshire Water and the Town Council in respect of drainage and the submitted Flood Risk Assessment was not accepted by the Internal Drainage Board (IDB). Additional information has been sought in respect of surface water drainage. The applicants have been working with Yorkshire Water, the IDB and the Council's Drainage Engineer and NYCC SUDS Officer to positively resolve this issue and it is anticipated that the concerns will be satisfactorily addressed. Additional information on this will be reported to Committee.

#### Sustainable Construction

- 5.24 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues which will provide 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.25 It is noted that the government has adopted a “fabric first” approach, secured through the Building Regulations, and there is now no requirement to provide 10% on site renewable energy generation. The applicants have confirmed a fabric first approach and state that the dwellings will be thermally efficient for their life span.

#### Ecology

- 5.26 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”.
- 5.27 An objection has been raised that the proposal would impact upon bats, owls and herons on the site. Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. An Environmental Survey was undertaken by Quants Environmental Ltd. The report makes further recommendations for environmental enhancement of the site including the installation of bat bricks and bird boxes.
- 5.28 In light of the findings of the Environmental Survey a condition is recommended to secure the implementation of the ecological enhancements proposed.

#### Archaeology

- 5.29 Policy DP29 states that the preservation or enhancement of archaeological remains and their settings will be supported, taking account of the significance of the remains.
- 5.30 The site has been identified as having archaeological potential and the NYCC Historic Environment Team requested a geophysical survey of the site. The applicants have undertaken further investigation and the NYCC Historic Environment Team confirm that the findings demonstrate that the archaeological potential of the site is low and that no further works are required. Policy DP29 is therefore satisfied.

#### Public Open Space

- 5.31 Policy DP37 requires new housing developments to contribute to the achievement of local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children’s play and for young people.
- 5.32 Under the SPD 3,590 sq. m of public amenity space would be required for this scheme with an equipped children’s play area. Some 3,387 sq. m of open space is to be provided for amenity purposes, falling below the requirements of SPD by 203 sq. m, however this shortfall can be made up via a commuted sum of £2,597.28, to be spent on a specific project in Bedale as identified in the Public Open Space, Sport and Recreation Action Plan for Bedale and which would directly address the recreational needs of the occupiers of the proposed housing.
- 5.33 The main area of Public Open Space in the middle of the site is well located, suitably overlooked and contains an equipped play area as required by the SPD. A

management company (not the Town Council) would be set up to maintain the on-site open space.

- 5.34 Also, in line with the SPD, £14,869.78 is to be provided for young people's open space through a local project specifically outlined by the Public Open Space, Sport and Recreation Action Plan for Bedale. Again, this would directly address the recreational needs of the occupiers of the proposed dwellings.
- 5.35 Taking all of the foregoing into consideration, the proposal therefore is considered to meet the requirements of Policy DP37 and the SPD.

#### Affordable Housing and Viability

- 5.36 Policy CP9 seeks to ensure that affordable housing is provided which is accessible to those unable to compete in the general housing market. For Bedale and its hinterland a provision of 40% is sought. Policy BH6 reinforces this requirement subject to viability.
- 5.37 The applicant has proposed an affordable housing level of 39.5% (32 dwellings) and the affordable properties would now be spread throughout the site. The applicant has agreed to the required tenure split (70% social housing and 30% intermediate). Additionally the applicant has confirmed that the affordable units meet the space standards of the adopted SPD.

#### Other Contributions

- 5.38 Policy BH6 identifies the need for contributions from the developer towards providing improvements to education and local healthcare facilities and it is noted that NYCC Education have requested a contribution. Policy BH6 also outlines contributions being required to improve access to Firby Road. However, specific payments for education, health and other off site contributions not directly required to make the development acceptable are now replaced by the CIL charge to the developer. The CIL charge would be £364,485 and subject to the relevant infrastructure being included in the list of projects eligible for CIL funding, this can be secured.

#### Other Issues

- 5.39 Loss of views have been raised by neighbours, but as there is no right to a private view in planning terms, it is not possible to justify a reason for refusal on that basis. The disturbance during construction would be temporary and would not justify a reason for refusal, although conditions can be imposed on working hours and on the location of the site compound in order to reduce the impact of the construction works. Other issues raised, including lack of developer response to the public consultation and loss of property values, are not material to the planning application considered.

#### Conclusions

- 5.40 The development would provide new homes on a site allocated in the LDF Allocations Document for the provision of new housing and meeting the three strands of sustainable development: economic, social and environmental.
- 5.41 The proposed layout and design as amended is considered to meet the requirements of the allocation and create a suitably designed and laid out development which will fit within the built framework of Bedale without significant detrimental impact on the character of the area, highway safety or local residential amenity.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 32 affordable dwellings within the development in accordance with the Council's Affordable housing SPD; and (ii) a contribution of £2,597.28 towards local open space, (iii) a contribution of £14,869.78 towards local sport and recreation provision; and (iv) appropriate management of on-site open space; and
  - (b) The CIL charge liability of £364,485; and
  - (c) The following conditions:
    1. The development hereby permitted shall be begun within three years of the date of this permission.
    2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered received by Hambleton District Council on 2015; unless otherwise agreed in writing by the Local Planning Authority.
    3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
    4. No dwelling shall be occupied until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
    5. No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
    6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
    7. Notwithstanding the submitted details and prior to any above ground works, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented in the first planting season following first occupation of any dwelling and maintained thereafter in accordance with the approved details.
    8. Prior to any above ground works a scheme that shows how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to first occupation or use of any part of the development hereby approved.
    9. Prior to any above ground works 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. 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.

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences
11. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
12. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
13. Notwithstanding details hereby approved, no above ground works shall commence until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
14. The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
15. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
16. A footpath shall be provided across the frontage of the site

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 Hambleton Local Development Framework Policies CP17 and DP32.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
9. To protect the amenity of the neighbouring residents and to ensure accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.
11. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework
14. In the interests of the visual amenities of the locality.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
16. To allow for pedestrian access, in accordance with Policy CP2.