

- Meeting:** Harrogate and Knaresborough Area Constituency  
Planning Committee
- Members:** Councillors John Mann (Chair), Chris Aldred (Vice-Chair),  
Philip Broadbank, Hannah Gostlow, Paul Haslam,  
Mike Schofield and Robert Windass.
- Date:** Tuesday, 28th May, 2024
- Time:** 2.00 pm
- Venue:** Council Chamber - Civic Centre, St Luke's Avenue,  
Harrogate, HG1 2AE

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Dawn Drury, Democratic Services Officer by midday on Wednesday 22 May 2024.

This meeting is being held as an in-person meeting that is being live-streamed and will be available to view via the following link <http://www.northyorks.gov.uk/livemeetings> Please contact the named democratic services officer supporting this committee if you would like to find out more.

### **Agenda**

- 1. Apologies for Absence**
- 2. Minutes for the Meeting held on 7 May 2024** **(Pages 3 - 6)**

**3. Declarations of Interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

**4. 23/00214/FULMAJ - Land comprising field at 436940 462883 (Pages 7 - 46)  
- Minskip Road, Staveley, North Yorkshire**

Report of the Assistant Director Planning – Community Development Services

**5. Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

**6. Date of Next Meeting**

Tuesday, 25 June 2024 at 2.00pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Dawn Drury, Democratic Services Officer

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Friday, 17 May 2024

## North Yorkshire Council

### Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 7th May, 2024 commencing at 2.00 pm.

Councillor John Mann in the Chair plus Councillors Chris Aldred, Philip Broadbank, Hannah Gostlow, Paul Haslam and Robert Windass.

Officers present: Glenn Sharpe – Solicitor (Planning), John Worthington – Executive Officer (Development Management), Gerard Walsh - Principal Development Management Officer, Nick Turpin – Planning Manager (Development Management) (Observer), Kate Lavelle – Solicitor (Planning and Environment) (Observer), Heather Yendall, Improvement Manager (Area 6), Harriet Clark, Senior Democratic Services Officer; and Dawn Drury, Democratic Services Officer.

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**Copies of all documents considered are in the Minute Book**

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#### **1 Apologies for Absence**

There were no apologies for absence.

#### **2 Minutes for the Meeting held on 26 March 2024**

The minutes of the meetings held on Tuesday 26 March 2024 were confirmed and signed as an accurate record.

#### **3 Declarations of Interests**

Councillors Hannah Gostlow and Chris Aldred declared a non-pecuniary interest in item 4 of the agenda, as they are both Members of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and their Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. Both Councillors confirmed that they would be keeping an open mind, and that they would speak and vote on the item.

Councillor Philip Broadbank also declared a non-pecuniary interest in item 4 of the agenda, as he was a Member of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and whose Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. In addition, he was also a member of the Harrogate Civic Society. The Councillor confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

The Chair informed the Committee that the planning application at item 5 of the agenda, application number ZC24/00288/FUL - Demolition of existing dwelling; Alterations to land levels; Erection of building 8 new apartments (6 x 2 bed and 2 x 1 bed) with parking and landscaping on land at 13 Stockwell Road, Knaresborough, HG5 0JY, had been withdrawn from consideration by the Council by the applicant's agent, and therefore the item would not be heard.

## **Planning Applications**

The Committee considered a report of the Assistant Director Planning – Community Development Services relating to an application for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration the reasons for that decision are as shown in the report or as set out below.

### **4 ZC23/03697/FUL - Installation of Access Control Bollards, Construction of Planters, and Block Paving to roadway on land to the front of the Former Council Offices, Crescent Gardens, Harrogate, North Yorkshire**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for Full Planning Permission for the installation of access control bollards, construction of planters, and block paving to roadway on land to the front of former Council offices at Crescent Gardens, Harrogate, North Yorkshire.

The Principal Development Management Officer advised Members that one addition representation had been received by the authority since publication of the agenda pack. This related to a request for Members to consider deferment of the application, to allow time for their consideration of the Harrogate Town Centre Strategy and Masterplan and Harrogate Conservation Area Appraisal and pending negotiations between North Yorkshire Council and Impala Estates Limited on the medium to long term potential for Crescent Gardens Park.

Patrick Turner spoke objecting to the application.

The applicant's agent, Hamish Robertshaw, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Although public vehicular traffic would be prohibited by the introduction of the bollards and planters, would pedestrians, cyclists and horses still be allowed to access the building frontage.
- If the car park known as the Shelf was owned by the applicant and not North Yorkshire Council.
- Clarification was requested on the amount of cycle parking stands currently within the area, if any of these would be for the use of the general public; and whether a condition could be added, if planning permission were to be granted, to move the current cycle stand to another area of the site so that the public would have use of them.
- In terms of congestion, would the planters and bollards impact the operation of the area and was there the potential for the proposed change to lead to congestion on Swan Road or Ripon Road. Members also queried if the Council's Transport team had conducted any modelling or if there was any transport data to support the conclusion within the report, that the development would not impact on the operation of the highway network.
- Members requested clarification on the process and timescales for an application to be made to the Secretary of State for a Stopping up Order and the methods used for publicising any such application.
- It was queried that if a Stopping up Order were to be approved could the public right of way be extinguished by Impala Estates Limited.
- Members queried the rationale behind the decision taken by Cabinet of Harrogate Borough Council in July 2022 to dispose of the land, which was conditional upon the proposed purchaser obtaining a Stopping up Order on the highway.
- Members did not feel that they had sufficient information to make an informed decision, and that in view of a potential application to the Secretary of State for a Stopping up Order, which if granted would allow for a public right of way to be extinguished, there was a need to understand the full consequences of granting the planning application.

The decision:-

That the planning application be DEFERRED for the following reasons:

- To allow clarity to be sought from Impala Estates Limited on the scope of a potential Stopping up Order application under s247 of the Town and Country Planning Act 1990, and in particular if the order would apply to vehicular access only.
- To allow officers to source the July 2022 report taken to the Cabinet of Harrogate Borough Council (HBC) which set out the background and reasons relating to the proposed disposal of Crescent Gardens Road, fronting the former HBC office building at Crescent Gardens.

Voting record:-

A vote was taken, and the motion was carried unanimously. The motion to defer the application was therefore carried.

**5 ZC24/00288/FUL - Demolition of existing dwelling; Alterations to land levels; Erection of building 8 new apartments (6 x 2 bed and 2 x 1 bed) with parking and landscaping on land at 13 Stockwell Road, Knaresborough, HG5 0JY**

As Members had heard earlier in the meeting, this application had been withdrawn from consideration by the Council.

**6 Any other items**

There was one item urgent of business.

It was proposed and seconded that the Committee sit in private session for the item, due to the nature of the business to be transacted.

**RESOLVED:**

**That, in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of business to be transacted the meeting be not open to the press and public during discussion of the following item as there will be disclosure of exempt information as described in paragraph 3 of Schedule 12(A) of the Act.**

Councillor Paul Haslam remained in the room for the duration of the exempt item but only to observe.

**7 Date of Next Meeting**

Tuesday 28 May 2024 – Civic Centre, Harrogate

The meeting concluded at 5.20 pm.

## North Yorkshire Council

### Community Development Services

#### HARROGATE AND KNARESBOROUGH AREA CONSTITUENCY PLANNING COMMITTEE

#### 23/00214/FULMAJ - FULL PLANNING APPLICATION FOR THE ERECTION OF 76 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT LAND COMPRISING FIELD AT 436940 462883 MINSKIP ROAD STAVELEY NORTH YORKSHIRE ON BEHALF OF THOMAS ALEXANDER HOMES SPV 2 LIMITED

#### Report of the Assistant Director – Planning

##### 1.0 Purpose of the Report

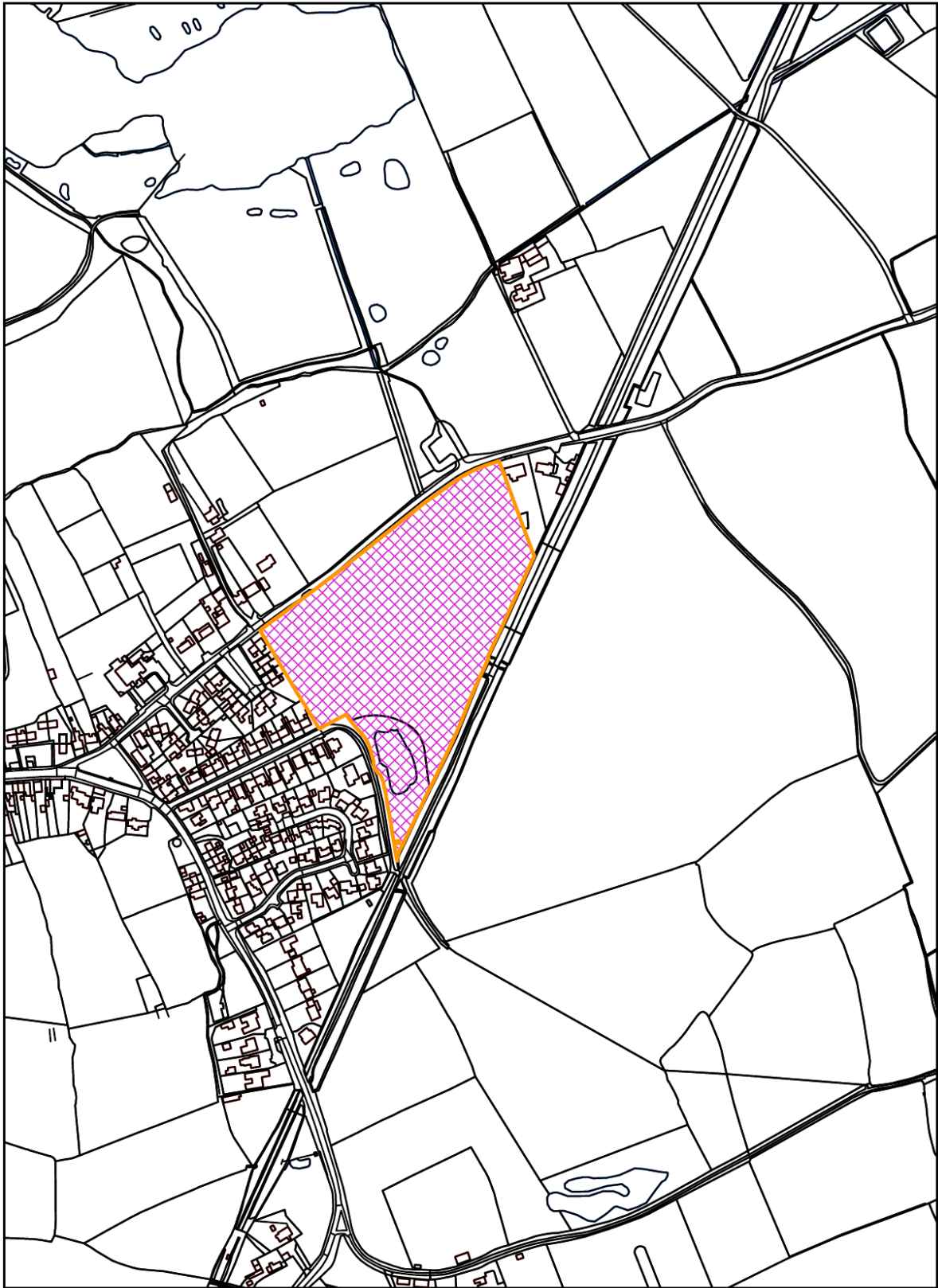
- 1.1 To determine a planning application for Full Planning Application for the Erection of 76 No. Residential Dwellings and associated infrastructure on land at 436940 462883 Minskip Road Staveley on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as it has generated considerable local interest.

##### 2.0 EXECUTIVE SUMMARY

- 2.1. The application represents the development of a site allocated for residential development (Site allocation SV1) under the provisions of the Harrogate and District Local Plan 2014 – 2035. The scheme will provide for 76 residential units to include 40% provision of affordable homes. The proposed development is considered to meet the site requirements identified within the site allocation.
- 2.2. The scheme has been the subject of negotiation, resulting in a revised layout that meets consultee requirements and the developer guidelines for the site as identified within the Harrogate District Local Plan 2014-2035. The scheme in its revised form is considered to be in accordance with the development plan and as such having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the development plan unless material considerations indicate otherwise, approval can be supported.
- 2.3. A section 106 agreement is required to secure affordable housing, a Travel Plan, Education Contributions and biodiversity, and as such it is recommended that the Committee indicate that they are minded to approve the application

subject to conditions and a Section 106 agreement and delegate the decision to the Assistant Director - Planning including the finalisation of conditions and the terms of the Section 106 Agreement.





# Location Plan

Scale 1:5,000



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5/15/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)

### **4.0 Site and Surroundings**

- 4.1. The site is located to the eastern side of Minskip Road and extends to some 4.3 hectares in area. Minskip Road is a main road through the village from which public access is available by bus. The site presents a road frontage onto Minskip Road of approx. 260 metres. This boundary is marked by hedgerow and trees as the village is approached.
- 4.2. Presently the site is a field that has been formerly used for agricultural purposes and retains an open agricultural appearance. To the east of the site is agricultural land. The North-Eastern border of the site is flanked with residential properties and to the South-Western boundary is the main body of the village. A tree lined former railway embankment is located along the eastern boundary of the site. Staveley Nature Reserve is located opposite the site with access taken to a small car park on Minskip Road.
- 4.3. The southern corner of the site comprises mature landscape and a pond. A Public Right of Way is located to the north east of the site and to the south of Low Field Lane. A pedestrian desire line linking the two footpaths was noted crossing the site in a north south direction.
- 4.4. Topographically the site appears as fairly flat with no distinct changes in level.

### **5.0 Description of Proposal**

- 5.1. The application is submitted in full for the erection of 76 dwellings with both primary and emergency access taken from Minskip Road. The scheme has been amended since the initial submission through the amendment of the layout and quantum of development. The development provides for a mix of house types providing the following accommodation:
- 6 - One bed units (all affordable including 3 accessible Bungalows)
  - 24 - Two bed units (thirteen of which will be affordable)
  - 29 - Three bed units (nine of which will be affordable)
  - 10 - Four bed units (two of which will be affordable)
  - 7 - Five bed units

In total thirty of the units will be affordable representing 40 % provision as required under Policy HS2.

- 5.2. The houses have been designed to fully comply with the Nationally Described Space Standards with appropriate quantum of M4(2) and M4(3) as required by Harrogate and District Local Plan Policies HS1 and HS2. These represent accessible and adaptable homes and wheelchair accessible homes. The dwellings comprise a mix of detached / semi-detached and small terraces of three residential units. The houses are predominantly of two storey construction apart from the 1-bedroom bungalows identified above.
- 5.3. The scheme has evolved following amendment and in response to consultation responses and includes a circular walkway around the site to include trim trail and informal play areas. Access is to be gained via Minkship Road with a secondary emergency access also provided to this road frontage. Pedestrian links are provided to Low Field Lane.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate Local Plan 2014-2035, adopted 2020

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - SPDNGB- Providing net gain for Biodiversity
  - SPDAFH – Affordable Housing
  - SPDPOS- Open Space with New Housing Development
  - SPDVH- Village Halls with New Housing Dev
  - SPGBIO – Biodiversity Design Guide
  - SPD – Green Infrastructure
  - SPGLAP- Landscape Character Assessment Harrogate District
  - Staveley Conservation Area Character Appraisal 2011

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. Local Highway Authority: No objection subject to the imposition of conditions and a S106 to secure contributions towards Travel Plan monitoring
- 7.3. Landscape Officer: Has made comments upon the scheme following amendment that represents significant improvement and do not object
- 7.4. Ecologist: Recommends the imposition of conditions and a S106 to secure BNG for 30 years
- 7.5. Education: identify a requirement to provide a contribution of £115, 566.00 towards school expansion places at Staveley Community Primary School.
- 7.6. Housing: Significant improvement to the layout has been achieved. Housing seeks the affordable units to be indistinguishable from the market homes. Revised plans have been received which meet this aim (6 March)
- 7.7. Police Designing Out Crime officer: Significant improvements have been made but some demarcations of boundaries are required to certain plots to avoid potential neighbour disputes over ownership/maintenance. Some Knee rail boundaries treatment will require amendment to prevent providing climbing aids.
- 7.8. Yorkshire Water: No objection subject to the imposition of conditions.
- 7.9. DCS Open Space: Confirm a commuted sum figure of £107760.66 towards Village halls and £269547.84 towards Off site open space provision and on site maintenance.
- 7.10. Arboriculture: Recommend the imposition of conditions.
- 7.11. Local Lead Flood Authority: Has confirmed the imposition of conditions.
- 7.12. Natural England: No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.13. NYC Heritage Unit: Recommends the Imposition of a condition.
- 7.14. Yorkshire Wildlife Trust: Object in principle to the development due to increased pressure on Staveley Nature Reserve through: Increased Visitor Pressure: Increased pressure from dogs: Increased cat predation on native species: Barrier to habitat connectivity. Whilst they are willing to enter discussions about a potential S106 contribution to mitigate some of the impacts of the development, their objection is to the principle of the development at this location. It is highly likely that even with mitigation they would still have significant concerns and their objection would remain.

### 7.15. Staveley Parish Council:

Unstable Land - Building should not be carried out on unstable land. There is a possibility of gypsum at the site.

Ecology - The site is too close to the Staveley Nature Reserve and the addition of houses would be damaging to it.

Arboriculture - The Parish Council do not accept that “overwhelming planning justifications exist“ to allow the footpath to encroach onto the Root protection areas of the trees. On arboriculture grounds this application should be refused.

Flooding and Drainage - Staveley suffers from flooding with 11 incidents in the last 10 years Village drainage systems are not adequate to deal with the existing houses. The additional houses would cause significant surface water and sewage problems and the application makes no mitigation.

Lack Of Detail - The pumping station is sited on an area which is highlighted in the title deeds as the site for a septic tank belonging to neighbouring property. These deeds say that no building can be within 50 ft of the property. Strictly speaking not a planning issue but demonstrates the lack of attention.

No Communication with the village - No communication by the applicant with the village contrary to para 132 of the NPPF

Sustainable Transport - The village does not have sufficient bus services to allow a daily commute to work, it is almost essential to have a car

Scale - The development represents a 35% uplift in the number of dwellings in the village. This is both inappropriate and unsustainable. Development is too large and would be extremely damaging to the village, to a heritage asset (conservation area at its centre) and to the nature reserve.

Conclude that if the presence of gypsum had been known, we strongly believe that site SV1 would not have been included in the Local Plan.

### Local Representations

7.16. The scheme has attracted local interest from residents both following initial submission and following the receipt of various amendments to the application. In total 275 representation have been received. Full details of the comments are available on public access, however the main areas of concern raised by residents relate to the following:

1. Unsustainable to develop the site due to lack of services, employment and facilities. Only one bus stop. School and Village Hall. No shops or employment reliant upon private car

2. Unsuitable to develop the site due to unstable ground conditions and presence of gypsum
3. Totally disproportionate development in comparison to the village resulting in 35-36% increase of the size of the village
4. Low Quality housing and design. Scheme by reason of its use of town houses, the design and layout would represent a suburban extension of the village contrary to its character whilst having an adverse impact upon the historic character / conservation area and skyline.
5. Scale and density is not appropriate on the entrance to a rural village nor will such a large development be appropriate in the landscape setting
6. Disproportionate increase in traffic movement and parking in the village. Traffic will emerge onto a narrow rural road with consequential increase in road safety. Insufficient parking provision has been provided.
7. The village lacks suitable infrastructure, and the development will add to existing drainage problems. The site floods.
8. Development would put undue pressure on the adjacent Staveley Nature Reserve and will also result in the loss of existing green infrastructure and wildlife corridors particularly along the railway embankment. Development will result in the loss of trees and hedgerow.
9. No need for additional houses in the district /site should not have been allocated. Harrogate (area) is already ahead of its housing targets.
10. Increased pressure on the existing school
11. No assessment of the environmental impact on the sensitive boundaries of the site
12. Adverse impact upon known protected species. Fails to protect biodiversity.
13. Police report detailing potential impact of crime is concerning
14. Transport information is irrelevant referring to Bridlington, Scarborough and Driffield
15. The developer has made no effort to engage with residents
16. No easement for drainage pipes shown or access for a tanker to the pumping station
17. The scheme has no environmental merits and meets the bare minimum of green infrastructure
18. Adverse impact upon the character of the village through the loss of existing boundary treatment
19. Circular walkway and link to Low Field Lane generates a security concern
20. Some land is within third party control.
21. No details of land levels have been provided.
22. Development of the wrong houses in the wrong location
23. The development conflicts with the requirements of the Staveley Conservation Area Appraisal in that it will compete with rather than respect existing housing
24. The submitted Energy Report is worthless
25. Why develop green field land when brownfield is available

26. Development fails to satisfy local plan policies in relation to growth strategy, sustainable transport, Flood Risk, landscape, and Unstable land.

In addition to the above a petition has been received (232 names) objecting on the following grounds:

- Adverse ground conditions and stability
- Drainage and flooding issues
- Scale and design of the dwellings
- Ecological impacts and adverse impacts on Staveley Nature Reserve
- Lack of public transport
- No communication from the developer with residents of the village

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within the thresholds of Schedule 1 or 2 of the Environmental Impact Regulations 2017 (as amended) . No environmental Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Character of the Settlement
- Highway Safety
- Ecology
- Drainage
- Landscape
- Ground Conditions
- Archaeology
- Other Matters

## **10.0 Assessment**

### Principle of Development

- 10.1. Harrogate District Local Plan Policy GS1 highlights the need to provide new housing within the District with Policy GS2 identifying how this need will be met with a focus on growth in the districts main settlements and key transport routes. The scale of development will reflect the settlements role as defined within the settlement hierarchy, character and setting. Relationship with key public transport, the need to deliver new homes and jobs, the need to maintain or enhance services and facilities in the village and the capacity of

infrastructure with the settlement and the timeframe for any necessary investment and improvement.

- 10.2. Staveley is identified as a Service Village within the Local Plan. Within such villages land will be allocated for new homes to support the continued provision of a basic range of services and facilities. Service villages offer a range of basic services and community facilities and represent sustainable locations for development. Where possible, allocations of land will be made for new development in these villages to maintain or enhance the provision of services and facilities. As a minimum, service villages contain at least one key public service (such as a primary school or GP surgery), recreational facilities and at least one meeting place (i.e., a village hall, a place of worship or both). Further to the minimum requirements, most service villages also contain a shop (a general store catering for day-to-day needs) or a pub or a café, and some contain more than one of these businesses.
- 10.3. Development limits for villages in the settlement hierarchy are identified under the provisions of policy GS3. Places not identified in the settlement hierarchy are part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy. Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan.
- 10.4. Local Plan Policy DM1 identifies the application site as a housing allocation under Site allocation SV1, with a potential yield of approximately 72 homes. This policy makes allocations of land that will deliver the number of new homes needed over the plan period as identified under policy GS1. All sites will need to deliver appropriate on-site or off-site infrastructure provision and/or a financial contribution towards the provision of infrastructure and services to cater for the needs generated by the development in line with policy TI4. Development requirements have been identified for each site and are necessary to ensure that the likely impacts of the development will be adequately mitigated.
- 10.5. Policy DM1 of the Local Plan states that the sites allocated for housing in the plan will be developed in accordance with relevant Local Plan Policy requirements and the development requirements identified in respect of each site.
- 10.6. The site is allocated for residential development under allocation SV1. The allocation identifies that the site should provide an indicative yield of 72 units and has several requirements as identified below:



1. Development of the site must include the provision of significant areas of connected green blue infrastructure (GBI) capable of mitigating the potential for increased recreational pressure on the nearby Staveley Nature Reserve; the hatched area on the accompanying site plan shows the indicative area that should be kept free from development to achieve this provision. This provision should: Include the creation of a green circular walking route within the GBI on-site; Retain and enhance the habitats associated with the pond and woodland in the south of the site; Retain the hedgerow that forms the north-western site boundary and enhance this hedgerow with structural planting to help to integrate the development into the landscape. Retain the trees associated with the former railway along the south-eastern site boundary and enhance existing planting with new native tree and hedgerow planting.
2. Retain the hedgerow that forms the north-western site boundary where possible. Where any loss is unavoidable, compensatory planting of new native trees should be provided within the site. Enhance this feature with the structural planting to help to integrate the development into the landscape.
3. Retain the trees associated with the former railway along the south-eastern site boundary and enhance with new native tree and hedgerow planting.
4. The loss of any trees or sections of hedgerow should be avoided and any loss would need to be justified. Where loss is unavoidable, compensatory planting of new native trees and shrubs should be provided within the developed portion of the site.
5. Provide vehicle, cycle, and pedestrian access from Minskip Road; a secondary vehicle, cycle and pedestrian access should be provided from Low Field Lane may be required.
6. Provide pedestrian and cycle links within the site. Provide pedestrian and cycle access from Low Field Lane (track) to provide a convenient connection with the public footpath along the track and a convenient route to facilities in the centre of the village.
7. Development of the site should protect and enhance the recreational and amenity value of the public footpath that follows Low Field Lane (track).
8. In addition to the requirements of the local validation criteria, the following technical reports are required when a planning application is submitted:
  - Transport assessment
  - Travel plan
  - Preliminary ecological appraisal
  - Site-specific flood risk assessment

#### 10.7. Compliance with Site Requirements

- 10.8. The scheme in its revised form provides for 76 residential units which is slightly above the indicative yield identified for the site, but still provides a density of development appropriate for the site. In this respect Local Plan

Policy HS1 identifies new development would be expected to achieve a minimum net density of 30 dwellings per hectare. The developable area of the application site is reduced as a consequence of the site requirement identified above and the yield is considered acceptable given the mix of house types and accommodation provided on site.

- 10.9. The scheme provides large areas of green /blue infrastructure throughout the site with the retention of the wooded area and pond, including a circular walkway around the site to try and ease pressure on the adjacent Staveley Nature Reserve. The allocation identifies a hatched area that should be used for this purpose and the applicants have avoided development in these areas to help mitigate impact. The scheme is in accordance with bullet point 1.
- 10.10. The northwestern boundary is the road frontage to Minskip Road. The applicants have as far as possible tried to retain as much as the hedgerow as possible. The new access serving the site together with the Local Highway Authority's requirement to provide an emergency access will punctuate the hedge and will necessitate the removal of sections of the hedgerow to provide appropriate visibility. This loss is unavoidable and is considered a necessity of the successful development of the site and as such it is considered there is no conflict with bullet point 2. Compensatory planting for any loss will be required and can be controlled by a landscape condition.
- 10.11. The railway embankment is planted with trees and the trees are identified to be retained. Additional native tree planting is proposed to enhance this area. A new circular route proposed as part of the scheme. It is considered the scheme complies with bullet point 3 of the site requirements.
- 10.12. As identified above the provision of access points to serve the site justify the removal of sections of the hedgerow fronting the site, compensatory planting is proposed within the development as required by bullet point 4 of the site requirements. The access and emergency access are located on Minskip Road in accordance with point 5.
- 10.13. Access is provided from Minskip Road both in the form of the primary access but also through the provision of the emergency access. The location of the hedgerow does not permit the provision of a kerbside pavement as this would result in the loss of more hedgerow. An internal footpath has thus been provided within the site which emerges to the western boundary where the footpath commences within the confines of the existing village. A second pedestrian access follows the existing desire line onto Low Field Lane. This provision meets the objectives of points 6 and 7 of the site requirements. The public footpath that follows Low Field Lane is retained and falls outside the confines of the application site.

- 10.14. The technical reports under bullet point 8 have been submitted in support of the application and have been the subject of consultation with stakeholders in accordance with the final bullet point of the developer guidelines.

#### Character of the settlement

- 10.15. The village of Staveley is identified as a Service village under Policy GS2 and the site as an allocated site for residential development falls within the defined development limit for the village as recognised by Policy GS3.
- 10.16. The village is situated approximately four miles to the north of Knaresborough and three miles to the southwest of Boroughbridge. Main Street splits at either end, providing direct links to Minskip and Boroughbridge to the northeast, Arkendale to the southeast, Knaresborough via Farnham and Occaney to the southwest, and Copgrove to the northwest. Arkendale Road is the principal route into the village, as it crosses the A6065 between Knaresborough and Boroughbridge. The former railway line between these towns skirts the edge of Staveley. The heart of the village has developed in linear in form with little lateral development. This area centred around the two village greens is located with the conservation area. The exception to the linear character is at the village's east end where streets of commuter dwellings have been built off Arkendale Road and Minskip Road. This area falls outside the conservation area, the boundary of which follows the rear curtilage of dwellings fronting the Green.
- 10.17. Local Plan policies HS1, HP2, HP3 and HP4 set out expectations of well-designed schemes. The NPPF also places great emphasis on the importance of good design. In this respect it is necessary to ensure that that the scale, density, layout and design, should make the best and efficient use of land and (a) be well integrated with and complementary to, neighbouring buildings and the spatial quality of the local area; and (b) be appropriate to the form and character of the settlement.
- 10.18. Local Plan Policy HP3 (Local Distinctiveness) identifies that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.19. The application site is located to the northeastern side of the village and is bound by Minskip Road and the former railway line to the eastern and western boundaries respectively. The site is enclosed by these boundary features and represents an extension of the "in depth" development that is characteristic of the eastern edge of the village as identified above. The site is located some 140 metres to the north east boundary of the conservation area, with housing

located in between. The development does not impact upon the setting of the conservation area but nevertheless does take into account some guidelines identified within the conservation area character assessment as if it were within the heritage asset. The characteristics identified within the Conservation area appraisal are detailed below together with commentary on how the scheme (although not within the conservation area) achieves the aims towards new development in the village:

- “Development should not impact upon tree cover”: Having regard to this issue, the scheme retains the trees around the pond and upon the railway embankment albeit it is accepted that some hedgerow will be lost to provide access this is compensated by new planting.
- “In general, new buildings should complement the form and layout of the existing settlement”. In general, the principal elevations of buildings should face onto the street: the scheme provides for two storey dwellings fronting the main access roads.
- “New development should not adversely impact upon the historic skyline”. The use of both single and two storey dwellings ensures that the development has no greater impact than existing dwellings in the locality, upon the skyline.
- “The positive management of the stock of mature trees should be undertaken”. The retention of trees and hedgerow will be managed as part of the development and controlled within the S106 Agreement should members be minded to approve the application.
- “Retain important gaps and the general space about buildings to ensure glimpses of trees and views are maintained”. The scheme retains the area of open space to the southern boundary of the site adjacent to the pond and Spellow Crescent. The positioning of an area of open space at the entrance to the site and set back of properties some 21-25m back from the road frontage will give the street scene a spacious feel, augmented by the retention of the hedgerow supplemented by additional new tree planting.

10.20. As stated above the site is not within the conservation area but the design adopted ensures that the scheme is consistent with the requirements of the NPPF at paragraph 135 and Policies HS1, HP2, HP3 and HP4.

10.21. Policy HS1 requires housing development to be informed by the Housing and Economic Development Needs Assessment (HEDNA) in terms of house sizes and mix. In this respect the mix is considered broadly in line with the requirements of the HEDNA albeit there is some disparity in the number of 2-bedroom market homes provided in relation to 4 bed market homes. The mix would benefit from increasing the two bed units by 4 units with a corresponding reduction in 4 bed units. Such an approach would ensure complete compatibility with the HEDNA. However, given that the HEDNA is not intended to be a prescriptive approach to each site, and this is the only

category where there is limited deviation, it is not considered that it would be sufficient to justify refusal on this basis alone. The mix of affordable units and three bed open market units meets the HEDNA requirements.

HEDNA Requirements Affordable requirements 1 bed target of 15-20 % units (20% provided): 2 bed units target 45-50% (43% provided): 3 bed units Target 20-30 % (30% provided) : 4 bed target 5-10% (6% provided).

HEDNA Open Market Units: 1 bed target 0-5% (0% provided): 2 bed units target 30-35% (24% provided) : 3 bed units target 0-45% (43% provided) 4 bed plus target 20-25% (32% provided)

- 10.22. Following concern highlighted by the housing team in relation to the affordable house types, which contained a predominance of terraced units (there were no market terraced units) together with the provision of ventilated bathroom windows., Amendments have been received which now overcome the concern through redistribution of the terraced units and insertion of bathroom windows.

### Highway Safety

- 10.23. The scheme is supported with a Transport Assessment as required by the developer guidelines identified for the site (SV1) . Following the initial submission of the application the scheme has developed to include the provisions of an emergency access to serve the site. This additional access was provided at the request of the Local Highway Authority. The scheme is accessed from Minskip Road serving a layout that provides for 76 residential units.
- 10.24. The scheme provides pedestrian links from within the site linking to the main body of the village. It is noted that within the developer guidelines this is a requirement of the development and one which will help meet the aims of the Conservation Character appraisal which itself identifies that ways of improving the footpath network in and around the village and providing more links with the surrounding landscape should be examined. The scheme meets this aim.
- 10.25. The highway authority has been consulted on the scheme and this has resulted in amendments which include the provision of an emergency access onto Minskip Road. The highway authority have confirmed that they have no objection to the revised scheme subject to the imposition of conditions and the completion of a S106 Agreement to secure a £2500 contribution towards monitoring of the Travel Plan.
- 10.26. In addition the highway authority has noted that there is no dropped crossing on Spellow Crescent or tactile crossings at any of the crossing points on Minskip Road between the new development and Main Street. The proposed development will significantly increase pedestrian footfall and so these crossing points will be utilised far more than they are currently. These tactile crossings would be implemented pursuant to a S278 agreement and as such

would fall under highway legislation and would not be required to be included as part of the planning submission.

10.27. The existing footway provision on Minskip Road will need further street lighting around the pedestrian entrance to the site. This would also be implemented pursuant to a S278 agreement.

10.28. It is noted that local residents have raised concern regarding highway safety, however subject to the conditions recommended by the Local Highway authority, this would mitigate any impact upon highway safety. This would include appropriate sight lines at the road junctions and sufficient off street parking provision to serve the development. Public transport is located with bus stops located within the centre of the village within walking distance of the site (approx. 220 metres at its closest point extending to 487m to the eastern most part of the site).

10.29. Ecology

10.30. Harrogate District Local Plan Policy NE3 (Protecting the Natural Environment seeks to protect and enhance features of ecological interest and supports proposals which provide net gain in biodiversity. Criteria E of the policy, identifies that major development such as the application proposal, will be required to avoid a net loss of biodiversity. The policy requires proposals to increase connectivity of habitats by locating features, which enlarge, connect or support existing green corridors and natural and semi-natural green spaces in line with policy NE5 Green and Blue Infrastructure and the Green Infrastructure Supplementary Planning Document (2014). The application was received prior to the need to provide 10% net gain.

10.31. Comments have been received from both residents and Yorkshire Wildlife Trust regarding the potential impact upon the Nature Reserve. Yorkshire Wildlife Trust object to the development in principle and have done so prior to its inclusion as an allocated site within the Local Plan. The main areas of concern relate to : Increased visitor Pressure: resulting potential 'uncontrolled' disturbance including issues such as littering and fly tipping, vandalism and graffiti: Additional pressure from dogs resulting in Dog waste which can alter the chemical composition of soil and can add nutrients to low fertility habitats, which leads to changes in the plant species which occur there and may have significant impacts on the quality of grassland habitats (Bonner and Agnew 1983 Taylor et al. 2005). The urine from dogs can also impact on sensitive botanical communities due to the nitrogen it contains, Disturbance by dogs can cause a behavioural response which can lead to a flight response in roosting birds because they perceive dogs as a threat. Increased cat predation on native fauna. The impact of increased cat predation on the wildlife populations of Staveley Nature Reserve are therefore likely to be significant.

Barrier to habitat connectivity. A development in this location would form a barrier to habitat connectivity, including between the reserve and two local wildlife sites located to the south, Moor End Meadow and Staveley Pasture and Marsh.

- 10.32. The application is supported with an Ecological Impact Assessment prepared by BWB dated January 2024 with a supporting Biodiversity enhancement Management Plan and biodiversity net gain assessment.
- 10.33. The applicant has now submitted an updated Biodiversity Net Gain Assessment and Biodiversity Metric Spreadsheet (BWB Feb. 2024). The BNG assessment now recognises the presence on site of priority woodland and hedgerow habitats and the onsite pond and that, although these features will be largely retained there will inevitably be some impact these habitats and the wildlife that they support, as a result of the proposed development. There will be some loss and cutting back of hedgerows to provide access and visibility splays and there will also be increased disturbance to the woodland and ponds caused by increased recreational pressures. The updated report also now acknowledges the potential for the proposal to impact on the adjacent Staveley Nature Reserve and does propose some mitigation measures, although the Yorkshire Wildlife Trust maintains an in-principle objection to the application on the basis of potential increased recreational pressure and other impacts on their nature reserve.
- 10.34. The majority of habitat which is proposed to be lost has a baseline of low value arable cropland and the Biodiversity Net Gain Assessment now shows a net gain of 2.02% in Habitat Units and a gain of 14.58% increase in hedgerow units as a result of the provision of compensatory habitats of onsite. This is adequate to meet the requirement (for applications submitted prior to 12.02.2024) to demonstrate no net loss of biodiversity, in accordance with Local Plan Policy NE3(e) and the Council's Providing Net Gain for Biodiversity SPD,
- 10.35. There are likely to be some minor changes to the layout required in association with the discharge to the landscaping condition, so that this anomaly can be rectified in association with the final version of the BNG documentation which would be signed off for the S106 agreement, should the application be approved.
- 10.36. An indicative Lighting Strategy BWB Consulting (BWB, 2024c) now provides some comfort in relation to provision of sensitive lighting along the roadside and footpath adjacent to the disused wooded railway line which is likely to be of high value to bats. NYC Highways have indicated that mitigation along the lines proposed by the applicant's lighting engineer and ecological consultant

would be broadly acceptable although a detailed highways lighting scheme along these lines will require to be submitted for approval post-determination.

- 10.37. The Ecological Impact Assessment (4.2) does now address, to some extent, the potential impacts of the development on Staveley Yorkshire Wildlife Trust Reserve. It concludes that “there is likely to be an increase in visitors to the reserve as a result of the proposed development. The reserve itself caters well for public access with well-defined footpaths, fences and good signage with regards to keeping dogs on a lead and minimising disturbance. Domestic cats at the reserve are also likely to increase as a result of the proposed development and there may be a short-term adverse effect due to construction dust and other pollution during the construction phase. There is the potential for increased anti-social behaviour at the nature reserve also. Although overall, a significant adverse effect is not anticipated, as a matter of good practice some mitigation measures have been proposed”. The main mitigation measures proposed are the provision of Green Infrastructure onsite, which will include access to the onsite pond and woodland, a circular footpath around the perimeter of the site including along the wooded edges and the provision of a ‘trim trail’ and a small onsite ‘kick-about area’. This is in keeping with the Site Requirements which were set out at the time that the site was allocated for housing in the Local Plan.
- 10.38. The applicant has also submitted a Construction Environmental Management Plan (CEMP) (BWB, 2024b) to minimise the impacts of construction on retained habitats and wildlife and a Biodiversity Enhancement Management Plan (BWB, 2024d). The BEMP includes for the provision of bat and swift bricks, as well as habitat management proscriptions which, should the application be approved may require to be updated in the light of the final landscaping scheme and will need to be brought together with the targets for habitat quantity and condition and appropriate monitoring and reporting, in accordance with the S106 agreement, in order to secure the agreed biodiversity gain the site for a minimum of 30 years.
- 10.39. The CEMP will require implanted by condition and is also likely to require to be updated prior to commencement of works to encompass updated protected species survey and a copy will require to be retained on site and made available to site operatives and contractors throughout the construction period. The proposed management plan for Himalayan balsam to be provided by a specialist contractor will also require to be approved by the local planning authority prior to the commencement of works, including site preparation works which have the potential to spread this invasive non-native species.
- 10.40. The applicant now recognises that some sections of a 90 m length of native hedgerow and a 90 m length of native hedgerow with trees, which have been identified in the landscape drawings as requiring to be trimmed back to accommodate visibility splays to the site are likely, in practice, to be required



to be removed. The practical effects of the required 'trimming' and the impact that this will have on the viability of the hedgerow, in order to meet the visibility requirements are not fully understood. The final loss of hedgerow is likely to involve some of that which is identified as only needing to be trimmed back, but this is likely to be significantly less than the whole 180m which is identified for trimming on the landscape plans. Therefore, as a 'worst case scenario' these sections of hedgerow have been accounted for as being 'lost' within the biodiversity metric calculations (although the extent of this potential loss may not be clearly apparent to readers of the landscaping plans). Alternative planting of 'hedgerows with trees' has now been provided for elsewhere on site, so that, in the case of the 'worst case scenario' the loss of 180m hedgerow for visibility splays of the requirement for the application to meet a minimum of 'no net loss' of biodiversity using the biodiversity metric can now be met for this scheme and the metric's trading rules are satisfied.

- 10.41. The application was submitted prior to the requirement to provide 10% net gain terms of biodiversity but it has been demonstrated that there would be no net loss and as such the scheme is considered compliant with Policy NE3.

#### Drainage

- 10.42. The NPPF sets out the Government's national policies on different aspects of land use planning in England in relation to flood risk (para 165). Planning Practice Guidance is also available online. The Planning Practice Guidance sets out the vulnerability to flooding of different land uses. It encourages development to be located in areas of lower flood risk (para. 001 Reference ID: 7-001-20220825) where possible and stresses the importance of preventing increases in flood risk off site to the wider catchment area.
- 10.43. The Planning Practice Guidance also states that alternative sources of flooding, other than fluvial (river flooding), should also be considered when preparing a Flood Risk Assessment. The Flood Risk Assessment is written in accordance with the NPPF and the Planning Practice Guidance. The EA Flood Map for Planning locates the site within Flood Zone 1, i.e., land assessed as having less than 1 in 1,000 annual probability (<0.1%) of river or sea flooding in any one year. Under the NPPF (2021), Flood Zone 1 is defined as having a low probability flood risk.
- 10.44. Harrogate District Local Plan Policy CC1: (Flood Risk and Sustainable Drainage) identifies that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere. Development will only be permitted where it has an acceptably low risk of being affected by flooding.
- 10.45. The application is supported with a Flood Risk Assessment and Drainage Strategy. The Local Lead Flood Authority (LLFA) have been consulted in

respect of the proposal. Following an initial request for additional information to be submitted, the LLFA have confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA have requested additional information to be submitted relating to exceedance flow plans and flow rates to meet the requirements of Yorkshire Water. The LLFA have confirmed that this additional information can be controlled by condition.

- 10.46. Yorkshire Water have recommended the imposition of planning conditions to secure final detailing of the drainage proposal. The LLFA have also confirmed that final drainage detailing can be controlled by condition. These conditions have been included in the recommendation below should Members be minded to approve the application.
- 10.47. Landscape
- 10.48. Policy NE4 (Landscape Character) states that proposals will protect, enhance, or restore the landscape character of Harrogate district. The present site was formerly agricultural pasture and has associated features of boundary hedging and mature trees which are being retained and supplemented.
- 10.49. Local Plan Policy NE7 seeks to protect and enhance existing trees that have landscape amenity and contribute to the character or setting of a settlement Policy HP3 seeks inter alia, to take into account urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the area. Landscaping is a key aspect in consideration of the proposal.
- 10.50. The application is supported with a landscape and Visual impact assessment together with a masterplan and a management and maintenance plan. These have been the subject of consultation with the Council's Landscape Officer.
- 10.51. The proposed northern boundary runs along Minskip Road that leads into Staveley and consists of a mature clipped native hedgerow, mature larger trees and vegetation. This boundary also includes the site access. It is therefore important to retain this existing vegetation, support and create a high-quality boundary to the site and entrance to the village and reflects landscape treatments experienced within the local residential fabric. New native trees will be introduced along the boundary to create a neat edge and soften views into the site. This will be supported with a large grass verge and new footpath to offset the proposals from the boundary and the road whilst providing more space for the existing vegetation to grow.
- 10.52. The proposed eastern boundary is predominantly an elevated existing dismantled railway with large mature trees and woodland vegetation. This high value landscape will be retained. A portion of this boundary contains an

existing hedgerow with residential buildings directly adjacent. Therefore, this section will be supported with additional planting to create a continuous buffer to the boundary and soften views from neighbouring residents. The new planting will include additional native whip planting and native trees strategically positioned to break up building outlines and soften edges. These landscape measures will soften views into the proposed site and support the existing boundary planting.

- 10.53. The proposed southern boundary contains a large existing landscape buffer zone including mature woodland with trees scrub and vegetation. This high-quality existing landscape buffer zone will be retained to maintain the high ecological value of the site whilst maintaining habitats and areas for local wildlife.
- 10.54. The Landscape Officer notes that the scheme has evolved positively in relation to the council's requests for amendments which included properties fronting onto the main road and a circular recreational pedestrian route around the site to provide better surveillance and active frontages. Fronting onto open space the countryside and the main road also achieves the purpose of hiding blank rear fencing from public view. The provision for amenity and informal recreation was initially confined to the green at the site entrance from Minskip Road. Following concerns the applicants have included further areas for informal sports and play which help to reduce recreational pressure on the adjacent nature reserve and help to make the scheme more acceptable - the scheme now also includes a Trim Trail and informal kickabout area.
- 10.55. The proposal provides a green circular route around the development for walkers which will help to mitigate pressure on Staveley nature reserve, Further enhancements have been made to the circular route which include heritage grass and wildflower seed mix to verges, a trim trail and proposed native extra heavy standard native tree planting. It is noted that the wildflower seeding extends to cover the whole of the amenity space at the entrance to the development. Such enhancements will improve the visual amenity and informal recreations as well as biodiversity.
- 10.56. The blue hatch area around the site is shown free of development and the pond and associated woodland is shown for retention. Enhancements are now noted on the drawing to include proposed mixed native hedge, native woodland and marginal plants to the pond edge and some of these areas are indicated on the plan.
- 10.57. Additional tree planting along the streets within the site have been included where planting was considered sparse.

10.58. Overall, the landscape officer has noted improvements and considers that the details can be controlled by condition to ensure appropriate mitigation and successfully integration of the scheme.

10.59. It is concluded that the scheme takes account of the landscape features on the site, and these have been retained where possible. Trees on the embankment have been retained and around the pond in accordance with the requirements of the NPPF a paragraph 136 with additional planting areas within the site itself. The scheme in its revised form represents an appropriate layout with effective landscaping and is considered to be in accordance with both the development requirements for the site and Policy NE4 of the Local Plan.

10.60. Amenity

10.61. Local Plan Policy HP4 seeks to protect amenity, requiring development proposals to be designed so that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

10.62. Neighbouring residential property are located to both the south western and north eastern boundaries of the site. The proposed layout has been designed so as to ensure amenity distances are provided in accordance with the House Extensions and Garages Design Guide ensuring that there are no issues of overlooking or overbearing impact. In this respect dwellings which overlook the circular footpath to the south west corner of the site are sited some 25-30m from the rear elevations of existing dwellings situated on Spellow Crescent. To the northern corner of the site Plot 31 is sited with a gable aspect some 9.5m from the joint boundary. Plot 31 is a Northumberland house type with a bathroom window at first floor level. The House Extensions and Garages Design Guide provides guidance on amenity distances and although primarily aimed at extension to existing dwellings has been held at appeal to equally apply to new dwellings. In respect of primary windows, a separation distance of 21m should be provided and 7.5 metres from tertiary windows to boundaries. The scheme provides amenity distances more than those recommended within the guidelines.

10.63. It is considered that the layout, whilst changing the outlook from several existing residential properties would not have an adverse impact upon the amenity of the occupiers of those units. Comments have been noted from residents who have been concerned regarding ground levels and a condition can be imposed to secure control over this matter. It is considered that the proposal is in accordance with Policy HP4.

10.64. Ground Conditions

- 10.65. Residents have raised concerns regarding ground conditions relating to the site. Potential ground instability is an important issue which will, where appropriate, be a material consideration in the determination of applications for development. The effects of ground instability vary considerably in their nature, scale and extent. Most commonly they are of a minor nature and occur very infrequently, only rarely causing damage to buildings. However, in the most extreme circumstances they may threaten health and safety or cause severe damage to unprotected buildings and structures. In many instances the proposed development may itself exacerbate any existing or potential instability, for example, by increased loading, excavation, or changes to local groundwater conditions.
- 10.66. When planning permission is applied for it is the developer and/or landowner who is responsible for ensuring that the land is physically suitable for development or can be made so. Therefore, in appropriate cases the council may require planning applications to be supported by a ground stability report describing and analysing the issues relevant to ground instability and indicating how any foreseeable problems would be overcome.
- 10.67. The nature of potential land instability is that, in most instances, it should be possible to overcome any difficulties, or at least reduce them to an acceptable level, through appropriate investigation and mitigation measures and/or through the careful design and placing of development.
- 10.68. The site is not within an area identified within the Local Plan as a known area of instability, however a report produced for the developer (Geol Consultants) and a previous report submitted by residents (Lythos) relating to previous potential development at the site has indicated potential gypsum issues. The applicants have noted the content of the report prepared by Lythos.
- 10.69. The site falls outside the Gypsum related subsidence area of Ripon, where it is known gypsum occurs at a relatively shallow depth and can lead to dissolution by percolating groundwater and subsequent instability. Although the National Planning Policy Framework (NPPF) notes that responsibility for the safe development of unstable land rests with the developer and/or landowner, planning policies and decisions are nevertheless required to ensure that sites are suitable for a proposed use, taking account of ground conditions and land instability, including that associated with natural hazards.
- 10.70. It is thus expected that adequate site investigation information prepared by a competent person is presented unless adequate information from previous investigations is available. In this instance the applicants have been made aware of local concern and the content of the Lythos report. The Policy NE9 requires the submission of a stability report and a declaration form signed by a competent person in areas of highest risk. Ground Declaration forms have been submitted by the applicant based upon the content of the Lythos Report

which identify that the site can be developed safely. These have been submitted by an engineer with Ripon experience and a Registered RoGEP adviser as required by Policy.

#### 10.71. Archaeology

10.72. The Historic Environment Record for this area notes that archaeological assessment took place in 2017. This took the form of a desk-based assessment, geophysical survey and targeted trial trenching.

10.73. The various evaluations revealed a small circular gully within the site which could not be dated from the sample excavation carried out in the trial trenching. The gully would however be consistent with either a drip gully from an Iron Age or Romano-British roundhouse or perhaps an outer ditch from a Bronze Age burial mound. These types of features can be significant as they can reveal evidence of settlement or burial which will add to the body of evidence from the wider prehistoric landscape however, they are not of such significance as to preclude development.

10.74. The NYC heritage Unit recommend the imposition of a condition to secure a Written Scheme of Investigation is carried out at the site.

#### 10.75. Other Matters

10.76. Local Plan Policy CC4 requires development to be designed to reduce both the extent and the impacts of climate change. As required by the Policy the scheme is supported with an Energy Statement that identifies that follows the principles of the Energy Hierarchy. The report the tables demonstrates that the development at Minskip Road reduces carbon emissions by 12% through reducing Energy Demand via passive methods such as an enhanced fabric specification and 44% through the use of renewable energy in the form of Air Source Heat Pumps. A condition securing electric vehicle charging points can be imposed.

10.77. Residents have raised issues in their objection to the development, including lack of consultation by the developers. Although the Council does encourage community involvement it is not a legal requirement. It is however noted that many of the residents have objected to the principle of development and Members are reminded that the site is a residential allocation within the Local Plan, which in itself was subject to public consultation. The application process has also enabled public engagement which is evident from the number of representations. Amendments have been received to meet developer requirements for the site as required under allocation SV1.

10.78. Concern has been raised regarding the use of third-party land and this issue has been brought to the attention of the developers. The land in question

would appear to fall within highway land and as such would not prejudice determination of the scheme. In addition, the point raised by the Parish Council in respect of the title deeds of an adjacent property are not a consideration of the planning system.

10.79. Section 149 of The Equality Act 2010

10.80. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.81. The proposed development would not result in a negative effect on any person or on persons with the Equality Act 2010 protected characteristics. It could have a positive impact in terms of the provision of facilities with additional needs, through the design and accessibility of the development, including the provision of adaptable accessible wheelchair homes and open space.

10.82. Human Rights Act 1998

10.83. It is considered that a decision made in accordance with the recommendation would not result in any breach of convention rights

S106 Legal Agreement

10.84. The following Heads of Terms have been agreed with the applicant for this application.

| <b>Table 1</b>             |   |   |
|----------------------------|---|---|
| <b>Category/Type</b>       | <b>Contribution</b>   | <b>Amount &amp; Trigger</b>                                 |
| Affordable Housing         |   | To be provided at no less than 40% provision                |
| Biodiversity               | Biodiversity Enhancement Management Plan for 30 years –   |   |
| Education                  | School Expansion Places valued at £115,566.00 and targeted to Staveley Community Primary School | In instalments upon completion of phases of the development |
| Village hall Contributions | £107760.66 towards Village halls  | In instalments upon completion of phases of the development |

|             |  |   |
|-------------|--|---|
| Open Space  | £269547.84 towards Off site open space provision and on site maintenance | In instalments upon completion of phases of the development |
| Travel Plan | £2,500 Contribution towards monitoring of the Travel Plan                |   |

## **11.0 Planning Balance And Conclusion**

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise. The scheme has attracted considerable local interest and opposition as reflected within the representations section.
- 11.2. The proposal does however represent the development of an allocated housing site within the Harrogate District Local Plan 2014-2035 in accordance with Policy DM1. The development of the site, which has been extensively amended, will contribute towards the districts housing need across the plan period.
- 11.3. The site is located within a sustainable location for housing, as identified under Policies GS2 and GS3 and has been designed in such a way that the layout takes into account the constraints of the site, whilst ensuring that it retains and builds upon the natural features that contribute towards the local area.. The scheme has developed in accordance with the developer guidelines identified for the site under site allocation SV1, albeit a small uplift on the indicative yield has been provided. The density of the development and mix of units is however considered to be acceptable.
- 11.4. Issues raised by consultees have been addressed in the submission of revised plans and through the imposition of conditions of consent. Yorkshire Wildlife Trust maintain an objection in principle to the development (albeit it is an allocation in the Local Plan), however sufficient mitigation has been built into the scheme with play areas, open space and trim trail to ensure pressure on the adjacent nature reserve is minimalised.
- 11.5. Although significant local opposition to the development is acknowledged the issues raised can be addressed through conditions and the S106 agreement. It has been demonstrated that the scheme is in accordance with development plan policy and accordingly approval of the application can be supported.

## **12.0 RECOMMENDATION**



- 12.1 That the Committee indicate that they are minded to approve the application subject to conditions and a Section 106 agreement and delegate the decision to the Assistant Director – Planning including the finalisation of conditions and the terms of the Section 106 to include
- Affordable Housing
  - Travel Plan contributions
  - BNG management
  - Education Contributions
  - Village Hall Contributions
  - Open Space Contributions

**Recommended conditions:**

**Condition 1:**

The development hereby permitted shall be begun on or before three years from the date of this permission.

**Reason 1:**

To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

**Condition 2:**

Approved Plans:

The development hereby approved shall be carried out in accordance with the submitted details as amended by other conditions and the following approved plans:

3307-DEN-ZZ-ZZ-DR-A-1001 SITE LOCATION PLAN  
SITE PLAN 3307-DEN-ZZ-ZZ-DR-A-1010 D

House Types:

3307-DEN-A-ZZ-DR-A-2000 E THE GRAFTON - 1 BED TERRACE - RED BRICK.

3307-DEN-B-ZZ-DR-A-2001 D THE NORTHUMBERLAND - 2 BED SEMI-DETACHED House Stone

3307-DEN-B-ZZ-DR-A-2008 G THE NORTHUMBERLAND - 2 BED SEMI-DETACHED red brick

3307-DEN-B-ZZ-DR-A-2029 THE NORTHUMBERLAND- 2 BED TERRACE HOUSE RED brick affordable

3307-DEN-C-ZZ-DR-A-2002 F THE PORTLAND - 3 BED SEMI-DETACHED HOUSE Red brick

3307-DEN-C-ZZ-DR-A-2011 B THE PORTLAND - 3 BED SEMI-DETACHED HOUSE- Stone

3307-DEN-C-ZZ-DR-A-2030 THE PORTLAND - 3 BED TERRACE HOUSE - RED Brick Affordable

3307-DEN-G3307-DEN-G-ZZ-DR-A-2013 C THE RICHMOND - 4 BED  
DETACHED HOUSE - ATTACHED GARAGE- Red Brick

3307-DEN-G-ZZ-DR-A-2025 C THE RICHMOND WITH BAY - 4 BED  
DETACHED- Attached garage stone

3307-DEN-H-ZZ-DR-A-2007 D ST. ALBANS - 5 BED DETACHED HOUSE -  
Stone

307-DEN-H-ZZ-DR-A-2014 A ST. ALBANS - 5 BED DETACHED HOUSE-  
Red Brick

3307-DEN-H-ZZ-DR-A-2022 B ST. ALBANS - 5 BED DETACHED HOUSE  
WITH BAY - Stone

3307-DEN-I-ZZ-DR-A-2012 A THE MONTROSE - 1 BED DETACHED  
HOUSE M4(3) Accessible

3307-DEN-J-ZZ-DR-A-2015 A 1 BED SEMI-DETACHED HOUSE M4(3)  
ACCESSIBLE

3307-DEN-O-ZZ-DR-A-2021 A THE MONMOUTH - 4 BED DETACHED  
HOUSE with side bay - Red Brick

3307-DEN-P-ZZ-DR-A-2024 C THE NORFOLK - 4 BED SEMI-DETACHED  
HOUSE- Red Brick

3307-DEN-U-ZZ-DR-A-2031 THE CORNWALL - 3 BED DETACHED HOUSE  
- red brick

3307-DEN-V-ZZ-DR-A-2032 THE NOTTINGHAM - 3 BED DETACHED  
HOUSE - Stone

**Reason 2:**

To secure the satisfactory implementation of the proposal.

Pre-Commencement

**Condition 3:**

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

**Reason 3:**

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.

**Condition 4:**

Where further intrusive investigation is recommended in the Local Authority approved Preliminary Risk Assessment groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**Reason 4:**

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.

**Condition 5:**

Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason 5:**

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.

**Condition 6:**

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason 6:**

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.

**Condition 7:**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason 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.

**Condition 8:**

Before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise and vibration associated with the pumping station does not cause detriment to amenity or a nuisance, especially to those living in the vicinity.

**Reason 8:**

In the interests of residential amenity

**Condition 9:**

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**Reason 9:**

To ensure that no foul water discharges take place until proper provision has been made for their disposal

**Condition 10:**

No development shall commence on site before the approved tree report detail (Selwyn AIA Rev C dated Oct 2023 ) including root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

**Reason 10:**

To ensure the retention of trees and in accordance with British Standard BS 5837: 2012

**Condition 11:**

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures to ensure that all tree protection measures have been installed in accordance with the approved RPA. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA

**Reason 11:**

In the interests of the future health and retention of trees at the site

**Condition 12:**

The Arboricultural Impact Assessment presented in support of the application shall be adhered to in full and evidenced with written monthly comments to LPA arboricultural officer by the applicant's arboricultural agent.

The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and preappointed tree specialist.

**Reason 12:**

In the interests of the future health and retention of trees at the site

**Condition 13:**

(A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning

authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason 13:**

In the archaeological interests of the site.

**Condition 14:**

Before the commencement of the demolition and construction phases the applicant shall provide a written Demolition and Construction Management Plan detailing how noise, vibration and dust from the demolition, preparatory and construction activities will be minimised. This plan should be prepared by a suitably competent person for the written approval of the Local Planning Authority. Such an assessment should identify all noise, vibration and dust mitigation measures to be employed during demolition, preparatory and construction phases. Such measures as approved to be fully instigated and maintained during the demolition, preparatory and construction phases.

**Reason 14:**

In the interests of residential amenity

**Condition 15:**

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;
2. restriction on the use of access for construction purposes shall be assessed and approved by the Local Highway Authority;
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.

**Reason 15:**

In the interest of public safety and amenity

**Condition 16:**

Prior to the commencement, drawings shall be submitted to, and be agreed by the Local Planning Authority in consultation with the Lead Local Flood Authority and Yorkshire Water, showing details of the proposed surface water drainage strategy. No piped discharge of surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include:

- a. peak flow rates of discharge to the public sewer network, rate to be agreed with Yorkshire Water.
- b. a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 45% to account for climate change & 10% urban creep can be stored on the site without risk to people or property and without increasing the restricted flows off site.
- c. full hydraulic calculations to confirm attenuation storage requirements
- d. proposed control measures to manage pollution from vehicle parking and hard standing areas if required.
- e. an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows,

highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site.

- f. details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

The scheme to be submitted shall demonstrate that surface water drainage system(s) are designed in accordance with the standard details as set out in the North Yorkshire Council's SuDS Design Guidance document.

**Reason 16:**

To prevent the increased risk of flooding.

Early Stage/ Construction Period

**Condition 17:**

The materials to be used in the construction of the development shall have been made available for inspection by and the written approval of the Local Planning Authority prior to the commencement of the external construction of the roof and walls of the development.

Thereafter the approved details shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

**Reason 17:**

To secure the satisfactory implementation of the proposal.

**Condition 18:**

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

The development must only be carried out in compliance with the approved engineering drawings.

**Reason 18:**



To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

**Condition 19:**

A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority prior to the commencement of any external construction of the walls of the development hereby approved. The scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required and shall be implemented in strict accordance with details as approved by the Local Planning Authority

**Reason 19:**

To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity

Pre-Occupation

**Condition 20:**

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 basecourse macadam level and/or block paved 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.

**Reason 20:**

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

**Condition 21:**

The development must not be brought into use until the access to the site at Minskip Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail and the following requirements.

- Any gates or barriers must be erected a minimum distance of 3 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10m metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved detail and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

#### Informative

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_industrial\\_road\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_industrial_road_street_works_2nd_edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

#### **Reason 21:**

In the interests of highway safety

#### **Condition 22:**

The development must not be brought into use until the existing access onto Minskip Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

#### **Reason 22:**

In the interests of highway safety.

**Condition 23:**

For any S278 works that are required, the following off-site highway mitigation measures must be completed as indicated below:

Please note: Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYC's design requirements and in consultation with the Local Highway's Authority.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

**Reason 23:**

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

**Condition 24:**

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- ii) the means of discharging to the public sewer network at a rate not to exceed 4.75 litres per second

**Reason 24:**

To ensure that no surface water discharges take place until proper provision has been made for its disposal

**Condition 25:**

Prior to the occupation of each dwelling the facility that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be installed and operational as shown on the approved drawing, unless otherwise agreed in writing by the Local Planning Authority. The charging point specification will be approved by the Local Planning Authority and will be of a type with a mode 3 charging point and type 2 outlet socket; together with cable and circuitry ratings of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Charging points installed shall be retained thereafter for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority

**Reason 25:**

In the interests of air quality

**Condition 26:**

Notwithstanding details as approved by Condition 2, should any alterations be considered necessary to levels on site full details of existing and proposed site levels, finished floor levels and any changes to the surrounding landform must be submitted in writing to the Local Planning Authority and approved prior to any such changes taking place.

**Reason 26:**

In the interests of general amenity

**Condition 27:**

In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

**Reason 27:**

To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity

**Condition 28:**

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 08:00-13:00 on Saturdays.

**Reason 28:**

in the interests of residential amenity

**INFORMATIVES**

1. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.
2. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition (Condition 4) does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.
3. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
4. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).
5. Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.
6. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway or visibility splays.

7. There is no dropped crossing on Spellow Crescent or tactile crossings at any of the crossing points on Minskip Road between the new development and Main Street. The proposed development will significantly increase pedestrian footfall and so these crossing points will be utilised far more than they are currently. These tactile crossings would be done under a S278 agreement.
8. The existing footway provision on Minskip Road will need further street lighting around the pedestrian entrance to the site. This would also be done under a S278 agreement.

**Target Determination Date:** 22 October 2023

**Case Officer:** Andy Hough  
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