

**Parish: Aiskew**

Committee date: 10 June 2021

Ward: Bedale

Officer dealing: A O'Driscoll

**3**

Target date: 28 April 2021

**21/00219/MRC**

**Application for the variation of condition 2 (approved plans) on previously approved application 20/00497/FUL**

**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 site measures approximately 3.27ha and was last 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 up 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 The site is a preferred option for 85 homes in the Emerging Local Plan under Policy AIB 1: Northeast of Ashgrove, Aiskew and currently has permission under application 20/00497/FUL.

1.3 This application seeks to vary condition 2 of the above permission in order to vary the approved plans. The amendment is sought as the developer has acquired the adjacent site to the west at Wilbert Farm and wishes to develop the wider site as a whole. The amendments to the layout are to facilitate access through the site to the west and amended drainage provisions. The amended layout has resulted in a reduction in the number of dwellings proposed from 85 to 83.

2.0 Relevant planning and enforcement history

2.1 20/00497/FUL - Construction of 85no. residential dwellings with associated access, parking, landscaping and infrastructure – Granted 23.11.2020

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

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

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 – No response received at time of writing
- 4.2 Highway Authority – No objection
- 4.3 Lead Local Flood Authority – Awaiting comments
- 4.4 Yorkshire Water – No objection
- 4.5 North Yorkshire County Council Heritage – No objection as covered by original application
- 4.6 Environmental Health Officer Contaminated Land – No objection
- 4.7 North Yorkshire Police Designing out Crime Officer – No Comments
- 4.8 Public comments – Two letters of representation were received raising the following issues:
- Loss of trees and hedgerow
  - Impact on biodiversity
  - Lack of green space in the area
  - Poorly designed layout

## 5.0 Analysis

- 5.1 The principle of development has been established through the earlier approval and as such the issues for consideration in this case relate to the changes to the layout and landscaping and the impact of these alterations on i) affordable housing; ii) housing mix; iii) design and impact on the character of the area; iv) amenity; v) drainage; vi) highways safety; vii) open space; viii) landscaping; ix) heritage matters and x) biodiversity.

### Affordable Housing

- 5.2 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside of Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.3 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%.
- 5.4 Under application 20/00497/FUL 23 of the 85 units were proposed as affordable housing. This represented a provision of 27% which was considered acceptable in order to achieve the link to the adjacent site at Wilbert Farm
- 5.5 In this case the proposed affordable housing provision remains at 23 units which still equates to 27% ( $23/85 = 27.05\%$   $23/83 = 27.71\%$ ). Given the loss of two 4 bed units from the original scheme and the financial implications of revisions to join the two sites internally, which is a more favourable route, it is considered that the affordable housing offer is acceptable.

### Housing mix

- 5.6 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 districts 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.
- 5.7 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.
- 5.8 The mix approved under 20/00497/FUL is shown in Fig 1 below. At the time it was considered that the overall mix was acceptable as 72.8% of the dwellings

proposed were 2 and 3 bedroom striking a balance between the SPD and the SHMA . The alterations have resulted in the reduction in the total number of dwellings proposed from 85 to 83. The new mix is shown in Fig2 below.

- 5.9 Although the percentage of 2 and 3 bed units has increased this is the result of the removal of two 4 bed units from the scheme. The mix, therefore is largely unaffected by the amended proposal in real terms.

<b>Fig 1</b>	<b>20/00497/FUL</b>		
Type	Target %	Proposal %	Actual units
One Bedroom	10	0	0
Two Bedroom	35	16.4	14
Three Bedroom	25	56.4	48
Four Bedroom	10-15	27	23
Two Bedroom Bungalow	10	0	0
<b>Total</b>		<b>99.8</b>	<b>85</b>

<b>Fig 2</b>	<b>21/00219/MRC</b>		
Type	Target %	Proposal %	Actual Units
One Bedroom	10	0	0
Two Bedroom	35	16.8	14
Three Bedroom	25	57.8	48
Four Bedroom	10-15	25.3	21
Two Bedroom Bungalow	10	0	0
<b>Total</b>		<b>99.9</b>	<b>83</b>

## Design

- 5.10 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.”
- 5.11 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.
- 5.12 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.
- 5.13 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.

- 5.14 The alterations to the layout include extension of the main access road past plot 51 at the western corner through to the edge of the site. At the eastern side of the site the layout of the dwellings has been altered to allow the repositioning of the pumping station and to facilitate the attenuation tank. This drainage area is intended to also serve the adjacent site at Wilbert Farm. The dwellings in this area are now proposed approximately 1.5m further back from Bedale Road when compared to the approved layout and just under 16m back from the eastern boundary.
- 5.15 Overall, it is considered that the alterations are minor and will not have a significant impact on the character of the area in comparison to the approved scheme.

#### Amenity

- 5.16 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.
- 5.17 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.
- 5.18 The amendments to the layout maintain adequate separation distances and private amenity spaces.
- 5.19 The Environmental Health Officer has reviewed the updated acoustic survey and is satisfied that the mitigation proposed is adequate to maintain amenity levels.

#### Drainage

- 5.20 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.21 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.
- 5.22 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.”
- 5.23 The Lead Local Flood Authority has indicated that overall, apart from some minor issues and clarifications, no material issues have been identified.

#### Highways Safety

- 5.24 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.
- 5.25 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.
- 5.26 North Yorkshire County Council Highways Officers were consulted. Initial comments indicated that there were no objections in principle however some amendments were sought to address concerns raised by the joining of this site to the Wilbert Farm site to the north and associated removal of vehicular access to Sandhill Lane. Minor amendments to the layouts were provided and the Highways Officer is now satisfied that the application can be approved.

#### Open Space

- 5.27 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.
- 5.28 Similarly, Appendix E of the Emerging Local Plan indicates that a play area is required on site. An equipped play area was not provided on the approved scheme, however, a contribution (towards the provision and/or improvement of children's and/or young persons' sport and recreation facilities) was secured through a Section 106 agreement.
- 5.29 The agreement contains a clause that makes it enforceable against any Section 73 applications to carry out the development without complying with a condition should the Council consider that the provisions of the agreement are required to make the proposal acceptable. In this case it is considered that the contribution is required and the Section 106 agreement applies.

#### Landscaping

- 5.30 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.

- 5.31 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.
- 5.32 The main difference between the approved scheme and the current proposal is the removal of hedgerow on the western boundary to facilitate joining the layout to the adjacent site at Wilbert Farm. To compensate for the loss of the hedgerow additional planting has been proposed elsewhere on the site
- 5.33 The area on the eastern side, which was approved as the location for a link road between the two sites, will instead provide a footpath to the Wilbert Farm site with some additional planting.
- 5.34 Whilst the loss of the hedge is regrettable the scale of changes does not significantly alter the scheme and is considered acceptable.

#### Heritage

- 5.35 North Yorkshire County Council Heritage Services were consulted and responded that the archaeological requirements have already been fulfilled and no further consultation with them is required. There are no harmful impacts on heritage assets in this case.

#### Biodiversity

- 5.36 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'.
- 5.37 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is 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.
- 5.38 As part of the previous approval an ecological enhancement and mitigation plan was conditioned. This has been submitted as part of a discharge of conditions application and is considered acceptable. As there is very little difference between the approved development and the proposed in terms of habitat loss (a stretch of hedgerow on the western boundary) it is considered that no further information is required in terms of biodiversity mitigation.

#### 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 O received 12.05.2021

House Type - NA20 Ashenford Floorplans - NA20/7/PL1 E received 11.05.2020 under application 20/00497/FUL

House Type - NA20 Ashenford Elevations - NA20/7/PL2 E received 11.05.2020 under application 20/00497/FUL

House Type - NA32 Byford Floorplans - NA32/7/PL1 F received 11.05.2020 under application 20/00497/FUL

House Type - NA32 Byford Elevations - NA32/7/PL2 A received 11.05.2020 under application 20/00497/FUL

House Type - NA42 Huxford Floorplans - NA42/7/PL1 F received 11.05.2020 under application 20/00497/FUL

House Type - NA42 Huxford Elevations - NA42/7/PL2 A received 11.05.2020 under application 20/00497/FUL

House Type - NB32 Colton Floorplans- ND40/7/PL1 D received 11.05.2020 under application 20/00497/FUL

House Type - NB32 Colton Elevations- ND40/7/PL2 F received 11.05.2020 under application 20/00497/FUL

House Type - ND40 Coltham Floorplans - NB32/7/PL1 F received 11.05.2020 under application 20/00497/FUL

House Type - ND40 Coltham Elevations - NB32/7/PL2 E received 11.05.2020 under application 20/00497/FUL

House Type - ND42 Kingham Floorplans - ND42/7/PL1 G received 11.05.2020 under application 20/00497/FUL

House Type - ND42 Kingham Elevations - ND42/7/PL2 H received 01.10.2020 under application 20/00497/FUL

House Type - PD30 Amersham Floorplans - PD30/7/PL1 E received 11.05.2020 under application 20/00497/FUL

House Type - PD30 Amersham Elevations - PD30/7/PL2 received 30.09.2020 under application 20/00497/FUL

Single Garage Central Door - MF:SG received 01.10.2020 under application 20/00497/FUL

Single Garage - HG:SG received 01.10.2020 under application 20/00497/FUL

Phase 1 - Boundary Treatment Layout - 01 REV K received 26.05.2021

Boundary Treatment Details - 20329-BTD received 05.03.2020 under application 20/00497/FUL

Planting Plan - Sitewide Layout and Schedules - Drawing No. BR\_LP100 REV D received 12.05.2021

Planting Plan Sheet 1 - BR\_LP001 REV D received 12.05.2021

Planting Plan Sheet 2 - BR\_LP002 REV E received 12.05.2021

Planting Plan Sheet 3 - BR\_LP003 REV D received 12.05.2021

Planting Plan Sheet 4 - BR\_LP004 REV D received 12.05.2021

Landscaping Management Plan YD2\_BR LMR001 - Rev A received 02.10.2020

Proposed Engineering Layout Sheet 1 of 2 D004 Rev 2 received  
27.01.2021

Proposed Engineering Layout Sheet 2 of 2 D005 Rev 2 received  
27.01.2021

Proposed Drainage Sheet 1 of 2 D208 Rev 2 received 27.01.2021

Proposed Drainage Sheet 2 of 2 D209 Rev 2 received 27.01.2021

3. Unless otherwise approved in writing the development, hereby approved, shall be constructed of the materials detailed on document named Material Sheet (MS:02) received by Hambleton District Council on 28.05.2020.
4. 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.
5. The development must not be brought into use until the existing access onto BEDALE ROAD has been permanently closed off in accordance with Highway Construction Details numbered D700 Rev 1 received by Hambleton District Council on 09.12.2020 under application number 20/00497/DCN.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction and Environmental Management Plan (November 2020) Revision B received by Hambleton District Council on 28.05.2021.
12. The site shall be developed with separate systems of drainage for foul and surface water.
13. 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 drawing numbered Outfall Detail D702 Rev 1 received by Hambleton District Council on 09.12.2020 under application 20/00497/DCN.
14. 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.
15. The development, hereby approved shall be carried out in accordance with the Ecological Mitigation and Enhancement Plan received by Hambleton District Council on 11.02.2021 under application 20/00497/DCN, including in relation to future management of the site. The biodiversity enhancements outlined at 4.5 of the plan shall be implemented prior to the occupation of the development.
16. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation received by Hambleton District Council on 11.05.2021 under application 20/00497/DCN. 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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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 ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective 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. In the interests of highway safety.
7. In the interests of highway safety.
8. 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.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. To ensure the retention of adequate and satisfactory provision of offstreet accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity.
11. In the interest of public safety and amenity.

12. In the interest of satisfactory drainage and to avoid pollution of the water environment.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
14. To ensure that no active nests of breeding birds are present before works commence.
15. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity.
16. In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.