

**Parish: Bedale**

Ward: Bedale

**1**

Committee Date:

12 May 2022

Officer dealing:

Mrs H Laws

Target Date:

10 May 2022

**22/00303/FUL**

**Construction of a residential development comprising 14 dwellings**

**At: Land off Calvert Way, Bedale**

**For: Arncliffe Homes Ltd**

**This application is referred to Planning Committee as Members previously refused planning permission for a similar scheme, which failed to provide affordable housing, in April and September 2019.**

**1.0 Site, Context and Proposals**

- 1.1 This planning application seeks permission for the construction of 14 dwellings on an area of land that lies towards the south-western end of Bedale, to the rear of dwellings on the eastern side of Masham Road and the allotment gardens. A children's play area lies on the southern side of the site. Vehicular access to the site is from the housing development on Calvert Way. The majority of the site (i.e. excluding a roughly triangular portion between the play area and 14 & 16 Pinewood Grove with a link to Pinewood Grove) was allocated in the now superseded Local Development Framework for housing (BH1). The land is currently overgrown and fenced to all sides and was last used as allotments. To the north-east of the site lies undeveloped scrubland that forms the remainder of allocation BH1.
- 1.2 The location plan shows the extent of the site boundary covering an area of 0.48 hectares. The application has been submitted with a Planning Policy Statement; a Design and Access Statement; a Landscape layout; a Preliminary Ecological Appraisal; a Flooding and Drainage Statement; and a Stage 1 & 2 Desk Study and Geo-environmental Report.
- 1.3 It is proposed to access the site by the vehicular access from the existing hammerhead between numbers 11 and 15 Calvert Way, across a tarmacked area and a public right of way.
- 1.4 The scheme proposes seven pairs of semi-detached units; four of which would be two bedroomed and ten of which would be three bedroomed. None of the dwellings would have garages but all would have driveways that extend alongside each of the houses, providing at least two parking spaces per dwelling. The houses would all have hipped roofs and front porches and be finished in brickwork and concrete pantiles.
- 1.5 A landscaping scheme has been submitted, which proposes the planting of trees and shrubs within and along the edge of the site. Existing hedgerows bounding the site would be retained.

- 1.6 There are four affordable houses proposed as part of the scheme, which would be Plots 1-4. Plots 1 and 2 are two bed roomed and Plots 3 and 4 are three bed roomed. The two previous planning applications proposed the provision of no affordable units.

## **2.0 Relevant Planning History**

- 2.1 18/00592/FUL – Residential development for the construction of 14 dwellings. Permission refused 29/4/2019 for the following reasons:

1. The proposed development fails to provide the required level of affordable housing and as such is not considered to accord with the requirements of Allocations Document Policy BH1, which requires 40% of the housing within the allocation site to be affordable.
2. The proposed development fails to meet the requirements of allocation BH1 as no alternative location is being provided for the allotments which occupied the site. The investment into the remaining allotments is not considered to be sufficient to off-set the harm caused by the loss of the allotments, resulting from the development of this site.
3. Due to the lack of proposed improvements to the pedestrian and cycle access in the area as required by the allocation, it is considered that the proposed development does not result in a sufficiently sustainable form of development, in terms of its connectivity to local services, by sustainable means of transport.

- 2.2 19/01511/FUL – Residential development comprising 14 dwellings. Permission refused 20/9/2019 for the following reason:

1. The proposed development fails to provide the required level of affordable housing and as such is not considered to accord with the requirements of Allocations Document Policy BH1, which requires 40% of the housing within the allocation site to be affordable.
2. The proposed development fails to meet the requirements of allocation BH1 as no alternative location is being provided for the allotments which occupied the site. The investment into the remaining allotments is not considered to be sufficient to off-set the harm caused by the loss of the allotments, resulting from the development of this site.
3. Due to the lack of proposed improvements to the pedestrian and cycle access in the area as required by the allocation, it is considered that the proposed development does not result in a sufficiently sustainable form of development, in terms of its connectivity to local services, by sustainable means of transport in breach of the requirements of Allocations Document Policy BH1.

- 2.3 An appeal against this last decision was dismissed on 26/10/2020. Reason 1 regarding the provision of affordable housing, was supported by the Inspector but not reasons 2 (allotment relocation) and 3 (pedestrian and cycle provision).

### **3.0 Relevant Planning Policies**

3.1 The relevant Hambleton Local Plan policies are:

Policy S1 – Sustainable Development Principles  
Policy S3 – Spatial Distribution  
Policy HG2 – Delivering the Right Type of Homes  
Policy HG3 – Affordable Housing Requirements  
Policy HG5 – Windfall Housing Development  
Policy E1 – Design  
Policy E2 – Amenity  
Policy E3 – The Natural Environment  
Policy E7 – Hambleton’s Landscapes  
Policy IC2 – Transport and Accessibility  
Policy IC3 – Open Space, Sport and Recreation  
Policy RM3 – Surface Water and Drainage Management  
Policy RM5 – Ground Contamination and Groundwater Pollution  
Size, type and tenure of new homes Supplementary Planning Document (SPD)  
National Planning Policy Framework

### **4.0 Consultations**

- 4.1 Bedale Town Council – with affordable units now included, the Council supports the application
- 4.2 NYCC Highway Authority – conditions are recommended
- 4.3 NYCC Lead Local Flood Authority - The site is in Flood Zone 1 with a low risk of surface water flooding. The submitted documents are limited and the LLFA recommends that the applicant provides further information.
- 4.4 Yorkshire Water – conditions are recommended
- 4.5 NY Police Designing out Crime Officer – the design and layout for this proposal is considered acceptable.
- 4.6 MOD – no safeguarding objections
- 4.7 Natural England – no comments
- 4.8 Housing Development Officer - The proposal is for 14 homes of which 4 are affordable homes. 30% affordable housing is required by the Council’s new Local Plan, i.e. 4.2 homes, hence there will be a need for the applicant to provide a commuted sum for the remaining 0.2.

The house type mix proposed for the 4 affordable homes is 2 x 2-bed houses and 2 x 3-bed houses. A requirement for a proportion (20-25%) of 1-bed homes is generally needed, however as this would relate to just one home in this case the proposed house type mix is acceptable for such a small scheme.

The tenure proposed is that all 4 affordable homes would be for social/affordable rent. The Council's new Local Plan requires a tenure mix of one third social rent, one third affordable rent and one third affordable home ownership. As the requirement for the latter is only one home in this case it is appropriate, in officers's opinion, for the tenure mix to be: 2 x 2 bed houses for social rent and 2 x 3 bed houses for affordable rent.

All 10 of the open market homes are proposed to be 3-bed houses. Ideally there should be a balance of 2 and 3 bed houses to meet evidence need, however this may affect the financial viability of including 4 affordable homes in the scheme. On balance I believe the proposal is acceptable for a scheme of this size as it is more important to protect the proposed number of affordable homes. (Clarification has since been received that 2 of the open market homes would be two bedroomed and 8 would be three bedroomed).

- 4.9 Environmental Health Officer (contaminated land) – I have assessed the combined Stage 1 and 2 Geo-environmental report produced by ARP Geo-Technical Ltd. The report identified heightened levels of lead in topsoil to the southwest of the site. No other contaminants were identified. As a result, the report included a Proposed Remediation Method Statement for the site. This remediation strategy has also been assessed and found to be appropriate for the proposed development and proposed future end use. As a result, I would recommend conditions in order to secure the remediation and verification of work undertaken on the site.
- 4.10 Public comments – comments have been received from two local residents and summarised as follows:
1. Concern regarding proximity neighbouring dwellings
  2. Fencing will make it difficult to maintain hedging
  3. Objects to access passing in front of existing dwelling
  4. Loss of green spaces
  5. Concern regarding disruption during construction

## **5.0 Analysis**

- 5.1 The relevant planning issues relate to (i) the principle of residential development on this site, including the loss of part of the allotments, and pedestrian and cycle access improvements; (ii) the requirement for affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the design and housing mix within the development; (v) the impact on neighbour amenity; (vi) ecology; and (vii) highway matters.

The Principle of Development

- 5.2 The NPPF aims to boost the supply of homes and seeks to ensure that housing is provided where it is needed. The Hambleton Local Plan supports a wide choice of high-quality homes to be provided within sustainable locations within the District.

- 5.3 The greater part of the application site (approximately 80%) was previously allocated within the Council's Local Development Framework (Policy BH1) for new housing. An additional area in the south-eastern corner of the application site does not lie within the boundary of the allocation but it forms part of the same site physically. The application site covers an area of 0.48ha. The LDF has now been superseded by the Hambleton Local Plan.
- 5.4 Local Plan Policy S3 aims to focus growth at the market towns, including Bedale, where there is a concentration of services and facilities. Policy HG5 supportive of residential development within the built form of defined settlements, such as Bedale, where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.
- 5.5 Allocations Policy BH1 sought the replacement of any lost allotments in an alternative location. Strong objections to the relocation of the allotments elsewhere in Bedale, including by the Allotment Society, were received by the landowner and the decision was made to retain the use within the boundary of the original allotment site. The allotments have been consolidated and improved within part of their original site and the Allotment Society does not consider the reduction in the size of area as a disadvantage. The existing location is sustainable and is surrounded by existing and proposed housing meaning it remains an integral part of the community. As such, no housing is now anticipated on this part of the allocation site.
- 5.6 The Planning Inspector concluded in his decision dated October 2020 that the works that have taken place to retain the facility to the west of the site and consolidate them in size, will offer long term provision in Bedale and that the proposal does not need to provide an alternative location for the allotments.
- 5.7 Another of the criteria within the Allocations Policy was a requirement for a contribution towards providing improvements to pedestrian and cycle access in the area. The Community Infrastructure Levy (CIL) introduced by the Council in April 2015 is the only current mechanism for general infrastructure payments, including schemes like the Bedale Footpath and Cycleway. A contribution for off-site work would not therefore be required from the developer and the Planning Inspector in his decision concluded that this was acceptable.
- 5.8 The proposed development complies with HG5 and is therefore acceptable in principle.
- Affordable Housing Provision
- 5.9 Hambleton Local Plan Policy HG3 seeks to ensure that proposals for market housing development also contributes to the delivery of affordable housing.
- 5.10 The superseded Allocation Policy BH1 set a target of 40% provision of affordable housing. Dividing the application site according to the approximate proportions that were within the allocation (0.4ha) and beyond (0.1ha) and considering the submitted layout plan, it was concluded that Policy BH1 applied to ten of the dwellings and therefore, in accordance with that policy, four of these units should be affordable housing.

- 5.11 Local Plan Policy HG3 requires affordable housing provision on schemes of 10 or more units, or has a combined floorspace of more than 1000sqm, at a rate of 30%, which equates to 4.2 houses. The submitted scheme includes 4 affordable homes and a financial contribution would be made for the remaining 0.2.
- 5.12 All four of the affordable homes would be for social/affordable rent. Policy HG3 requires a mix of tenures but, in this case, as the numbers are small it is considered that the single tenure type would be acceptable. The same applies to the size of the dwellings. A mix of two and three bedroomed houses are proposed and, although one-bedroom units are generally needed, the small-scale nature of the development may significantly affect the viability of the scheme.

#### Impact on the character and appearance of the area

- 5.13 The suitability of the site for residential development has previously been assessed during consideration of the now superseded Allocations DPD. The site is surrounded by other residential uses and would be a sustainable form of development.
- 5.14 The existing site is of no visual merit and its development would not result in the loss of an important area of open space. The linear form of the proposed development reflects the shape of the site with a relatively low density development to either side of an S-shaped central access road, which continues the existing cul-de-sac of Calvert Way.
- 5.15 It is considered that the proposed layout would respect the general built form of the town. There is no identified harmful impact to the built or historic environment and the proposals would accord with Policy HG5.
- 5.16 The proposed development is wholly within the town and would have no impact on the character and appearance of the surrounding countryside.

#### Design and housing mix

- 5.17 The National Planning Policy Framework at paragraph 126, states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.18 Policy E1 supports this approach and requires all development to be of a high quality that responds positively to its context and contributes to local character, identity and distinctiveness and achieves a satisfactory relationship with adjacent development.
- 5.19 Local Plan Policy HG2 seeks to achieve housing development that addresses the needs of residents by providing an appropriate mix of housing,

- 5.20 The submitted Design and Access Statement concludes that the dwellings would be appropriate within their context and would integrate well into the town of Bedale. The proposed layout is a traditional cul-de-sac development of semi-detached dwellings, which is common within this part of the town. Although some of the dwellings vary in size, they are of a uniform design, which is different to that of the Calvert Way development where many of the dwellings vary in terms of form, height and design. The scheme would be more in keeping with the older, lower density developments of Masham Road and Grange Road and are therefore considered appropriate for this part of Bedale.
- 5.21 Of the 14 houses proposed 10 are three-bedroomed and 4 are two-bedroomed. All of the proposed units are two-storey, semi-detached properties. The mix of houses is considered to address need and would be acceptable for a development of this size.

#### Impact on neighbour amenity

- 5.22 Local Plan Policy E2 requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including future occupants, as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. The application proposes a layout of semi-detached dwellings fronting onto the newly created access road with adequate separation from each other to respect privacy and outlook.
- 5.23 The pair of semi-detached dwellings at Plots 11 and 12 lie in close proximity to the boundary at the south eastern part of the site. The existing dwelling at number 16 Pinewood Grove lies almost at right angles to the proposed dwellings, facing directly over the rear garden of Plot 11. A 3m tall conifer hedge, which separates the two sites, currently provides the outlook at ground floor level for the existing dwelling and would provide privacy for the new residents. The closest point between the two dwellings lies at approximately 10m but neither the side nor rear elevations are directly in line with the front elevation of number 16 and would not adversely affect amenity to the extent that it would be contrary to Policy E2.
- 5.24 Should the scheme be approved, it is recommended that a condition be imposed requiring the submission of a construction management plan prior to building work commencing to control the hours of operation and vehicle movements during the period of construction at the site in order to limit its impact on residential amenity.

#### Ecology

- 5.25 Local Plan Policy E3 expects all development to demonstrate the delivery of a net gain for biodiversity. The ecological appraisal submitted with the application concludes that the site currently has a low ecological value with no notable habitats for protected species, particularly due to its separation by roads and existing development from wildlife corridors, although with some potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.

- 5.26 Opportunities for enhancement are included as recommendations, such as the provision of bat and bird boxes and the planting of a species rich hedgerow along the boundaries. An appropriate condition could be imposed to secure the implementation of these measures.

#### Highway Matters

- 5.27 The Highway Authority initially expressed concern that the land between the existing cul de sac of Calvert Way and the application site was planted and appeared to have been incorporated within the plot associated with 11 Calvert Way. Evidence has been provided that the site does not lie within the ownership of number 11 and therefore would be available for use in the creation of the access into the site. The Highway Authority has confirmed their agreement to the proposed access.
- 5.28 The existing unmade path along the north eastern boundary is not a public right of way; there is already an alternative public right of way along the southwestern boundary, which provides access through to the southern end of this route from Masham Road and it is not considered that a footpath route at both ends would be necessary.
- 5.29 The Highway Authority raises no objection subject to conditions.

#### Planning balance

- 5.30 The principle of development on this site is accepted. It is considered that the scheme would provide a suitable form and mix of development on the site, including the provision of affordable housing. Approval of the application is recommended.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions and a Section 106 agreement for the delivery of affordable housing.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan 4992 A(00)04 P04 received by Hambleton District Council on 8 February 2022 has been carried out. Any trees or plants

which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property. The hard surfacing shall thereafter be retained as such in perpetuity unless otherwise with the written approval of the Local Planning Authority.
5. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.  
These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. 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.
8. The recommendations detailed within the Preliminary Ecological Appraisal, received by Hambleton District Council on 8 February 2022, shall be carried out in full.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
  - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - (a) the proposed highway layout including the highway boundary
    - (b) dimensions of any carriageway, cycleway, footway, and verges
    - (c) visibility splays

- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - (a) the existing ground level
  - (b) the proposed road channel and centre line levels
  - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
  - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction details
  - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.  
The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

10. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) on land off Calvert Way until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- o vehicular, cycle, and pedestrian accesses;
- o vehicular and cycle parking;
- o vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- o loading and unloading arrangements for each unit

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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.

11. 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.

12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. No development must commence until a Construction Management Plan 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 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;
  3. wheel 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. details of site working hours;
  7. details of the measures to be taken for the protection of trees; and
  8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and/or public enquiry.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 4992 A(00)01 P01; A(00)04 P04; A(00)03 P05; A(00)07 P01; and A(00)08 P01; received by Hambleton District Council on 8 February 2022 unless otherwise approved in writing by 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 Local Plan Policies S1 and E1.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Local Plan Policies S1, E1 and E7.

4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton Local Plan Policy RM3.
5. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with Policies E1 and RM3.
6. To protect the amenities of the locality in accordance with Local Plan Policy E2.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan policies.
8. To minimise the impact on the local environment in accordance with Local Plan Policy E3.
9. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with Local Plan Policy IC2.
10. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policy IC2.
11. 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 in accordance with Local Plan Policy IC2.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Local Plan Policy IC2.
13. In the interest of public safety and amenity in accordance with Local Plan Policy IC2.
14. 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 Local Plan Policies.