

- Meeting:** Skipton and Ripon Area Constituency Planning Committee
- Members:** Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.
- Date:** Monday, 3rd June, 2024
- Time:** 1.00 pm
- Venue:** Belle Vue Square, Broughton Road, Skipton BD23 1FJ.

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 Vicky Davies, Senior Democratic Services Officer by midday on Wednesday 29 May 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

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## **Agenda**

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

2. **Minutes for the Meeting held on 2nd April 2024** (Pages 3 - 8)
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. **ZC24/1066/DVCMAJ - Section 73 application for the variation of condition 2 of Section 73 permission 22/04925/DVCMAJ to allow for the provision of fenestration and/or internal layout changes, and air source heat pump to all 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at land comprising field at 422819 474158 Back Lane, Kirkby Malzeard, North Yorkshire on behalf of Brierley Homes Ltd.** (Pages 9 - 24)  
Report of Assistant Director Planning – Community Development Services.
5. **ZA23/25403/FUL Residential development with access, associated landscaping, green infrastructure and other associated works at land off Marton Road, Gargrave on behalf of RN Wooler & Co.** (Pages 25 - 48)  
Report of the Head of Development Management – Community Development Services.
6. **2022/24127/FUL - Proposed removal of twenty five permanent residential caravans, conversion of the existing sawmill building into two apartments and the erection of twelve new dwellings with associated infrastructure, at the Old Sawmill, Marton Road, Gargrave, Skipton BD23 3NN.** (Pages 49 - 74)  
Report of the Head of Development Management – Community Development Services.
7. **ZA24/25646/FUL - 4 no. Proposed semi-detached dwellings with associated works at land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling, BD22 0DJ on behalf of Mr Scott Edmondson** (Pages 75 - 92)  
Report of the Head of Development Management – Community Development Services.
8. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
9. **Tuesday 2 July 2024 at 1pm.**  
Tuesday 2 July 2024 at 1pm.

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:**

Vicky Davies, Senior Democratic Services Officer

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Thursday, 23 May 2024

## North Yorkshire Council

### Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 2nd April, 2024 commencing at 1.00 pm.

Councillor Nathan Hull in the Chair. plus Councillors Barbara Brodigan, Andy Brown, Robert Heseltine, David Ireton, Andrew Williams and Andrew Murday

Officers present: Catriona Gattrell, Head of Legal Property, Planning and Environment; Neville Watson, Planning Manager; Nick Turpin, Planning Manager; Emma Howson, Senior Planning Officer – Development Management; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services Officer.

Apologies: Councillor David Noland.  
Councillor Williams left the meeting at 3.09pm.

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

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#### **79 Apologies for Absence**

An apology for absence was received from Councillor David Noland.

#### **80 Minutes for the Meeting held on 5th March 2024**

The minutes of the meeting held on Tuesday, 5<sup>th</sup> March 2024 were confirmed and signed as an accurate record.

#### **81 Declarations of Interests**

There were no declarations of interests.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications 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 condition 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 reports 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 or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report

unless otherwise specified below. Where the Committee refused planning permission contrary to the recommendation in the report the reasons for doing so are set out below.

**82 ZA23/25492/FUL - Full Planning Permission for Erection of Four Two Storey Houses and Works to Boundary Wall at Grundy Farm, Carleton, Skipton, BD23 3DE on behalf of RN Wooler & Co.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application that had raised significant planning issues of public interest for the erection of four two storey houses and work to a boundary wall at Grundy Farm, Carleton, Skipton.

Angela Dowbiggin spoke on behalf of the objectors.

On behalf of the Division Member, Councillor Andy Solloway, a statement was read out by David Smith, Democratic Services Officer.

Philip Holmes spoke on behalf of Carleton-in-Craven Parish Council objecting to the application.

The applicant's representative, Liz Walker, spoke in support of the application.

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

- Members noted that there was an extant planning permission for the provision of dwellings on part of the site that could be implemented.
- What was the density per acre of the development and the number of 1 and 2 bed houses achieved and recommended in the Local Plan.
- The current assessed housing shortfall in both Carleton and the Craven area.
- Although the former Craven District Council had approved an updated Carleton Conservation Area, the Solicitor to the Committee confirmed that as it was not a North Yorkshire adopted policy, no weight could be attached to it.
- Whilst Carleton had almost reached its settlement limit target, the Planning Manager stated that that figure was a minimum not a maximum and each application had to be judged on its merits.
- Concern was expressed that the proposed semi-detached dwellings would straggle the boundary of Grundy farm and therefore be in the open countryside.

The decision:

That, against officer recommendation, planning permission be REFUSED.

Voting record: a vote was taken and declared carried unanimously.

Reasons for Refusal:

1. The proposed development extends beyond the site identified in the adopted Craven Local Plan (Policy SP1) as a housing commitment and it has not been demonstrated that the planned growth in the spatial strategy for Carleton (identified as a Tier 4a settlement in the Plan) will not be delivered during the plan period and therefore conflicts with Policy SP4 (I(a) of the Craven Local Plan.

2. The proposed development does not provide an appropriate mix of housing having regard to the dwelling size and mix recommended in the SHMA and therefore conflicts with Policy SP3(a) of the Craven Local Plan.
3. The proposed development would result in harmful encroachment and urbanisation in the countryside which would diminish its openness, character and quality in conflict with saved policy ENV1 of the Craven Local Plan which seeks to protect the countryside from sporadic development and paragraph 180 of the National Planning Policy Framework which also seeks to protect the intrinsic character of the open countryside.

**83 ZA23/25598/LBC - Listed Building Consent for Works to Boundary Walls at Grundy Farm, Carleton, Skipton, BD23 3DE on behalf of RN Wooler & Co.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a listed building application for works to the boundary walls at Grundy Farm, Carleton. Members were advised that, the application, whilst linked to application **ZA23/25492/FUL** stood by itself and fair consideration was required.

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

1. The removal of a section of Grade II boundary wall and repositioning the historic pillar.
2. The conversion and remodelling of the barn into two garages was within the farm curtilage and would not infringe on, or affect the countryside.
3. The Council’s heritage advisor had no objection on heritage grounds.

The decision:

That the Committee were minded to APPROVE listed building consent subject to the conditions set out in the report with delegated authority to the Planning Manager.

Voting record: a vote was taken and four voted for the motion to approve the application and three voted against.

(A short comfort break was taken at 2.30pm.)

**84 ZC23/03583/FUL - Sub-Division of Existing Cottage into Two Dwellings and Erection of Single Storey Extensions to Rear. Erection of 2 no. Dwellings with Outbuildings to Rear (Revised Scheme with Alterations to Parking and Position of Dwellings) at 1 Harewell View, Glasshouses on behalf of Mr J Robinson**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for the subdivision of an existing cottage into two dwellings with single storey extensions proposed to the rear and the erection of 2 no. dwellings with rear outbuildings on land at 1 Harewell View, Glasshouses.

Mr Lawrence Sherrington spoke as an objector.

Councillor John Ward spoke on behalf of Pateley Bridge Town Council.

The applicant's representative Mr James Robinson spoke in support of the application.

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

1. Concern expressed regarding the impact and diversion of a public right of way. It was confirmed that the diversion was not part of this application and this issue was not a matter for this Committee.
2. Members felt that it was Important to keep the right of way open. However, the Committee were advised that any condition had to be enforceable and it was not something that could be included as a condition of any planning permission.

The decision:

That the application be APPROVED subject to the conditions set out in the Assistant Director's report and subject to an amended plan number in Condition 2 Approved Plans.

Voting record: five voted for approval and there were two abstentions.

**85 ZA23/25559/FUL - Erection of 1 no. Dwelling at Mill Cottage, Cowling on behalf of Mr Widdup**

Considered – The Assistant Director Planning – Community Services sought determination of a planning application for the erection of a 1 no. detached dwelling at Mill Cottage, Cowling. The application had been brought to Committee because the applicant was the partner of a member of the Craven Area Development Management Team and the applicant had an interest in the land. The application had been deferred at the Committee's last meeting to enable a site visit to take place.

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

1. The potential for highways issues due to the unsatisfactory access to the proposed development. Whilst the access already existed for current residents, Members were advised that the extra dwelling and resultant increase in traffic would compound the highways safety concerns that already existed.
2. The LPA did not have the powers to control or enforce the use of the Colne Road access or the second access point, particularly by existing homeowners who would probably have an existing two way right of access to use their properties.
3. The heritage consultant stated there would be fundamental harm to the significance of the Conservation Area.
4. The trees would protect the amenity of the Conservation Area.
5. Queries whether the site actually had historically flooded, even though the Environment Agency had identified the area as being within Flood Zone 3.

The decision:

That planning permission is REFUSED.

Voting record: Three Members voted for the motion; three Members voted against the motion. The Chairman used his casting vote and the motion to refuse the application was carried.

Reasons for Refusal:

1. The proposed development by virtue of its location, scale and design would create harm to the openness and the character and appearance of the Conservation Area and the

dynamic views down to the valley floor of the historic core of Ickornshaw from Colne Road and the nearby public footpath. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh that harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2, ENV3 and SP4 and Section 16 of the NPPF.

2. The application site is located within Flood Zone 3, which is defined as having the highest probability of flooding, and in an area of high risk in terms of surface water flooding. This has been confirmed by the Environment Agency. The applicant has not supplied a sequential test and has not demonstrated that there are no reasonably available sites in a lower area of flood risk than the proposed development. Nor has a suitable Flood Risk Assessment been provided. This would conflict with paragraphs 165, 168 and 173 of the NPPF and Local Plan Policies ENV6 and SP4.
3. The proposed development would provide a poor level amenity due to the proximity of the large trees adjacent to the site which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF.
4. The proposed development due to its proximity to the neighbouring trees and the impact on amenity would put the trees under threat from future works. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
5. The proposal would intensify the use of a poor quality access arrangement which would have the potential to create issues in terms of highways safety. The proposed parking arrangement would exacerbate these issues as the proposal does not demonstrate that adequate turning arrangements can be provided. This would be contrary to Local Plan Policy INF4 and paragraphs 114 and 115 of the NPPF.

## **86 Any other items**

The Committee discussed site visits and whether they should take place before the day of the Committee, particularly given the large breadth the Area Planning Committees had to cover.

Agreed – That, the matter of the day site visits are held is put to the Chairs and Vice- Chairs of the six Area Committees' at their next briefing.

A verbal update was given by the Skipton Planning Manager on the progress of the application known as 'Hellifield Flashes' and he undertook to provide further written details to Members of the Committee.

## **87 Date of Next Meeting**

7<sup>th</sup> May 2024, venue to be confirmed.

The meeting concluded at 3.43pm.

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

3<sup>RD</sup> JUNE 2024

**ZC24/01066/DVCMAJ – SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 OF SECTION 73 PERMISSION 22/04925/DVCMAJ TO ALLOW FOR THE PROVISION OF FENESTRATION AND/OR INTERNAL LAYOUT CHANGES, AND AN AIR SOURCE HEAT PUMP TO ALL 33 DWELLINGS ORIGINALLY PERMITTED UNDER RESERVED MATTERS APPLICATION 20/04874/REMMAJ AT LAND COMPRISING FIELD AT 422819 474158 BACK LANE KIRKBY MALZEARD NORTH YORKSHIRE ON BEHALF OF BRIERLEY HOMES LTD**

#### Report of the Assistant Director Planning – Community Development Services

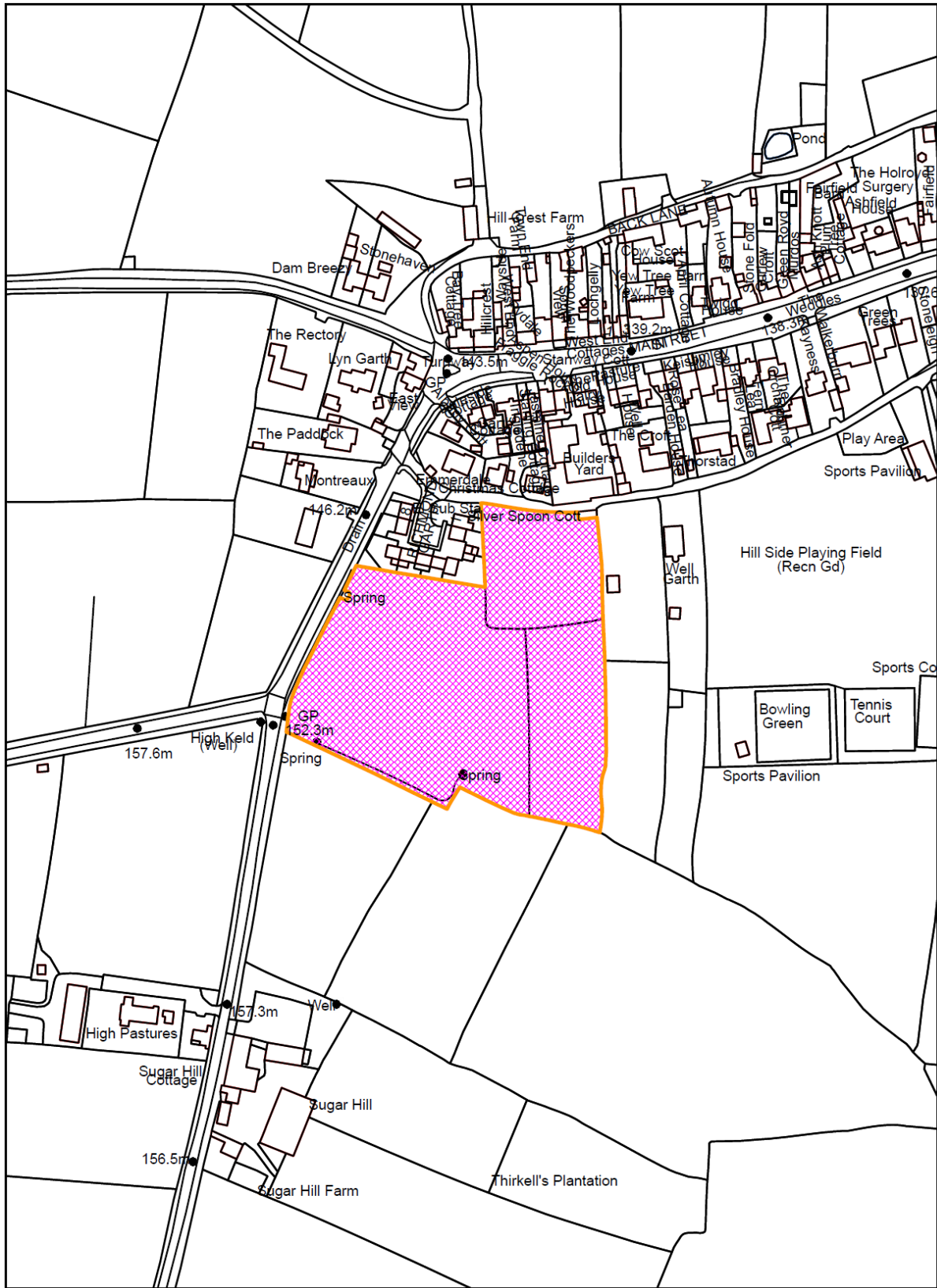
##### 1.0 Purpose of the Report

- 1.1 To determine a Section 73 application for the variation of condition 2 of Section 73 permission 22/04925/DVCMAJ to allow for the provision of fenestration and/or internal layout changes, and an air source heat pump to all 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ on land at Back Lane Kirkby Malzeard on behalf of the Assistant Director Planning.
- 1.2 This application is brought to the Planning Committee because the applicant is owned by the Council.

##### 2.0 EXECUTIVE SUMMARY

###### **RECOMMENDATION: That the Section 73 variation be GRANTED**

- 2.1. Planning permission has been granted for a residential development of 33 dwellings at Back Lane, Kirkby Malzeard. This application seeks changed fenestrations and internal floor plans to a number of the permitted dwellings along with the identified locations of air source heat pumps to all the dwellings.
- 2.2. Changes have been made to the National Planning Policy Framework since the reserved matters were previously considered. They do not, however, result in any matters which negate any positive consideration of this Section 73 application.
- 2.3. The proposed variations do not materially affect the reserved matters of this development, which remain considered as being acceptable subject to conditions.



# Location Plan

Scale 1:2,500



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22/05/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Outline planning permission 17/04308/OUTMAJ was granted in January 2019 for the residential development of 1.75ha of land at Kirkby Malzeard, within the Nidderdale National Landscape.
- 3.3. Whilst the outline permission allowed for up to 37 dwellings the reserved matters scheme, 20/04874/REMMAJ, granted in May 2022, provided for fewer dwellings, 33, across the whole site.
- 3.4. Subsequently, both the outline and reserved matters were varied by Section 73 applications. Those further permissions varied the timing of submission for various detailed matters that were required by the conditions of both permissions. As the Local Education Authority advised that no contribution was necessary towards education facilities in the locality, the requirement for such on the outline permission was dropped.
- 3.5. The outline permission variation was case reference 22/04924/DVCMAJ of 24 August 2023 and the reserved matters variation was case reference 22/04925/DVCMAJ of 23 March 2023.
- 3.6. This application relates to the reserved matters, as originally approved under 20/04874/REMMAJ and then revised by 22/04925/DVCMAJ. Those applications were by a different developer who has now sold the site onto current applicant.

### **4.0 Site and Surroundings**

- 4.1. The site is located to the south side of Kirkby Malzeard at its western end. To the west it is abutted by Laverton Lane, and to the north by the extant eight dwelling residential development at Richmond Garth along with a 58m long length of Back Lane. The site is in the Nidderdale National Landscape.

### **5.0 Description of Proposal**

- 5.1. The proposal is to vary the house types slightly along with the installation of air course heat pumps.
- 5.2. Originally the application also proposed the use of reconstituted stone on all properties bar those fronting Laverton Lane.

- 5.3. Amendments have been made so that natural stone instead is to be used on all main walls with white render on other walls, which are largely side walls facing adjacent properties and garages.
- 5.4. The changes to the house types comprise internal layout variations, which are principally non-material in themselves. All properties are now clearly indicated as to the location of hot water cylinders. A number of properties do also have changes to the windows and doors. The fenestration alterations and more significant internal change are set out below:
- Ground floor of Plots 1, 30 and 33 - Accessible wc and its passageway replaced by utility and wc. Side door and window position flipped with door replaced by pair of patio doors and rear garage door deleted. On plot 1 an internal door is provided from utility to garage.
  - First floor of Plots 1, 30 and 33 - Storage areas merged resulting in more space to one bedroom.
  - Ground floor of Plot 6 - Enlarged study, repositioned staircase, kitchen/dining and living room locations swapped with revised utility access.
  - First floor of Plot 6 - En-suite and bathroom location changes. Bedrooms varied without affecting occupancy. Additional first floor side window serving the bathroom.
  - Ground floor of Plots 9, 20 and 21 - Kitchen area enlarged and living room reduced in size. Rear ground floor elevation changed from windows either side of a door to a window and pair of patio doors.
  - Ground floor of Plots 23 and 29 - Rear windows reduced from 6 panes to 4 panes.
  - Ground floor of Plots 27 and 28 - Utility made windowless and adjacent wc replaced by study. Associated windows changed from two small to one larger.
- 5.5. The air source heat pumps that are proposed would be located to the rear of the dwellings.
- 5.6. Details of the actual air source heat pumps that are to be used have been requested and are awaited at the time of writing.

## **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 relevant for this proposal is;
- Harrogate District Local Plan 2014-2035, adopted March 2020

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is -
- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
  - Kirkby Malzeard, Laverton and Dallowgill neighbourhood plan. This was subject to informal public consultation around the turn of the year. No weight can currently be applied to this document.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - National Design Guide
  - Nidderdale AONB Management Plan

## **7.0 Consultation Responses**

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

Environmental Protection (NYC) - advise on noise limit requirements for an Air Source Heat Pump.

- 7.2. **Parish Council:** Do not object or support.

### Local Representations

- 7.3. Two representations received both opposed the application as originally submitted proposing reconstituted stone.

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

- 8.1. Located in a 'sensitive area' the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2. The application has been screened and does not require an Environmental Statement.

### **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Suitability of varying conditions
  - Impact on the locality
  - Residential Amenity
  - Conditions
  - Section 106 agreement

### **10.0 ASSESSMENT**

#### Suitability of varying conditions

- 10.1. This application is for a 'minor material amendment' to the approved development. Such applications are considered against the Development plan and material considerations such as the National Planning Practice Framework (NPPF) and conditions attached to the existing permission.
- 10.2. The National Planning Practice Guidance advises that Local Planning Authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 10.3. The NPPF advises, in Para 140, that it should be ensured that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 10.4. Whilst the original outline application was granted under the period of a previous development plan, the reserved matters application and the subsequent extant Section 73 permissions were considered under the current development plan.

- 10.5. Since the previous assessment of the reserved matters, under the Section 73 permission of March 2023, there have been two further revisions of the NPPF; the September 2023 revision updated policy on onshore wind power and is not relevant to this case.
- 10.6. The December 2023 revision was more wide-ranging with changes to the chapters on ‘Delivering a sufficient supply of homes’ and ‘Making effective use of land’. In addition, the reference to sustainable development in paragraph 7 was expanded to specifically reference the *“provision of homes, commercial development and supporting infrastructure in a sustainable manner.”* Those changes are not material to the development as now proposed by this Section 73 application.
- 10.7. Further revisions made to the NPPF in December 2023 include:
- Requirement for clear and accurate plans and use of materials conditioned (para 140). Such appropriate conditions would be incorporated.
  - The consideration of beautiful buildings etc. is set out in a number of paragraphs. The proposal is for minor changes to an existing permitted development.
  - Para 181 (footnote to) – availability of agricultural land in food production should be considered. The proposal is for minor changes to an existing permitted development on agricultural grassland.
- 10.8. The changed NPPF since the reserved matters were previously considered does not bring in matters which negate any positive consideration of this Section 73 application.

#### Impact on the locality

- 10.9. Local Plan Policies HP3 ‘Local Distinctiveness’ and NE5 ‘Green and Blue Infrastructure’ require high quality development that protects characteristics, qualities and features contributing to local distinctiveness, and maintains and enhances local vernacular and sense of place of individual settlements.
- 10.10. The NPPF has a chapter on ‘Achieving well-designed and beautiful places’, setting out initially that the creation of high quality, beautiful and sustainable buildings and places is fundamental...” (Para 131).
- 10.11. The external fenestration changes sought by this Section 73 application do not materially impact on the surroundings, given the impact of the existing permitted development.

10.12. Previously the subject of provision by way of a condition, the air source heat pumps are now detailed in their locations and are largely concealed from street views. Those to the properties that back towards Back Lane have a hedgerow, substation or group of trees, as well as the new properties rear curtilage between and as such would not be overly intrusive.

#### Residential amenity

10.13. Local Plan Policy HP4 'Protecting Amenity' requires no significant adverse impact on the amenity of occupiers and neighbours.

10.14. The NPPF, at Para 135, requires a high standard of amenity for existing and future users.

10.15. Internally, the floor plans now proposed do not result in inappropriate internal layouts to the proposed dwellings and the fenestration changes do not adversely affect the level of residential amenity which any occupier of a neighbouring dwelling (existing or proposed) would reasonably expect to enjoy.

10.16. Air source heat pumps potentially could detract from local amenity and therefore a condition should be imposed to provide appropriate control on them.

#### Conditions

10.17. Advice in the National Planning Practice Guidance is that a permission issued by way of section 73 application is a new independent permission to carry out the same development subject to new or amended conditions. The guidance also sets out that the new permission should restate the conditions imposed on earlier permissions that continue to have effect.

10.18. The previous Section 73 permission, which this application seeks to vary the terms of, is subject to 15 conditions.

10.19. The requirement under condition 1 for development to have been commenced by 11 May 2023 has been complied with and that condition consequently no longer continues to have effect. Condition 1 will therefore be marked Deleted in the list of conditions.

10.20. Condition 2 setting out the approved documents will be varied to encompass the details now provided. To accord with the requirements of the NPPF that condition along with conditions 3 and 4 will be made more precise in the drawing referencing and corrected where applicable. Given the terms of this application the referenced emails concerning use of natural stone are removed



as that detail is now explicit in the scheme being considered, and will be addressed by condition 6.

- 10.21. Condition 5 concerns the provision of parking facilities for each dwelling and, as extant, references the site plan considered by the Local Highway Authority of December 2021 (rev F). The extant reserved matters permission however in its list of approved documents references a later site plan, rev G, of February 2022; the change did not affect the parking arrangements. This Section 73 application is now accompanied by a site plan of April 2024 (rev I) and again the parking arrangements are unaffected. As such for the purpose of clarity it would be appropriate to vary the referenced site plan to that now submitted.
- 10.22. Condition 6 requires details of external wall materials. As indicated above in discussing the terms of condition 2, the external wall materials are now clearly indicated in the submitted details. Condition 6 therefore is reworded to make it clear that samples of the agreed external materials of natural stone, render and tiles are required to be inspected.
- 10.23. Condition 9 refers to no dwelling being occupied until its air source heat pump along with low energy specifications have been provided in accordance with an already submitted Energy Statement. That condition should be rephrased to reference that document clearly and the air source heat pump layout now indicated as part of this application. Further reference should be made to details of air source heat pumps that are currently awaited. If details are still awaited at the point of decision, then the condition could be varied to require the submission of those details. The noise limitation requirements on the air source heat pumps required by Environmental Protection are also incorporated and expanded on by way of an informative.
- 10.24. Additionally, approval of details have been granted under a number of conditions regarding foul water drainage details, arboricultural method statement, and plans in respect of landscape maintenance & management, and construction ecological mitigation & enhancement including biodiversity enhancement management. These “approved details” consequentially require the relevant conditions to be reworded.
- 10.25. As a result condition 2 as referenced above is renumbered 1 and a new condition 2 addresses the “approved details”. The relevant conditions in respect of the “approved details” are consequentially expanded to reference the “approved details”, whilst also allowing for the approval of alternative details to be sought.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposed variations do not materially affect the reserved matters of this development, which remain considered as being acceptable subject to conditions.

## **12.0 RECOMMENDATION**

- 12.1 That the Section 73 variation be GRANTED subject to the conditions set out below.

- 1 The development to which the reserved matters hereby approved relates shall not be carried out otherwise than in strict accordance with the submitted details and:

a) the following Ingreen Architectural Solutions Ltd drawings (references commencing 191001);

C01 Plan 1 dated October 20

P01 Revision I External Works & Landscaping dated 23.04.24

P02 Revision D Proposed Typical Street Scenes dated 18.03.24

b) the following Ingreen Architectural Solutions Ltd Plans & Elevations drawings (references commencing 191001 and dated 18.03.24 unless otherwise stated);

P03 Revision D Plot 1

P04 Revision D Plots 2 & 3

P05 Revision D Plot 6

P06 Revision D Plots 7 & 8

P07 Revision E Plots 9 & 20 dated 23.04.24

P08 Revision D Plots 10, 16 & 24

P09 Revision D Plots 12, 13, 25 & 26

P10 Revision D Plots 11 & 22

P11 Revision E Plots 17, 18 & 19 dated 01.05.24

P12 Revision D Plot 23

P13 Revision D Plot 27

P14 Revision D Plots 31 & 32

P15 Revision D Plot 33

P16 Revision C Plots 4 & 5

P17 Revision C Plot 30

P18 Revision C Plots 14 & 15

P19 Revision C Plot 21

P20 Revision C Plot 28

P21 Revision C Plot 29

P22 Revision C Electricity Sub-Station

c) Ingreen Architectural Solutions Ltd drawing KKIR-IAS-ZZ-00-DR-A-0004 revision P02 Site Plan Showing Materially dated 23.04.24.

d) Eamonn Byrne landscape architects drawings dated 22.03.2022;  
 20002-LN-0-01 Revision 9 Planting Schedule  
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 1 of 2)  
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 2 of 2)

2 Further to condition 1 above the development shall also be carried out in strict accordance with the following documents unless varied by alternative documents submitted under the further conditions of this permission:

- a) AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023.
- b) Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023;  
 Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130  
 Sheet 2 of 2' KM-BGP-00-00-DR-C-52-00131
- c) Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024.
- d) Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024.

3 The landscaping works shown on revision 9 of both drawings 20002-PP-0-01 and 20002-PP-0-02 shall be undertaken in accordance with the details specified on those drawings and revision 9 of the Planting schedule ref 20002-LN-0-01 and shall accord with the Biodiversity Management Plan. The development shall be carried out in accordance with the approved details.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of the building works and any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later) shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season.

4 Further to condition 2 above, development shall be undertaken in strict accordance with the Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024, unless an alternative Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority before any external construction of the walls of the development hereby approved takes place. The details of the alternative Landscape Maintenance and Management Plan shall be in accordance with the approved landscape drawings, revision 9 of both 20002-PP-0-01 (sheet 1 of 2) and 20002-PP-0-02-REV9 (sheet 2 of 2) and the development carried out in accordance with the agreed details.

5 No dwelling shall be occupied until their associated parking facilities have been constructed in accordance with Site Plan ref 191001 P01 Rev I. Once created these parking areas shall be maintained clear of any obstruction and retained

for their intended purpose at all times.

- 6 Before their first use in the construction of the development to which these reserved matters relate samples of the materials to be used in the external construction of walls and roofs shall be made available on site for inspection by and the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details. The samples shall include approved a sample panel of the natural stone to be used on all stone finished elevations of the development showing the proposed coursing and pointing and the approved sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.
- 7 Ash Trees ref T24 and T26 (on the eastern boundary of the site as identified in the Arboricultural Assessment), shall notwithstanding reference in the statement to their removal, be protected during construction and retained thereafter.
- 8 No occupation of a property shall take place unless the Biodiversity Enhancement Management Plan measures that relate to that property have been implemented in full.
- 9 No occupation of a dwelling shall occur until;
  - a) the air source heat pump located as shown on drawing 191001 P01 revision I and detailed in the documentation received by the Local Planning Authority on xx.xx.xxxx has been so located and made operative, and
  - b) low energy lighting and thermal envelope specifications have been provided for that dwelling in accordance with the recommendation included within the Dewpoint Energy Services Energy Statement issue 2.0 dated 18 November 2020. These measures will be retained and maintained thereafter.

Any air source heat pump shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time.
- 10 Prior to the first occupation of any of the dwellings hereby permitted, the approved boundary treatment shall be fully installed and/or planted. The boundary treatment shall be maintained in accordance with details that are submitted to and approved by the Local Planning Authority prior to their installation and retained at all times thereafter.
- 11 Further to condition 2 above, the tree protection measures detailed in Section 4 and Appendix 4 of the AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023 shall be implemented and maintained in accordance with those details at all times during the undertaking of the development hereby granted, unless any alternative Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. All construction works shall accord with the approved Arboricultural Method Statement at all times. No increased levels shall take place within root protection zones, except where required through the approved

details for biodiversity enhancement measures.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
- Part 1, Class A (enlargements, improvements or other alterations);  
 Part 1, Class E (incidental buildings, enclosures, swimming, or other pools);  
 and  
 Part 1, Class F (hard surfaces).
- 13 Further to condition 2 above, the development shall accord with the approved foul drainage scheme shown on Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023 Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130 and Sheet 2 of 2' KM-BGP-00-00-DR-C-52-00131 with the discharge rate to the foul sewer from the pumping station not exceeding 4.75l/s, unless prior to the external construction of the walls of the development hereby approved an alternative foul water drainage has been submitted to and approved in writing by the Local Planning Authority (in consultation with Yorkshire Water). The scheme shall include evidence that the public sewer system has appropriate capacity to serve the development. Development shall be carried out in strict accordance with the approved foul drainage scheme.
- 14 Prior to commencement of the proposed pumping station a noise assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Officer. The development shall accord with any necessary mitigation included within the approved assessment.
- 15 Further to condition 2 above, and unless prior to any excavation or other groundworks, except for investigative works, site set-up (including pegging out) or the depositing of material on the site an alternative 'Construction Ecological Mitigation & Enhancement Plan' (CEMP), including a Biodiversity Enhancement Management Plan (BEMP), has been submitted to and approved in writing by the Local Planning Authority, the Ecological Mitigation & Enhancement Plan shall be implemented in accordance with the Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024.

The approved document shall be implemented under the supervision of a suitably qualified Ecological Clerk of Works and a copy of the CEMP (Section 3 of the case of the approved document above of 26 March 2024) must be kept on site and made available to site managers and operatives.

In respect of the approved document above of 26 March 2024;

- a) compliance must be made in particular with Table 1 Ecological Risk Assessment & Mitigation Input, ensuring the protection of habitats including grassland, hedgerows and trees and protected species. That will

include up to date bat surveys of building B1, measures to protect previously identified bat roosts in trees T8 and T9 and to undertake precautionary measures in relation to works to other trees and artificial lighting during construction.

- b) compliance must be made in particular with Table 1 Ecological Risk Assessment & Mitigation Input, ensuring the protection of habitats including grassland, hedgerows and trees and protected species. That will include up to date bat surveys of building B1, measures to protect previously identified bat roosts in trees T8 and T9 and to undertake precautionary measures in relation to works to other trees and artificial lighting during construction.
- c) the measures set out in the BEMP, Section 4 (including enhancing biodiversity during the operational phase of the site, including tree and hedge planting and hedgerow restoration and for grassland enhancement, the provision of bird nesting and bat roosting features and invertebrate habitat) shall be implemented under the supervision of the Ecological Clerk of Works for a minimum period of 30 years. That will be initially the responsibility of the developer but ultimately with that responsibility transferred to the site management company. Progress shall be reported back to the Local Planning Authority in accordance with arrangements set out in the plan at paragraphs 4.9.1.2 and 4.9.1.4.

Any alternative 'Construction Ecological Mitigation & Enhancement Plan' (CEMP), including a Biodiversity Enhancement Management Plan (BEMP) shall relate to the approved site layout;

- i) The CEMP shall provide for the prevention of harm to protected and priority species and to retained habitats during the course of construction and to provide for integrated bat and bird bricks within the dwellings of the new development.
- ii) The BEMP, shall reflect the final landscape drawings and focus on more ambitious and long-term ecological management of the semi-natural areas towards the south of the site and along the external boundaries of the site.
- iii) The Construction Ecological Enhancement Plan shall provide a firm basis for the ongoing retention, maintenance and monitoring of the semi-natural habitats beyond the developers five years' of maintenance responsibility and include arrangement for reporting back on progress to the local planning authority.
- iv) Works on site must subsequently be undertaken in accordance with the approved CEMP and BEMP under the supervision of a suitably qualified Ecological Clerk of Works.

## Reasons for Conditions:-

- 1 and 2 To secure the satisfactory implementation of the proposal and for the avoidance of doubt.
- 3 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 4 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 5 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and general amenity of the development.
- 6 In the interest of good design and in accordance with policies HP3 and GS6 of the Harrogate District Local Plan 2014-2035.
- 7 In the interest of the protection of important trees and the wider impact on the landscape and in accordance with Policy NE7 of the Harrogate District Local Plan 2014-2035.
- 8 In the interest of Biodiversity enhancement and to accord with policy NE3 of the Harrogate District Local Plan 2014-2035.
- 9 In the interest of sustainable design in accordance with Policy CC4 of the Harrogate District Local Plan 2014-2035.
- 10 In the interests of privacy and residential amenity in accordance with policy HP4 of the Harrogate District Local Plan 2014-2035.
- 11 In the interests of the protection of important retained trees and in accordance with Policy NE7 of the Harrogate Local Plan 2014-2035.
- 12 To enable the Local Planning Authority to exercise control over development in order to ensure there is no resultant detriment to the Nidderdale Area of Outstanding Natural Beauty together with ecological, environmental and biodiversity interests in accordance with policies NE3 and NE7 of the Harrogate District Local Plan 2014-2035.
- 13 In the interest of comprehensive assessment of foul water drainage and for the protection of amenity of the locality.
- 14 In the interest of the protection of the amenity of nearby residents and in accordance with Policy HP4 of the Harrogate District Local Plan 2014-2035.
- 15 In the interests of Biodiversity and in accordance with Policy NE3 of the Harrogate District Local Plan 2014-2035 and for the avoidance of doubt.

**INFORMATIVES**

- 1 Section 73 application 22/04925/DVCMAJ had varied the terms of the conditions of reserved matters application 20/04874/REMMAJ in respect of the timing of submission of specific details. That reserved matters permission had granted the appearance, landscaping layout and scale of 33 dwellings under the terms of outline permission 17/04308/OUTMAJ, as later varied by 22/04924/DVCMAJ.
- 2 This Section 73 permission together with outline permission 22/04924/DVCMAJ comprise the planning permission and must be read in conjunction with that outline permission.
- 3 If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water Services Limited (under Section 104 of the Water Industry Act 1991), their Developer Services Team should be contacted (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.
- 4 Yorkshire Water Services Limited advise that in terms of water supply a 3" upvc water main runs along the front of the site. Any planting of new trees or such like should not be carried out within 6 metres (3 metres from the centre of the main) to allow access for future maintenance and repair of the asset. The line of the main can be determined under their supervision, however as this main is plastic and hard to trace the line of the main will be approximate only. Please contact [tech.support.engineer.north@yorkshirewater.co.uk](mailto:tech.support.engineer.north@yorkshirewater.co.uk) to arrange a trace. If there are likely to be any changes in ground levels around the 3" main, then these changes will need to be addressed to confirm if the main will be affected. In the event the main will be affected by a change in ground level and in order to protect the main it may need diverting. Any diversion will be at the developers expense (under the provisions of Section 185, Water Industry Act 1991).
- 5 In respect of condition 9 "rating level" and "background sound level" are as defined in BS4142:2014+A1 2019 'Methods for rating and assessing industrial and commercial sound' and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.



**North Yorkshire Council  
Community Development Services  
Skipton and Ripon Area Constituency Planning Committee**

**03 June 2024**

**ZA23/25403/FUL - Residential Development, With Access, Associated Landscaping,  
Green Infrastructure, And Other Associated Works At Land Off Marton Road,  
Gargrave on behalf of R N Wooler & Co**

**Report of the Head of Development Management – Community Development Services**

## **1.0 Purpose of the report**

- 1.1 To determine a planning application for the proposed residential development of 38 dwellings with access, associated landscaping, green infrastructure and associated works on land at Marton Road, Gargrave.
- 1.2 To set out details of the proposals, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission
- 1.3 This application is brought to the Area Constituency Planning Committee due to the levels of public interest in the scheme.

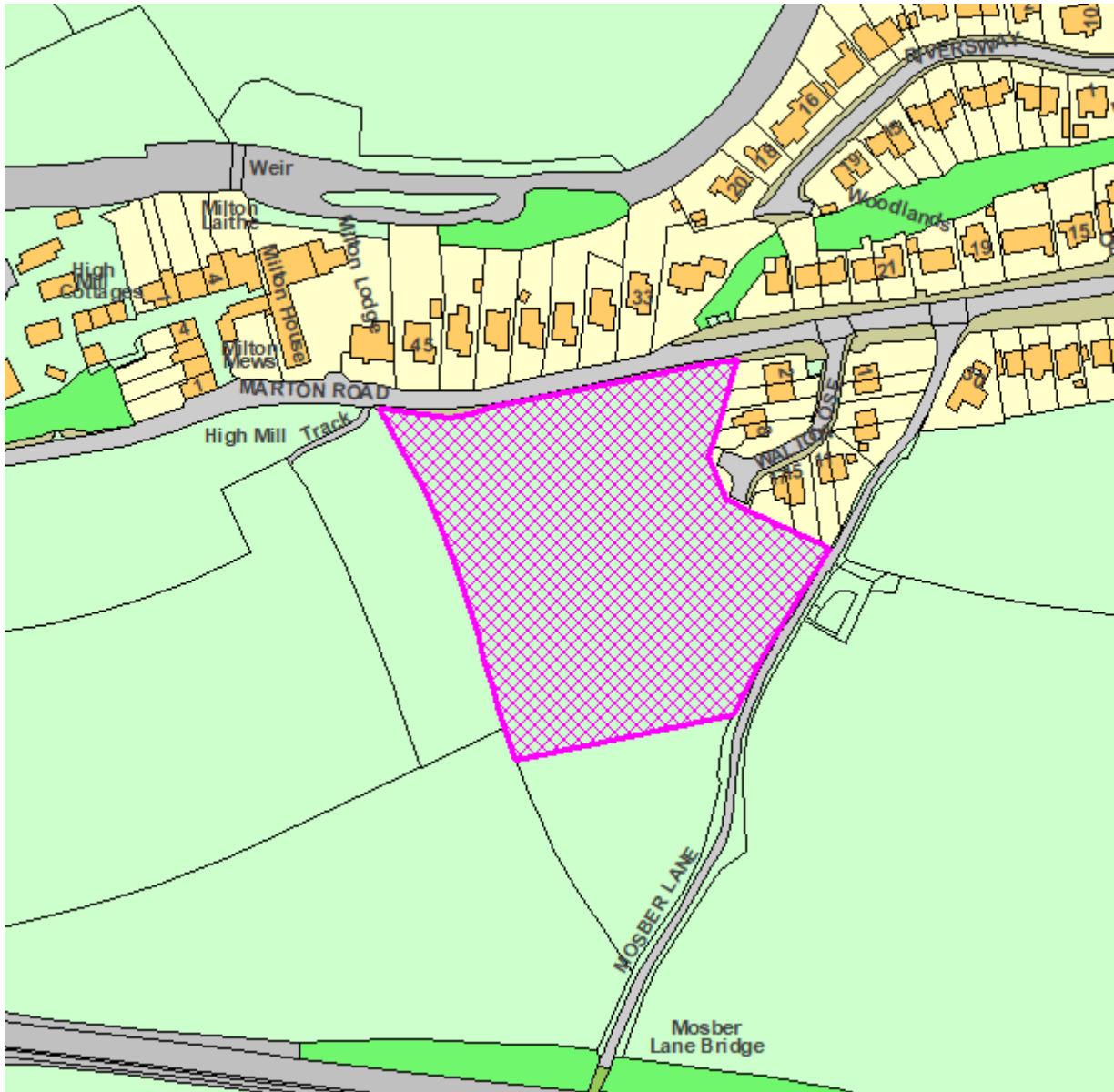
## **2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be Granted subject to conditions listed below and completion of a S106 agreement covering affordable housing and a contribution to off-site open space.

- 2.1 There are concerns regarding flooding and drainage, highways, design, amenity, visual impact, and biodiversity.
- 2.2 However, the proposal is considered to have mitigated these concerns subject to imposition of planning conditions and entering into a Section 106 Agreement.



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### 3.0 **Preliminary Matters**

3.1 Access to the case file on Public Access can be found  
<https://publicaccess.cravenc.gov.uk/online-applications/>

3.2 The following relevant planning history has been identified for the application site:

2022/23669/FUL: Residential development with access, associated landscaping, green infrastructure, and other associated works. Refused 09th January 2023. The

application was refused by the former Craven District Council on 9th January 2023 for the following reasons:

1. The proposed development fails to provide a suitable density and mix of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the NPPF which advocates the efficient and effective use of land.
2. The proposed development would result in a poorly designed residential development which would have a significant and detrimental visual impact upon the surrounding area. The proposal is therefore contrary to Local Plan Policy ENV 3 (Good Design), Good Design in Craven SPD, and paragraph 130 of the NPPF.
3. The proposed development has provided insufficient information regarding flooding and drainage and therefore the proposal cannot be guaranteed to comply with Local Plan Policies ENV6 and ENV8, Flood Risk & Water Management SPD, and Section 14 of the NPPF.

#### **4.0 Site and Surroundings**

- 4.1 The application site is a parcel of land that is currently open agricultural land. The site is located directly to the west of Walton Close and to the south of (and accessed directly from) Marton Road, Gargrave. Surrounding the site are residential properties to the east and north, with open agricultural fields to the west and a public right of way to the south connecting Marton Road from the north-east to Scaleber Hill and East Marton beyond.
- 4.2 The application site is adjacent to, but outside of, the Main Built-Up Area of Gargrave. Notwithstanding, the application site is an allocated site within the Local Plan (GA031) for an approximate yield of 44 dwellings, plus is allocated as a preferred housing site in the Gargrave Neighbourhood Plan (G2/2).

#### **5.0 Description of Proposal**

- 5.1 The application seeks planning permission for the construction of 38 dwellings to the south of Marton Road, with access directly from that highway. The proposal also includes off-street parking and associated infrastructure.
- 5.2 The dwellings would consist of a mix of terraced, semi-detached and detached dwellings ranging from 1-4 bedrooms, with associated parking areas. The housing mix is proposed as follows:
  - 3 No. 1-bedroom
  - 12 No. 2-bedroom
  - 17 No. 3-bedroom
  - 6 No. 4-bedroom
- 5.3 The properties would be constructed using sandstone coursed walling and quoins, with a natural slate roof, timber windows, composite doors and black aluminium rainwater goods.

- 5.4 The site would be accessed directly off Marton Lane via a new junction. On-site parking would consist of a mixture of driveways, garages and frontage parking. The application is accompanied by a Transport Statement and an AMR Travel Plan.

## **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:

- The Craven Local Plan 2012-2032 (adopted 2019) (Local Plan).
- Gargrave Neighbourhood Plan made 8th July 2019
- Minerals & Waste Joint Plan 2015 – 2030, adopted 2022

### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance
  - National Design Guide
  - Craven Good Design DPS 2022
  - Craven Green Infrastructure SPD 2022
  - Craven Settlement Monitoring Report 1st January 2024.
  - Craven District Plan Approaching Housing Density and Mix 2017
  - Craven Authority Monitoring Reports 2021-2022
  - BRE Site Layout Planning for Daylight and Sunlight
  - Gargrave Neighbourhood Plan made 8th July 2019 Policy G2/2.

## **7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below. Full details are on the website at the following link:  
<https://publicaccess.cravencd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1XZ42FKIQW00>

- 7.2 **Gargrave Parish Council:** Object to the proposal for the following reasons:

### Design

Fails to meet suitable density and housing mix.  
 Poor designed development  
 Inadequate green spaces.

### Highways

Concern over highway and pedestrian safety and request remedial action or works to be carried out.  
 Insufficient parking.  
 Concern over lack of specified traffic calming measures.

Sewer/drainage

Concern over flooding caused by the development.  
 Concern that the combined sewer has insufficient capacity.  
 Concern over flood mitigation measures not being sufficient.

Other Matters

Sawmill site would be a better development as it is a brownfield site.  
 Request for a condition for a noise study for future residents from railway line.

- 7.3 **Yorkshire Water:** No objection subject to conditions regarding separate drainage systems for foul and surface water, no piped discharge of surface water until a satisfactory outfall has been created, and a buffer from the public sewer.
- 7.4 **Lead Local Flood Authority:** No objection to the scheme but recommend a compliance condition for surface water management including flow rate restriction to 3.5 litres per second.
- 7.5 **National Grid:** "no National Gas Transmission assets affected in this area".
- 7.6 **NYC Education Authority:** Based upon the proposed number of dwellings no developer contributions would be sought for education facilities at this time but should the density of the site change this would need to be recalculated.
- 7.7 **NYC Strategic Housing:** The site is a greenfield site so should provide 30% of homes as affordable units so would anticipate 11 affordable units for this site which has been reflected in the submitted plans which show them spread throughout the site. In support of this application subject to entering into a Section 106 Agreement.
- 7.8 **NYC Sport Officer:** As there is no adequate on-site open space provision, a contribution will be required through a Section 106 Agreement for off-site provision. As the proposal is for 38 dwellings, the offsite contribution required is £138,354.
- 7.9 **NYC Police (DOCO):** "The design and layout for this proposal has taken into consideration the principles of crime prevention through environmental design".
- 7.10 **Historic England:** No comment other than stating to seek views of our own conservation and archaeological advisers.
- 7.11 **Heritage Consultant:** No objection subject to conditions for materials and landscaping, house design and confirmation of boundary treatment and gate piers at the site entrance.
- 7.12 **NYC Environmental Protection:** No objection but recommend conditions regarding a noise mitigation report, construction noise, and dust management.
- 7.13 **NYC Contaminated Land:** No objection subject to a condition for a Phase II Intrusive Site Investigation Report.
- 7.14 **NYC Highways:** No objection. The proposed visibility of 2.4m x 43m is acceptable. The required turning and parking including garage spaces and secure bike facilities meet NYC standards. Drainage proposals acceptable from a Highways perspective.

Recommend conditions for road and footway layout, construction of adoptable roads and footways, visibility splays, restriction on garage conversion, and a Construction Phase Management Plan.

- 7.15 **NYC Public Rights of Way Officer:** No objection but state that if the adjacent PROW is physically affected permanently or temporarily a formal Order will be required and the PROW must be protected and kept clear of any obstruction until an alternative route has been provided where necessary.
- 7.16 **Pennine National Trails Partnership:** No objection but request monies through a Section 106 Agreement for payment towards the upkeep of the National trail.

#### Local Representations

- 7.17 223 local representations have been received of which raise objections. A summary of the comments is provided below, however, please see <https://publicaccess.cravenc.gov.uk/online-applications/> for full comments.

#### Principle of development

- o Overdevelopment.
- o No need for additional housing.
- o Should not have been included in Local Plan.
- o Conflicts with the NPPF.
- o Conflicts with Gargrave Neighbourhood Plan.
- o Conflicts with Craven's declared Climate Emergency.
- o Concern housing mix does not meet local need.
- o Lack of single storey dwellings for older people.
- o Would suggest a brownfield site instead.

#### Visual impact

- o Dwellings not in keeping with the locality.
- o Could impact the nearby conservation area.
- o Will appear visually dominant.
- o Greenfield site should be preserved to maintain the character of the village.
- o Inappropriate design and scale.

#### Highways

- o Lack of pavements to the site/no suitable pedestrian access.
- o Increase in traffic on nearby roads.
- o Would impact upon the National Cycle Route 68.
- o Access road is narrow.
- o Vehicles move too fast along Marton Road.
- o No lighting along the highway.
- o Concern over high numbers of agricultural vehicles along Marton Road.
- o Concerns over construction traffic.
- o Concern over damage to listed bridge.
- o Disagreement with the finding of the Transport Statement.
- o No plans to widen or improve the road.
- o Would have a detrimental impact upon the highway.
- o Lack of disability access.
- o Lack of visitor parking.
- o Do not agree with access to Walton Close.
- o Insufficient public transport.
- o Query why the access to the site is at the bottom of a hill.
- o Impact upon walkers in the area using Pennine Way.

#### Amenity

- o Proposal will impact on local services and amenities.
- o Loss of privacy to neighbouring properties.
- o Loss of light to neighbouring properties.

- o Access for disabled is limited.
- o No accessible playground.
- o Light pollution from site.

#### Biodiversity

- o Harm to wildlife.
- o Impact on ecology.
- o Harm to existing landscaping.
- o Lack of bat survey.
- o Hedgerow at site entrance should be protected.

#### Flooding/drainage

- o Will increase flooding to the area.
- o Detrimental impact upon drainage in the area.
- o Concern over sewage capacity.
- o Request a maintenance programme if approved for the attenuation tanks.
- o Drainage Strategy document insufficient.

#### Other Matters raised in representations

- o Insufficient information provided.
- o Infrastructure will not be able to cope.
- o Request assurances that if permitted the density of the development would not increase.
- o Should be built to passive house standard.
- o Houses will be too expensive for the area/need more affordable homes.
- o Lack of consultation/notification with local residents.
- o Local Plan did not follow due process.

#### Non-material considerations raised in representations

- o Only about developer making money
- o Loss of view.
- o Should not allow developer to submit revised documents.
- o Query why some documents unavailable.

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

- 8.1 Having regard to the scale and nature of the proposal, the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). Therefore, no Environment Statement is required.

### **9.0 Main Issues**

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

Principle of development  
 Context of previous refusal  
 Housing mix and density  
 Affordable housing provision  
 Education provision  
 Open Space provision  
 Visual impact and design  
 Impact on amenity  
 Sustainable design  
 Flooding & Drainage

Biodiversity  
Highway safety  
Other matters

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 Policy SP1 of the Local Plan seeks to support the housing needs of Craven over the plan period.
- 10.2 Policy SP4 of the Local Plan seeks to deliver a sustainable pattern of growth over the plan period. Criterion C states that the plan will direct a proportionate level of growth to Gargrave to underpin its role as a Tier 3 settlement.
- 10.3 Policy SP10 lists 3 allocated sites within Gargrave for housing including this application site reference GA031. The policy states that proposals for development on any of the 3 listed sites will be supported subject to compliance with the development principles for each site. For the application site these are that the siting and design of development on the site conserves the significance of nearby heritage assets, that the proposal will incorporate SuDS, that the proposal should be sensitively designed to minimise visual impact upon the surrounding area, that access is to be gained from Marton Road, and that the site must accord with Local Plan Policies H2 (Affordable Housing), INF3 (Sport, Open Space and Recreation Facilities) and INF6 (Education Provision).
- 10.4 Policy G2 of the Gargrave neighbourhood plan also identifies this site for new housing development ref: G2/2.
- 10.5 In conclusion, the proposed residential development on this site is acceptable in principle in accordance with policies SP1, SP4 and SP10 of the Local Plan, and Policy G2 of the GNP subject to meeting the requirements of all other relevant Local Plan policies.

### Context of previous refusal

- 10.6 Planning consent was refused in January 2023 for the reasons outlined above in paragraph 3.2. The applicant has engaged in pre-application discussions with the Council to address the previous reasons for refusal.
- 10.7 To reduce visual harm the development has been re-designed with regard to the local context of the area with a good mix of dwellings of an appropriate density given the constraints on the site. In addition, the statutory consultees have reviewed the revised scheme and have not objected to the proposal on the grounds of flooding or drainage issues.

### Housing mix and density

- 10.8 Local Plan Policy SP3 states that new housing developments will ensure that land is used in an effective and efficient manner to address local housing needs. In typical greenfield developments, the appropriate housing density should be approximately 32 dwellings per hectare.
- 10.9 The site area for the proposal is approximately 1.38 hectares. At the approximate 32 dwellings per hectare calculation, the site should be expected to yield 44.16 dwellings. The policy allows for some flexibility to housing mix and density to ensure scheme viability, to take account of local variations in housing need, to promote better balanced mixed communities or to achieve other local plan objectives.



- 10.10 In regard to housing mix, the Strategic House Market Assessment (SHMA) states that the mix of the properties within sites should be approximately as follows:

Overall dwelling size mix	Market (%)	Affordable (%)	Overall %
1 or 2 beds	18.9	87.4	39.4
3 beds	57.3	11.8	43.7
4 beds	23.8	0.8	16.9
Total	100	100	100

- 10.11 Based upon the drawings submitted, the mix proposed is as follows:

Overall dwelling size mix	Market (%)	Affordable (%)	Overall %
1 or 2 beds	22.22	81.82	39.47
3 beds	55.56	18.18	44.74
4 beds	22.22	0	15.79
Total	100	100	100

- 10.12 Based upon the figures submitted as part of the proposal, the proposed mix throughout the site is commensurate with anticipated levels with a marginal overprovision of 3-bed properties and a marginal under provision of 4-bed properties.

- 10.13 It is considered overall that the variance in the mix of properties through the site is suitably justified and is acceptable. The density is under the target identified within the Plan which states an approximate yield of 44 dwellings.

- 10.14 However, policy SP3 allows for some flexibility for housing mix and density this is to account for local variations in housing need, to promote more balanced communities or to achieve other local plan objectives. In this instance, it is considered that the under provision of housing on the site has been justified through the topography and shape of the site together with the site access position, internal access arrangements and to deliver a sustainable drainage scheme for the site.

- 10.15 For these reasons, it is considered that the proposal is acceptable as it complies with Policy SP3 for providing an appropriate housing mix and density.

#### Affordable housing provision

- 10.16 Local Plan policy H2 seeks affordable housing of 30% on greenfield sites of developments with a combined gross floor area of more than 1000 sqm. The proposed combined gross floor area is above 1000 sqm and the proposal is for greater than 10 dwellings. Therefore, the requirement under Policy H2 of the Local Plan with regard to affordable housing provision has been triggered.
- 10.17 The applicant has stated on-site provision of affordable housing of 11 units, equating to 28.95% affordable units. This is marginally less than the 30% provision. However, whilst the provision is marginally under the 30% provision the Council's strategic housing officer has not objected to the application. The proposal is therefore considered acceptable and would be secured via a Section 106 Agreement.
- 10.18 Comments concerning the allocation of the affordable units are acknowledged, however, it will be for the Council's strategic housing officer to determine the tenure split and triggers regarding the affordable provision on site.

#### Education provision

- 10.19 Local Plan Policy INF6 seeks to ensure that there is a sufficient choice of school places to meet the needs of existing and new residents. If the proposal would result

in a deficit of school places in the area, it will be required to provide developer contributions for education provision. In particular, the policy states that contributions will be sought from proposed developments on local plan-allocated sites.

- 10.20 The North Yorkshire Education Authority was consulted on the proposal, and they stated that no developer contributions will be required for education facilities at this time.

Open Space provision

- 10.21 Local Plan Policy INF3 seeks to promote health, well-being and equality by safeguarding and improving sports, open space and built sports facilities. The policy requires all new housing development of 11 or more dwellings and on any site with a combined gross floor area of more than 1000 square metres to include provision or contribution towards new or improved sport, open space and built sports facilities.
- 10.22 Further, the policy states that new provision or contributions towards improving existing spaces and facilities must cater for the needs arising from the development. Where a quantity deficiency exists, on-site provision of facilities will be expected where possible, whereas a quality deficiency will require a contribution to be made to address qualitative deficiency off-site.
- 10.23 A consultation was undertaken by the Council's Sports Officer to assess the open space need in the area. It was confirmed that in Gargrave there is a qualitative deficiency rather than a quantity deficiency. It has been calculated that an off-site contribution of £138,354 will be required to address this qualitative deficiency and 10 sites have been identified to receive some of the funds. However, it is also stated that the monies will only be allocated prior to finalising the S106 Agreement and will be confirmed in consultation with parish councillors and ward members.
- 10.24 It is considered that the proposal complies with Policy INF3 subject to the applicant entering a Section 106 Agreement to secure a contribution to off-site qualitative open space in the locality.

Visual impact and design

- 10.25 Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials.
- 10.26 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.27 The site is currently an open agricultural field. The prevailing character of the surrounding dwellings to the east and north is a combination of detached and semi-detached dwellings. The application scheme will be similar to this insofar as it includes the provision of 20 semi-detached dwellings, and 12 detached dwellings. The remaining 6 dwellings will be delivered as terraced dwellings consisting of 2 rows of 3 dwellings.
- 10.28 The design of the dwellings includes sandstone coursed walling and quoins, natural slate roofs, timber windows, composite doors and black aluminium rainwater goods as specified on the submitted plans and supporting documentation. These details are generally consistent with the materials present in the locality and is considered acceptable.

- 10.29 Objections have stated that the proposal could be considered overdevelopment, but this has been more in relation to the scale of the proposed houses as 4-bedroom properties, as well as the number of houses approved in Gargrave covering the Plan period.
- 10.30 Based upon the case officer site visit, and that the site would deliver only 38 dwellings rather than the 44 specified by policy it is not considered that the proposal would result in an overdeveloped of the site. Furthermore, there is no mechanism within the local plan or elsewhere which would allow a planning application to be refused based on any 'over-provision' of housing in a particular settlement.
- 10.31 The site can be seen from several public viewpoints including Marton Road to the north, Walton Close to the west and from section of the PROW to the south, some of which is directly adjacent to the application site boundary. The view from Walton Close and the PROW will be partially restricted due to a combination of existing housing and landscaping at the site boundaries.
- 10.32 The clearest view of the site will be from Marton Road, in particular from the north-west corner across the entrance to the site toward Walton Close due to the lack of existing landscaping and the uphill sloping topography of the site making the site more prominent from this angle. The development as a whole will be seen in the context of the adjacent housing from this viewpoint.
- 10.33 The frontages of the properties when viewed from the site access at Marton Road will be relatively open with landscaped areas breaking up the car parking spaces to the frontages.
- 10.34 The landscaping proposed to the frontages would be subject to a planning condition. It is considered however that the proposed landscaping would be effective in reducing the impact of the parking spaces to the frontages of the properties. The largest parking area would be to the frontages of plots 30-34 inclusive totalling 10 spaces. However, there is landscaping identified which would break this up into sections of 4 and 6 spaces respectively. Additionally, due to the slight kink in the road and the proposed landscaping buffer, these parking spaces would not be visually dominant from Marton Road.
- 10.35 For the aforementioned reasons, it is considered that the proposed residential development would be consistent with the Craven Local Plan and NPPF in regarding to the visual impact of the development upon the surrounding area.

#### Impact on amenity

- 10.36 Policy ENV3 seeks to ensure that development protects the amenity of existing residents and provides a good standard of amenity for future occupants of land and buildings. Amongst other things, Framework paragraph 135 requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### Existing residents

- 10.37 The proposed dwellings would be sited on a parcel of agricultural land in relatively close proximity to neighbouring properties on the opposite side of Marton Road and those on Walton Close. However, due to the proposed drainage attenuation tanks, public open space, and relatively dense landscaping buffer to the northern boundary the separation distance from the proposed dwellings to those on Marton Road is

significant and restricted and would therefore have a minimal amenity impact upon those occupiers.

- 10.38 However, the proposed dwellings will be much closer to the existing properties on Walton Close. In particular plots 8 and 9 in close proximity to No 6 and 8 Walton Close, and plots 19 and 20 upon No. 15 and 17 Walton Close. However, due to the orientation and intervening landscaping, the impact is not considered to be unacceptable in regard to loss of privacy through being overbearing, overshadowing or overlooking.
- 10.39 The proposed dwellings will have a mix of openings on either 2, 3 or all 4 elevations. The rear elevations are considered to be acceptable in regard to their impact upon amenity through overlooking as there is sufficient separation distance between the openings and neighbouring properties to the rear or they face across agricultural land or the PROW. Openings to the front elevations similarly are not considered unacceptable as they typically do not overlook private amenity areas but rather open garden areas, driveways and the proposed highway.
- 10.40 Of the 38 dwellings proposed, 25 of the dwellings are proposing openings to one or both of their side elevations. They all face blank side elevations or other properties or face toward landscaping to the site boundaries (plots 9, 18 and 19).
- 10.41 Overall it is considered that while there will be some level of impact upon amenity of neighbouring occupiers, these will be contained within the site, and will be to a minimal and acceptable level. Overall, the level of impact through overlooking is considered to be acceptable.
- 10.42 Similarly, due to the separation distance of the proposed properties from one another and from those existing dwellings outside of the application site the impact of overshadowing will be minimal and, for a limited number of dwellings within the site only, will overshadow secondary, ground floor windows only and is therefore acceptable.

#### Future residents

- 10.43 Amenity of the potential future occupiers of the proposed dwellings also needs to be taken into consideration.
- 10.44 In this instance, the proposed level of accommodation and outside amenity space is considered sufficient to meet the needs of any future occupants.
- 10.45 For the aforementioned reasons, the proposal would result in a minimal impact upon the amenity of neighbouring occupiers and would provide an acceptable level of accommodation for future residents. The proposal is therefore considered to be compliant with Local Plan policy ENV3 and paragraph 135(f) of the NPPF and the proposal is therefore acceptable.

#### Sustainable design

- 10.45 Policy ENV3 of the Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, carbon emissions and to minimise waste.
- 10.47 The applicant has submitted a sustainable design and construction statement to demonstrate the measures that have been built into the design. This includes the use of high-quality insulation, sustainable materials, flexible open living areas, energy efficient fittings, electric vehicle charging points, and solar panels.

- 10.48 These measures are considered appropriate for the size of the proposal and sufficient for compliance with Local Plan Policy ENV3.

Flooding & Drainage

- 10.49 Policy ENV6 states that development will take place in areas of low flood risk where possible in areas with the lowest acceptable flood risk. Additionally, development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 10.50 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources and protect surface and groundwater from potentially polluting development and activity.
- 10.51 Concerns have been raised over the potential increase in flooding in the area. However, the site is within flood zone 1 so has a low probability of increasing the risk of flooding within the site or causing an increase in flooding off the site.
- 10.52 Regarding surface water the Lead Local Flood Authority have reviewed the proposed surface water management details which includes the provision of an attenuation tank and have not objected to the scheme instead stating that the proposed drainage for the site is considered to be acceptable subject to a compliance condition. Similarly, Yorkshire Water have also not objected to the proposal recommending conditions to deal with surface and foul water.
- 10.53 For the aforementioned reasons it is considered that the proposal complies with Local Plan Policies ENV6 and ENV8 and the NPPF and is therefore acceptable.

Biodiversity

- 10.54 Policy ENV4 of the Local Plan states that growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Additionally, where possible, development will make a positive contribution towards achieving a net gain in biodiversity. Further, the policy aims to avoid the loss of, and encourage the recovery and enhancement of ecological networks, habitats and species populations.
- 10.55 Paragraph 180 of NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.56 The proposal would result in the increase of hard surfaces and the loss of an area of agricultural land. Policy ENV4 states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 10.57 The applicant's agent submitted an ecological appraisal prepared on their behalf by Smeeden Foreman. The appraisal consisted of a desk-based study as well as a walkover survey at the site to establish the proximity to statutory and non-statutory designated sites, the proximity to existing records of protected species, and site habitat appraisal and potential to support protected species.
- 10.58 The assessment concludes that there are no statutory designated sites with 2km of the site (including Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR), Ramsar Sites, Special Protection Areas (SPA), Special Areas of Conservation

(SAC), National Nature Reserves (NNR), Areas of Outstanding Natural Beauty (AONB) and National Parks). 2 non-statutory designated sites have been identified within 2km however the proposal will have no adverse impact upon those sites due to the distance from the application site, the scale of the proposal and the intervening land uses.

- 10.59 The habitats are considered to be of limited conservation value comprising predominantly of grassland. The boundary hedgerows are considered to be of higher value as a priority habitat under the UK Biodiversity Action Plan (UK BAP) and present opportunities for breeding, roosting bird species, and small mammals as well as foraging potential for bats. The identified important hedgerows are largely retained with opportunities for enhancement where gaps exist.
- 10.60 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13, of the Town and Country Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.61 However, this application is considered exempt from this condition due to the application being submitted before the implementation of the mandatory 10% BNG provision.
- 10.62 Notwithstanding this, as outlined above Policy ENV4 requires biodiversity enhancements. To deliver a net gain in biodiversity the proposal recommends retaining and where possible enhancing the existing soft landscaping including the boundary hedgerows; additional tree and hedgerow planting, seeding open space areas, and use of protective fencing during construction. Additionally, it is recommended to have a sympathetic lighting scheme incorporated into the development, as well as the installation of bird/bat nesting/roosting boxes and gaps in fencing and walls for hedgehogs.
- 10.63 Subject to the conditioning and implementation of the recommended mitigation and enhancement measures, the proposal is acceptable in accordance with Policy ENV4 of the Local Plan.

#### Highway safety

- 10.64 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes and ensure proper provision and management for parking for vehicles.
- 10.65 Local Plan policy INF7 seeks to promote sustainable transport modes to reduce the impact upon the highway network and to minimise the release of greenhouse gases. Additionally, the policy seeks to promote the design of safe and convenient access to transport facilities.
- 10.66 In particular, the policy will achieve this through maintaining a pattern of growth which reflects the spatial strategy and settlement hierarchy in Policy SP4, ensuring developments maximise opportunities to travel by non-car modes of transport, ensuring developments that generate significant amounts of movement are supported by sustainable transport assessments, providing safe, suitable and convenient access for all modes of transport and all people, and ensuring the residual cumulative impact of traffic generated by development on the highway network is mitigated.

- 10.67 Local Plan Policy ENV12 seeks to safeguard and improve the quality, extent and accessibility of local footpaths, bridleways, byways and cycle routes and the network they form.
- 10.68 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 115 of the NPPF states that:
- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*
- 10.69 Paragraph 116 of the NPPF also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to 'give priority first to pedestrian and cycle movements' and to 'create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles'.
- 10.70 The Craven Local Plan is supportive of development proposals that provide adequate car parking provision. In this instance, the proposal would provide 38 dwellings with associated car parking spaces and some with attached/integral garages. The NYCC interim parking guidance specifies that dwellings with 4 or more bedrooms require 3 car parking spaces per dwelling in rural areas.
- 10.71 The proposal allows for 78 car parking spaces associated with specific dwellings, plus 2 visitor spaces to the north of the site. The guidance states that for the house types put forward in this rural area, 79 car parking spaces should be provided. The amount of car parking spaces put forward is therefore marginally more than the recommended minimal parking provision and is therefore considered to be acceptable. Additionally, the car parking spaces are all off-street spaces which helps to reduce the impact upon the highway network.
- 10.72 In accordance with the requirements of Policy INF7, the applicant's agent submitted a Transport Statement to consider existing sustainable transport available in and around the site and the impact of the proposed development.
- 10.73 The Transport Statement identifies several features relating to sustainable transport modes including a 2km walking isochrone, a map showing public rights of way (PROWs), a 5km cycling isochrone, a cycle route map and a bus stop location map.
- 10.74 The walking catchment isochrone shows that the majority of Gargrave is accessible by walking which, when read in conjunction with the PROW map, the 5km cycling catchment plan, and the cycle route map shows that the site is well connected to sustainable transport methods through walking and cycling, including through established highways, footways, and public rights of way.
- 10.75 The Highway Authority was consulted on the proposal and stated that the proposed visibility of 2.4m x 43m is acceptable. The general layout is satisfactory as are arrangements for turning, parking and access. The drainage strategy proposals are acceptable though technical approval will need to be sought as per NYCC procedures for manholes greater in diameter than 1250mm.
- 10.76 Several objections have been received quoting bad highway access to and from the site including the lack of provision of footpaths to the site, the road being too narrow, insufficient parking provision, the requirement for traffic calming measures, and

general safety concerns for users of the highway. Beyond the centre of the village Marton Road lacks a footway, characteristic of many of the district's rural areas. However, due to the required length it would not be a proportionate, viable, or reasonable proposition to expect the development to deliver a footway into the village.

- 10.77 Notwithstanding, it is considered that the proposal is in accordance with Local Plan policies INF4, INF7 and ENV12 and paragraph 115 of the NPPF. Many objections had concerns regarding the proposed scheme but the comments from the Highway Authority outweigh those concerns. The application is therefore considered to be acceptable in regard to highway safety.

#### Other Matters

- 10.78 Comments have been received stating that insufficient information has been provided. However, it is the officer's opinion that sufficient information has been received to determine the application. Additionally, comments have mentioned that the density of the development should not increase. The proposal is for 38 dwellings and would only increase if an amendment is submitted. However, this would require the submission of a formal application and appropriate consultation will be undertaken where appropriate.
- 10.79 Concerns that the infrastructure will not be able to cope with the proposed development. Due to the planning policy evidence and monitoring combined with consultation responses from relevant consultees, it is considered that the infrastructure is sufficient for this development.
- 10.80 Comments have been raised regarding the standard of the design. The standard of the design including passive houses are covered through building regulations. All dwellings will be built to an appropriate standard in line with the building regulations in force.
- 10.81 Comments have raised concerns that the homes will be too expensive and that there is a need for more affordable homes. The housing mix is in line with planning policy. The house prices have not been confirmed as it is up to the developer how much they wish to sell the houses for. The amount of affordable housing is considered to be appropriate.
- 10.82 Concerns have been lodged regarding the lack of consultation with local residents. Developers are encouraged to engage with the local community and parish in advance of submitting applications, but it is not a requirement for them to do so. Regarding consultation and publication of the proposal, there have been direct neighbour notification letters to properties surrounding the site, site notices posted at the site boundary as well as press notices in the local newspaper. This is beyond the minimum requirement for notification, so the appropriate procedure has been followed.
- 10.83 An objector has stated that the Local Plan did not follow due process. This is not correct as the Local Plan is based upon a robust evidence base and has been fully examined and considered to be a sound plan at the adoption stage. Accordingly, it is considered that the Local Plan is robust and due process was followed.
- 10.84 Part M requires new dwellings to be fully disabled accessible and that disabled persons facilities are provided and this will dealt with under separate Building Regulation Legislation.



S106 Legal Agreement

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

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
POS Delivery and Maintenance	Delivery of qualitative provision.	£138,354.00 to be agreed with the Open Space Officer
Affordable Housing	11 Dwellings	11 Dwellings trigger to be agreed with Strategic Housing Officer

10.86 It is considered that the above S106 Heads of Terms is necessary, directly related to the development and fairly and reasonably related to the scale of the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

**11.0 PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 11 of the NPPF advises that LPAs should be:

*"approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

11.2 On balance, it is considered that any harm caused as a result of the scheme would not significantly or demonstrably outweigh the presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be approved subject to conditions.

**12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to the conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

**Recommended Conditions****Time Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## Approved Plans

- 2 The development permitted shall be carried out in accordance with the following approved plans and documents:

Drawing No. 12 Rev C "Proposed Site Levels" received 03rd October 2023.  
 Drawing No. 8591-BOW-A0-ZZ-DR-A-0001 Rev P1 "Site Location Plan" received 03rd October 2023.  
 Drawing No. 8591-BOW-A0-ZZ-DR-A-0002 Rev P1 "Topographical Site Survey" received 03rd October 2023.  
 Drawing No. 8591-BOW-A0-ZZ-DR-A-0006 Rev P2 "Proposed Street Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-A0-ZZ-DR-A-0104 Rev P4 "Proposed Site Layout - 38 Houses" received 21st December 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0120 "Type A+B - Plots 2-3 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0121 "Type A+B - Plots 4-7 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0122 "Type B - Plots 19+20 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0123 "Type B + C - Plots 32-34 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0124 Rev P2 "Type D - Plot 10, 11, 13, 14, 30 + 31 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0125 Rev P2 "Type E - Plots 1 + 35 Floor Plans + Elevations" received 03rd October 2023.  
 Drawing No. 8591-OW-ZZ-ZZ-DR-A-0126 Rev P1 "Type F - Plots 8 + 9 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-0127 Rev P1 "Type F - Plots 15 + 16 Floor Plans + Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0128 Rev P1 "Type F - Plots 21, 22 + 23 Floor Plans + Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0129 Rev P2 "Type F - Plots 36 + 37 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0130 Rev P2 "Type G - Plot 12 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0131 Rev P1 "Type G - Plots 27, 28 + 38 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0132 Rev P2 "Type H - Plots 17, 18, 24 + 25 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0133 Rev P2 "Type I - Plots 26 + 29 Floor Plans and Elevations" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0134 "Single Garage" received 03rd October 2023.  
 Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0135 "Double Garage" received 03rd October 2023.  
 Sustainable Design and Construction Statement received 03rd October 2023.  
 Phase I Preliminary Contamination Risk Assessment received 03rd October 2023.

Reason: To specify the permission and for the avoidance of doubt.

**Pre-commencement condition**

- 3 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: In the interests of public health and safety and convenience and to accord with Policy ENV8 of the Craven Local Plan.

- 4 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: In the interests of public health and safety and convenience and to accord with Policy ENV8 of the Craven Local Plan.

- 5 Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. If 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: In the interests of public health and safety and convenience and to accord with Policy ENV8 of the Craven Local Plan.

6. 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: In the interests of public health and safety and convenience and to accord with Policy ENV8 of the Craven Local Plan.

- 7 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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to accord with Policy INF7 of the Craven Local Plan.

- 8 Before the commencement of the construction phases the applicant shall provide a written 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: to safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

### **During Building works**

- 9 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. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to accord with Policy ENV of the Craven Local Plan and the National Planning Policy Framework.

- 10 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: 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.

- 8 No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip

width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority.

The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network.

12 The Development shall be built in accordance with the following submitted designs;

- o Drainage Strategy, Hutchinson Whitlam Associates, Reference 20082595/MO/PH, Revision D, Dated August 2023.
- o Exceedance Flow Plan, Hutchinson Whitlam Associates, Reference 20082595-SK03, Revision D, Dated 08/23.
- o Proposed Drainage Layout (Whole Site), Hutchinson Whitlam Associates, Reference 20082595-10, Revision E, Dated 28/07/23.
- o Proposed Site Levels, Hutchinson Whitlam Associates, Reference 20082595-12, Revision D, Dated 31/07/23.
- o Causeway Hydraulic Calculations, Hutchinson Whitlam Associates, Dated 01/08/23.

The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second. A 45% allowance shall be included for climate change and an additional 5% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and to accord with Policy ENV6 of the Craven Local Plan.

13 The development shall be constructed in accordance with the materials outlined on the approved plans and retained as such thereafter.

Reason: In the interests of the appearance and character of the development and to comply with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

14 There must be no access or egress by any vehicles between the highway and the application site at Land Off Marton Road, Gargrave until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6

metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

- 15 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: in the interest of amenity and to accord with Policy ENV4 of the Craven Local Plan.

### **Prior to occupation**

- 16 A report specifying the measures to be taken to protect the development from noise from the railway shall be submitted to and approved in writing by the LPA. The report shall a) Determine the existing noise climate b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development. c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To safeguard the living conditions of future occupants particularly with regard to the effects of noise to comply with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 17 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: 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.

- 18 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land off Marton Road, Gargrave have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 19 All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 2015 as amended, or any new re-enactment, the garages hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles and to accord with Policy INF4 of the Craven Local Plan and the National Planning Policy Framework.

- 20 The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed management and maintenance plans and any agreed phasing of those works.

Planting works, if delayed, should be completed in the first available planting season (October-March). Suppose any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting. In that case, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season.

Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission.

Reason: In the interests of the appearance and character of the development and area and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

### Notes

- 1 Statement of Positive Engagement:

In dealing with this application North Yorkshire Council (Craven) has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

- 2 Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.
- 3 The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.
- 4 The applicant is advised to undertake early engagement with telecommunication providers to ensure the development benefits from the highest quality broadband connectivity available. Lead times for the provision of broadband services can be in excess of 9 months prior to occupation of the first dwelling.

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing [Edu.cra@northyorks.gov.uk](mailto:Edu.cra@northyorks.gov.uk) or can be downloaded from the Council's website.

- 5 The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended, it is an offence to remove, damage or destroy a wild bird's nest while the

nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

- 6 The Design & Access Statement states that the affordable dwellings in this application need to comply with Secured By Design (SBD). The applicant is advised to contact the Designing out Crime Officer to discuss the SBD process and accreditation or visit the website [www.securedbydesign.com](http://www.securedbydesign.com)
- 7 Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

**Target Determination Date: 26 December 2023**

**Case Officer: Mr Sam Binney, [Sam.Binney1@northyorks.gov.uk](mailto:Sam.Binney1@northyorks.gov.uk)**



## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

03 June 2024

**2022/24127/FUL - Proposed removal of 25 permanent residential caravans, conversion of the existing sawmill building into 2 apartments and the erection of 12 new dwellings with associated infrastructure, at the Old Sawmill Marton Road, Gargrave, Skipton BD23 3NN**

#### Report of the Head of Development Management – Community Development Services

##### 1.0 Purpose of the Report

- 1.1 To determine a full planning application for the development set out above.
- 1.2 The application is the subject of a Ward Member referral request.

## 2.0 SUMMARY

**RECOMMENDATION: That planning permission be REFUSED for the reasons set out below.**

- 2.1. The sawmill is three-storey stone-built and located to the west of Gargrave, in a countryside location outside the main built-up area and defined settlement boundary<sup>1</sup> of the Gargrave Neighbourhood Development Plan (July 2019) (the GNDP). The land around the Sawmill is used for the siting of static caravans, 8 of which are currently occupied on a six-month lease.
- 2.2. The site is situated adjacent to the river Aire. According to the latest Environment Agency (EA) Flood Map, the majority is within Flood Zone (FZ) 2, with some nearest the river in FZ3, and the EA object. The building is not statutorily listed or within a conservation area. However, it is identified in the GNDP as a built heritage asset which has special significance that is important to Gargrave's distinctive local character. As such, it qualifies as a non-designated heritage asset (NDHA).
- 2.3. The Sawmill would be converted into 2 apartments and its water wheel would be reconstructed. Inappropriate modern extensions and an adjacent building would be demolished. An external staircase would be created enclosed by a contemporary glass extension. In place of the caravans, 12 three-storey dwellings would be constructed, together with access and parking areas and flood mitigation works. The mill race would be partially exposed, and the site landscaped. None of the proposed dwellings would be affordable.
- 2.4. The starting point for the determination of the application is the development plan. The application must be determined in accordance with it unless material considerations indicate otherwise.
- 2.5. Due to its location, the proposal would be contrary to the spatial strategy for the location of new housing and the flood risk policies of the Development Plan and the National Planning

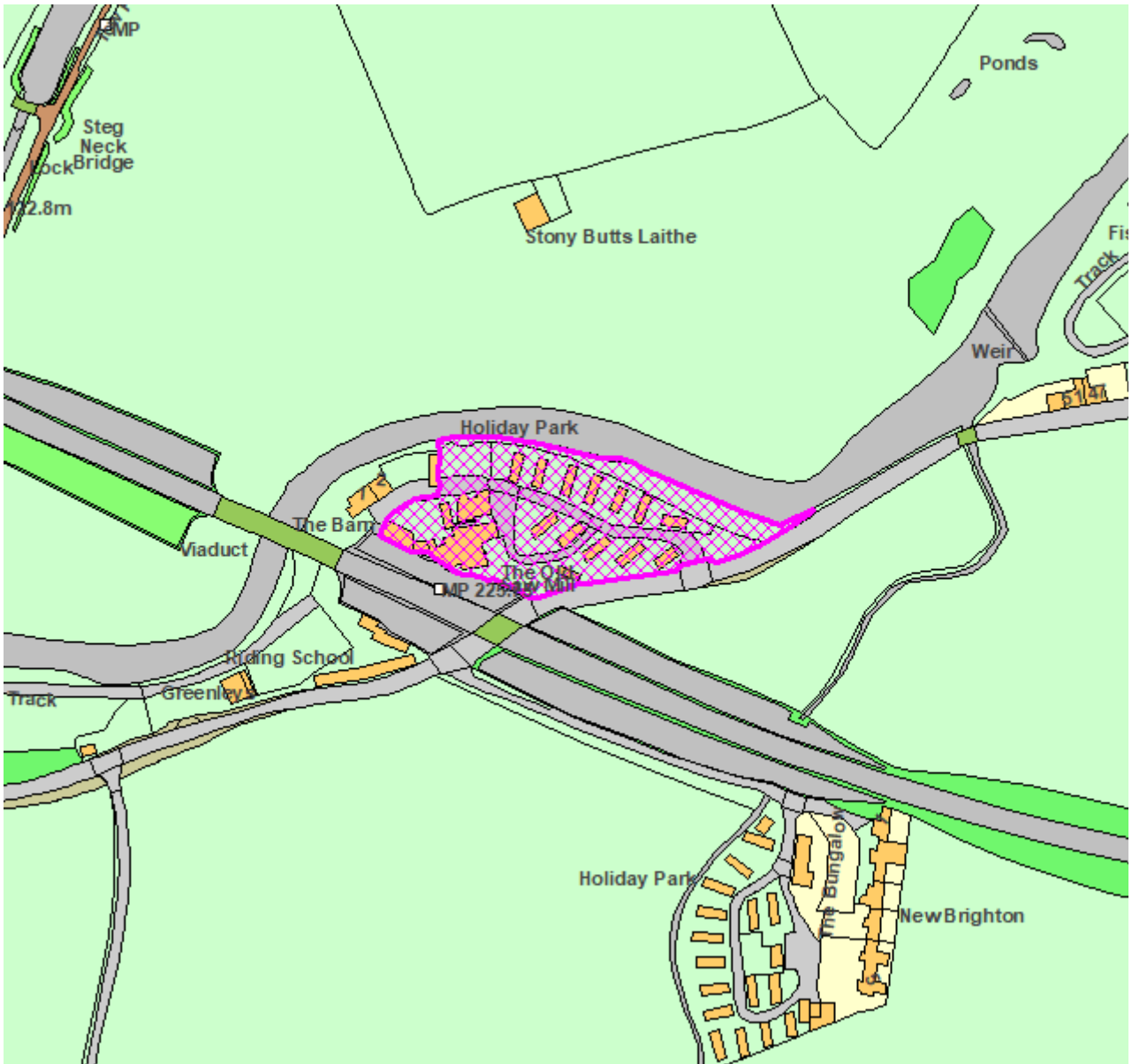
<sup>1</sup> Map 1, Policies Map, Gargrave Neighbourhood Development Plan July 2019

Policy Framework. There is a history of refusal on flood risk grounds, and the application should not therefore be approved unless there are material considerations which indicate otherwise.

- 2.6. Subject to conditions, the proposal would not harm the local landscape or the character and appearance of the area, the living conditions of existing or future occupants, protected species, and highway or railway safety. Nor is there any evidence the proposal would exceed the capacity of local infrastructure, and the density and housing mix would be appropriate having regard to the specific circumstances and other local plan objectives. The site layout would be acceptable in relation to designing out crime. Evidence that the proposal would not be viable with affordable housing provision has been independently evaluated, and the Council's appointed MRICS Valuer agrees. These are all neutral factors in the planning balance.
- 2.7. A certificate of lawfulness has been granted, certifying that the siting of caravans at the site for permanent residential occupation is lawful which creates a fall-back position. Furthermore, the scheme would provide 14 dwellings which would be flood resilient and well insulated, replacing residential caravans which are neither. Further still, the proposal would enhance the setting of the sawmill which is considered to be a brownfield site and an NDHA and deliver environmental improvements including a net gain in biodiversity. There would also be socio-economic benefits flowing from increased housing delivery. In isolation, the significant weight attached to these benefits would outweigh the conflict with the spatial strategy.
- 2.8. However, officers cannot be certain the scheme would not be partly located within FZ3b, in which case permission must not be granted. In any case, the sequential test has not been passed because sites at a lower risk of flooding are available. Furthermore, even if the sequential test had been passed, the exception test has not. Whilst the submitted evidence demonstrates that the proposed dwellings would be sufficiently flood resilient, it has not been demonstrated that they would be safe for their lifetime or that the proposal would not increase the risk of flooding elsewhere.
- 2.9. Because the site would be located in an area with a high probability of flooding, potentially within FZ3b, the proposal would be contrary to Local Plan Policy ENV6 and the policies of the Framework, and the EA has not been able to withdraw their objection. This weighs very heavily against the proposal. There are clearly a number of policies and considerations which pull in opposite directions. However, in the overall planning balance the benefits are not considered to outweigh the identified conflict with the development plan overall, and refusal is therefore recommended on flood risk grounds.



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### 3.0 **Preliminary Matters**

- 3.1. Access to the case file and full planning history on Public Access can be found here <https://publicaccess.cravencdc.gov.uk/online-applications/>
- 3.2. The following history applications are most relevant:

The site

- 3.3. **2019/20167/FUL** Proposed removal of approximately 25 caravans with permanent residential status to be replaced by two apartments in the converted mill, three pairs of semi-detached houses and five terraced cottages and one detached house, along with improved infrastructure. Also, demolition of a single storey dwelling attached to the mill. (Resubmission of refused application 30/2015/16492). Refused 11 June 2020 for the following reason:

*“In the absence of evidence to the contrary, it has not been demonstrated that if the proposal proceeded it would not result in an unacceptable risk of flooding to both the application site with the proposed development being a highly vulnerable use, and the surrounding properties and area. The proposal is therefore considered to be unacceptable in principle and contrary to the requirements of the Craven Local Plan (Policy ENV6 and Appendix C) and Section 10 and paragraphs 7 and 102 of the National Planning Policy Framework.”*

- 3.4. **30/2015/16492** Proposed removal of approximately 25 caravans with permanent residential status to be replaced by 2 No. apartments in the converted mill, 3 No. pairs of semi-detached houses and 6. No terraced cottages along with improved infrastructure. Also demolition of a single-storey dwelling attached to the mill. Refused 11 July 2018.

*“The proposed development is not supported or accompanied by sufficient evidence and information to ensure that the development would not result in an unacceptable risk of flooding to both the proposed development and surrounding properties and area. The proposal is therefore considered contrary paragraph 7: Section 10 and paragraph 102 of the National Planning Policy Framework.”*

- 3.5. **30/2012/12930** Certificate of Lawful Development for occupation of caravans sited on the land for permanent residential occupation. Certificate granted 7 November 2012.

Adjacent to the site

- 3.6. **30/2016/17631** Application for Lawful Development Certificate to confirm that riverside defence wall works have lawfully implemented application referenced 30/2013/13888 (west of the site). Certificate granted 23 February 2017.
- 3.7. **30/2013/13855** Discharge of Condition 2, 3, 4 & 5 of previously approved application 30/2010/10731 and discharge of duplicate conditions 3, 4, 5 & 6 of approved renewal application 30/2013/13888. Approved 20 December 2013.
- 3.8. **30/2013/13888** Extension of Time of previously approved application 30/2010/10731 (Change of use and extension of existing dwelling to form 2 No. two storey houses. Construction of 2 No. Semi-detached houses). Approved 21 October 2013.
- 3.9. **30/2010/10731** Change of use and extension of existing dwelling to form 2 No. two storey houses. Construction of 2 No. Semi-detached houses. Approved 6 September 2010.

#### **4.0 Site and Surroundings**

- 4.1. The sawmill is an historic, three-storey stone-built building with a stone slate roof. The site also contains static caravans, some of which are in use for permanent residential occupancy, and a two-story stone-built detached building. The site is bounded by the river Aire to the north and northeast and by the railway to the southwest. To the southeast the site has a road frontage with Marton Road from which pedestrian and vehicular access would be taken. The site is located within the countryside approximately 350m west of Gargrave's main built up area and settlement development boundary. From the application form the site area measures 0.49 hectares.

#### **5.0 Description of Proposal**

- 5.1. The application is in full for the creation of 14 dwellings, through conversion of the sawmill to form 2 apartments and the erection of 12 houses. Modern single-storey extensions to the front and side of the Old Sawmill would be removed, the existing water wheel to the north gable replaced, and an external staircase added within a lightweight glass stairwell extension. Balconies would be added to the east (front) elevation. Of the 12 new build dwellings, 1 would be detached to the rear of the sawmill, 5 would be terraced fronting Marton Road, and 6 would be semi-detached or linked semi-detached following the curve of the river Aire at the rear of the site. The existing access would be utilised, and a new internal access road formed. Part of the mill race would be exposed to form part of a triangular shaped central landscaped area. Flood mitigation works would be carried out adjacent to the river.

#### **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 comprises:

- Craven Local Plan 2012 to 2032, adopted 12 November 2019
- Gargrave Neighbourhood Development Plan, made July 2019
- Minerals & Waste Joint Plan 2015 – 2030, adopted 2022

##### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for the area. However, because it is at an early stage of preparation and has not yet been consulted upon it does not therefore attract any weight.

##### Guidance - Material Considerations

- 6.4. Relevant guidance for this application includes:

- National Planning Policy Framework December 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Craven Landscape Appraisal 2002
- Craven Good Design SPD 2022
- Craven Flood Risk and Water Management SPD 2022
- Craven Affordable Housing SPD 2022

- Craven Green Infrastructure and Biodiversity SPD 2022
- BRE Site Layout Planning for Daylight and Sunlight

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and summarised below.
- 7.2. **Gargrave Parish Council:** The Parish Council have considered this application and recommend that planning permission be granted, subject to the extension of the 20mph speed limit to beyond the boundary of the site, and the provision of footpath/priority pedestrian walking area to the village and appropriate lighting.
- 7.3. **Mid Craven Division Ward Member Councillor Simon Myers:** Significantly, the Environment Agency has revised the flood risk map and the site is now located in Flood Zone 2. Had this been the case previously, the site would have formed part of the Gargrave Neighbourhood Development Plan as it was only removed due to flood risk. It is a brownfield site with lawful residential use and the existing accommodation is poor quality. The proposal is for good quality housing that will lead to the restoration of heritage assets on the site, and the application has the support of both Ward members, the Parish Council, and local residents.
- 7.4. **Environment Agency:** (July 2023) We have reviewed the additional information and are maintaining our objections on flood risk, environmental permitting, and Water Framework Directive Assessment grounds. However, we are able to remove our objection to nature conservation, provided that conditions are imposed to require:
- a) A lighting scheme to include a 'dark corridor' along the river Aire
  - b) Submission of a Landscape and Ecological Management Plan
  - c) Further bat survey work, and
  - d) A biodiversity net gain assessment to deliver a 10% net gain for river habitat.
- 7.5. **Environment Agency:** (September 2022)

### Flood risk

- 7.6. We object in principle to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis. If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2021.

### Environmental permitting

- 7.7. Notwithstanding the objection in principle outlined above, we also object for the following reasons. Environmental Permitting. The proposed development is located adjacent to the river Aire, which is designated as a 'main river' and as such some elements of the proposal will also require an Environmental Permit from us, which is separate and in addition to any

planning permission that may be required. The modification of the riverbank and development within 8m of the river will require a flood risk activity permit under the Environmental Permitting (England and Wales), which is unlikely to be granted for the current proposal.

Water Framework Directive & Nature Conservation

- 7.8. We do not have enough information to know if the proposed development can meet the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, because no Water Framework Directive (WFD) assessment has been provided. We therefore object to the proposal and recommend that the planning application is refused. To overcome this objection, the developer should carry out and submit a WFD assessment.
- 7.9. **Network Rail:** Network Rail has no objection in principle to the development, but there are some requirements which must be met, especially with the proximity of the railway embankment. Conditions recommended to cover:
- a) Development Construction Phase and Asset Protection
  - b) Drainage (in relation to railway assets)
  - c) Boundary treatments, landscaping, and external lighting
- 7.10. **NYC Environmental Health:** Conditions recommended to cover:
- a) Submission of a Phase 1 contaminated land desk study and, in the event that they are required, a Phase 2 intrusive site investigation and Remediation Strategy, and Validation Report
  - b) Construction hours to be limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and no Sunday or Bank Holiday working), and
  - c) Vibration and sound insulation schemes to address proximity to the railway. In the event that internal sound levels within the dwellings cannot be demonstrated then refusal would be recommended.
- 7.11. **NYC Heritage:**

Sawmill conversion:

- 7.12. The Old Sawmill is shown on the 1850 OS map and probably dates from around the late C18th and should be treated as a non-designated heritage asset. The removal of the modern extensions, additions and caravans would improve its setting. The principle of its retention and conversion are acceptable, subject to:
- a) Submission of a heritage statement
  - b) Amended design and materials for windows
  - c) Further details of the staircase enclosure
  - d) Methodology for the repair/display of the water wheel and race; and
  - e) Relocation of balconies

*New-build dwellings:*

- 7.13. The principle of the replacement of the caravans with suitably designed permanent dwellings is acceptable in principle in heritage and design terms, subject to:
- a) Provision of accurate computer-generated images to demonstrate the impact of the new-build dwellings on the setting of the Old Sawmill and wider landscape; and
  - b) Consideration of their impact and the need for a potential reduction in their number, and a more simplified roofscape.
- 7.14. **NYC Housing Strategy and Partnerships:** The applicant has proposed no affordable housing and submitted a viability assessment, arguing it would be unviable to provide any on this site. Following an appraisal, an independent assessment has confirmed this and so Housing Strategy and Partnerships has no objection.
- 7.15. **NYC Lead Local Flood Authority (LLFA):** It is noted that the site and adjacent river Aire have been hydraulically remodelled, and the recommendation was that the site be included in Flood Zone 2. A formal flood map challenge and submission of the hydraulic model should be submitted for review to the Environment Agency. The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted, to include the following information:
- a) Detailed drainage strategy in accordance with the drainage hierarchy
  - b) Detailed drainage calculations
  - c) Exceedance Flow Plan
  - d) Maintenance Strategy; and
  - e) Final finished floor levels and proposed flood mitigation measures
- 7.16. **NYC Local Highway Authority:** No objection, subject to the following:
- a) Surface water attenuation tank not allowed under the adopted highway; and
  - b) Garages should internally measure 3m x 6m (single) and 6m x 6m (double).
- 7.17. **NYC Sport and Active Wellbeing:** The applicant will need to supply full details of the on-site POS, consider access improvements to existing provision, and provide a financial contribution towards improving the quality of the public open space within the village, subject to a deduction of any on site provision. The total cost of provision for off-site provision in lieu of any on site provision would be £53,015 (£10,395 for Children's Equipped play areas, £2,363 for Children's Informal play areas, and £40,257 for Youth and Adult play space), secured under either an S106 agreement or planning condition.
- 7.18. **Yorkshire Water:** If planning permission is to be granted, the following conditions are recommended:
- a) Site to be served by separate foul and surface water systems (points of discharge to be agreed)
  - b) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority



### Local Representations

- 7.19. The application was publicised by way of site and press notices and neighbours of the site were notified in writing. In response 6 local representations were received, 5 in support and 1 in objection. Whilst a summary of the comments is provided below, please see our website for the full comments.

#### Support:

- The site is brownfield and was in the draft Gargrave Neighbourhood Plan.
- There are existing dwellings on the site.
- It would not involve greenfield development or have any negative impacts for local residents in the area.
- The sawmill is of historic importance to the village and without the proposal it would decay and be lost.
- The proposal would be a beautiful development that would enhance the character and appearance of the area.
- Flood risk would be minimal, and the site has not flooded in 61 years.
- Infrastructure is already in place and demands on it would not increase.
- Due to the reduced number of dwellings sewerage demand would decrease.

#### 7.20. Objection:

- The sawmill is not visible, and it is not of local interest.
- Footpath, lighting, and drainage infrastructure are inadequate.
- Access near a blind bend on a narrow road would harm highway safety.
- Increased traffic would be harmful to the local environment.
- Location on a flood plain where the road is frequently flooded.
- Vulnerable residents might be displaced from [cheaper] homes and concern over where displaced residents would be re-homed.

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

- 8.1. Having regard to the scale and nature of the proposal the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). Therefore, no Environmental Statement is required.

## **9.0 Main Issues**

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

- Principle of development
- Flood risk
- Heritage assets
- Landscape and character and appearance of the area
- Highways
- Protected species and biodiversity
- Living conditions of neighbours and future occupants
- Planning obligations and viability
- Other matters

## 10.0 **ASSESSMENT**

### Principle of Development

- 10.1. Policy SP4 of the Craven Local Plan 2012 to 2032 (the Local Plan) defines Gargrave as a Tier 3 Settlement and directs towards it a 'proportionate level' of growth to underpin its role as a 'local service centre'. Under paragraph (H) of the policy, proposals for additional housing growth on non-allocated land will be supported *within* the main built-up area (MBA). Under paragraph (I)(c), the release of non-allocated sites for housing that *adjoin* the MBA will be supported, where development is justified by special economic, environmental, or social circumstances. Where they meet a list of criteria, Policy H1 of the Gargrave Neighbourhood Development Plan (the GNDP) supports new housing proposals *within* a defined settlement boundary.
- 10.2. Unlike the GNDP, the Local Plan does not define a settlement boundary. Instead, the MBA is defined as "the settlements closely grouped and visually well related buildings and any associated space between these buildings". Exclusions include "individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built-up area of the settlement". Because the sawmill relates more to the surrounding countryside and is clearly detached from Gargrave, the proposal does not fall within the MBA, nor does it adjoin it. Furthermore, the proposal is located outside of the GNDP settlement boundary by some 350m.
- 10.3. In policy terms the site is therefore located in a countryside location. Local Plan Policy SP4 (K) sets out a number of exceptions to the general approach to limit new homes in the countryside. However, the proposal, as a whole, does not meet them. Therefore, there would be conflict with Local Plan Policy SP4 and GNDP Policy H1. The recommended weight to be given to this conflict and other considerations is returned to below.

### Flood Risk

- 10.4. Local Plan Policy ENV6 states that growth in the Craven area will help to avoid and alleviate flood risk by development taking place in areas of low flood risk, wherever possible with the lowest flood risk, taking account of the development's vulnerability to flooding and by applying the necessary sequential and exception tests. Amongst other things, the policy also requires that development incorporates sustainable drainage systems (SUDS) or other appropriate means of water management, and adequate provision for foul and surface water disposal.
- 10.5. Under the heading Flooding, paragraph 6.4.6 of the GNDP states that Gargrave has a history of flooding problems related to surface water drainage and water courses, in particular around the river Aire. Paragraph 6.4.9 (first) refers to the need for proposals such as this to follow the sequential test and, if it is passed, the exception test. Paragraph 6.4.9 (second) states the Parish Council has significant concerns in relation to the need for new development to be sited and designed to reduce the risk of flooding to both existing and new properties in Gargrave.
- 10.6. GNDP Policy G14 states, where allowed in FZs 2 & 3, development should incorporate flood mitigation measures. In particular, the use of water-resistant materials, elevated

siting of electrical systems and appliances, and the setting of ground floor levels where practical so as not to be affected by flooding. New development must also incorporate flood resistant construction to prevent the entry of water. Policy G15 requires new development is designed to minimise surface water runoff and incorporate SUDS schemes wherever possible.

- 10.7. Framework paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing risk elsewhere.
- 10.8. Framework paragraph 167 requires a sequential, risk-based approach to the location of development. The aim set out in paragraph 168 is to steer new development to areas with the lowest risk of flooding from any source. Furthermore, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Also, that the Strategic Flood Risk Assessment (SFRA) will provide the basis for applying this test.
- 10.9. Application reference 2019/20167/FUL was supported by a sequential test, and it was accepted at that time that there were no reasonably available alternative sites within Gargrave. However, the submitted Flood Risk Sequential test is dated April 2016 and adoption of the GNDP post-dates it, and the GNDP includes housing allocations which are in areas at lower risk of flooding. Whilst one is the subject of current application reference ZA/23/25403/FUL and is not therefore available, site allocation G2/1 Neville House, Neville Crescent remains, with an indicative capacity for 14 dwellings. Furthermore, from the Council's Strategic Housing & Employment Land Availability Assessment (SHELAA) other sites may also be available. The proposal therefore fails the sequential test.
- 10.10. In considering the above policy requirements at the time when applications reference 30/2015/16492 and 2019/20167/FUL were determined, the Environment Agency's (EA) modelling and the SFRA showed the site to be within FZ3b, which is the functional floodplain deemed most at risk of flooding. According to Table 2 within PPG Paragraph: 079 Reference ID: 7-079-20220825 (Flood risk vulnerability and flood zone 'incompatibility'), more vulnerable development, which includes buildings used as dwellinghouses, should not be permitted within the functional floodplain. As a result, both applications were refused, and neither were the subject of an appeal.
- 10.11. The EA confirmed in March 2023 that they had updated their modelling of the river Aire and that most of the site is now located within FZ2, but that some remains within FZ3 nearest the river. In part, this confirms the applicant's assertions in relation to the site [that it is within FZ2]. However, because some remains within FZ3, and because the Craven SFRA (2010) shows the site still to be in Flood Zone 3b, the EA are maintaining their objection until such time as the SFRA is updated. Furthermore, that they do not have enough information to know if the proposed development can meet the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, because no Water Framework Directive (WFD) assessment has been provided.
- 10.12. The applicant's submissions challenge this position with topographical survey work. Essentially, seeking to contest the application of the government's flood map for planning in

determining flood risk. The submitted FRA and topographical evidence demonstrate that most of the site is located within FZ2 with a medium risk of flooding. However, in the absence of any other hydraulic modelling of the river, it is necessary to consider the high probability of flooding identified by the EA Flood Map on part of the site, as it is the most recent and accurate modelling available. Beyond topographical survey work, the onus is on the applicant to demonstrate that the EA flood map for the site is not to be relied upon. The Council as Lead Local Flood Authority recommend that a formal flood map challenge and submission of the hydraulic model is submitted for review to the EA.

- 10.13. The submitted FRA includes hydraulic modelling of Crosber Beck, a potential source of surface water flooding, and concludes that the site can be considered to be in FZ2. However, it recognises that for climate change scenarios on the river Aire that most of the site becomes inundated with depths varying from 690mm and 960mm for the 30% and 50% allowances respectively. To provide suitable protection from climate change, the existing flood defence wall would be extended to the east, as well as increasing the crest level of the existing wall. In addition to the defence walls, the FRA states that it will be necessary to raise the access road into the site so that overland flows cannot enter in this area as it is one of the lowest areas of the site. However, the EA confirm they would be unlikely to grant a flood risk activity permit under the Environmental Permitting for the modification of the riverbank and development within 8m of the river.
- 10.14. The submitted FRA is dated (January 2020) and has not been revised following the EA remodelling of the river. Furthermore, it is unclear where the boundary between FZ3a and FZ3b lies on the ground and the new Council has yet to complete its SFRA. If the updated SFRA were to find that the site is located within FZ3a, and if the sequential test had been passed, then the Framework's exception test might be applied. However, the sequential test has not been passed. Even if it had, were the SFRA to find that part of the site is located within FZ3b, then permission should simply not be granted.
- 10.15. Based on the evidence before officers, including the submitted FRA, the revised EA Flood Map indicates that units 12 & 13 and the rear gardens of plots 8-13 inclusive, and potentially some of the parking areas would be sited within FZ3. The applicant has been asked to consider this but has requested determination as submitted.
- 10.16. The agent for the applicant comments that there is an updated topographical survey which shows the actual levels on the site, and that this updated survey provides evidence that the previous topographical information was incorrect and not based on the current site levels. The FRA concludes that '*the site can be considered to be in Flood Zone 2 (Medium Probability)*'.
- 10.17. Whilst the agent accepts that the updated EA flood map refers to FZ3, they state that there is no evidence to suggest that this is FZ3b, especially bearing in mind the updated topographical information and the conclusions of the specialist report from Aecom. Furthermore, they highlight the Aecom report also advises:

*'Additional modelling has demonstrated that the removal of the floodplain storage currently provided by the site does not significantly increase flood levels offsite, for any of the modelled scenarios. The total volume of flood storage provided by the current site is minimal when compared with the total flows and volume within the*

*wider River Aire catchment. Therefore, the required flood mitigation/protection strategies can be incorporated within the development without increasing or exacerbating flood risk to others.'*

- 10.18. However, that is not compatible with the siting of units 12 and 13 within FZ3 and the report predates the revised hydraulic modelling of the river Aire. Furthermore, water would be likely to stand underneath the caravans whereas it would be displaced by the new dwellings and flood defence and mitigation works. As things stand, and until the flood map for planning is successfully challenged and/or the SFRA reviewed to demonstrate otherwise, on the basis of the latest evidence part of the development remains in FZ3.
- 10.19. Officers cannot be certain whether part of the site lies within FZ3b, or that the proposal would not increase the risk of flooding downstream. A planning application is not the vehicle to challenge the flood map, and part of the proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Furthermore, having reviewed the submitted evidence, the EA cannot remove its objection. Even if it is not FZ3b and is FZ3a instead, planning permission should only be granted following the sequential test where the exception test is also met.
- 10.20. The exception test is set out at Framework paragraph 170 as follows:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.21. Amongst other things, Framework paragraph 173 states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere, and that where appropriate applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 10.22. The sequential test has not been passed. Even if the view were taken the sawmill cannot be located elsewhere to deliver the socio-economic and heritage benefits, and so the sequential test was passed, the application is not supported by a demonstration the exception test is met, and within the site not all development is located within areas of lowest flood risk.
- 10.23. Flood resilience measures are detailed within the proposal (ceramic tiles to ground floors, living accommodation and heating systems located at first floor or above, sumps and non-return valves). This would ensure that the development could be quickly brought back into use in the event of a flood without significant refurbishment and comply with Framework paragraph 173 b). However, such considerations do not overcome the need to meet the requirements of the sequential and exception tests or overcome the policy conflict. Anecdotal evidence suggests that the site has never flooded, but this should be given only limited weight.
- 10.24. Because it is their case that the site is located entirely within FZ2, it is perhaps understandable the applicant has not submitted any evidence in relation to the exception test. If none of the site were ultimately found to be within FZ3b under the SFRA, then the sustainability benefits to the community that would accrue from the addition of 14 flood resilient dwellings to the local housing supply and the regeneration of the historic sawmill brownfield site might well satisfy the first limb of the exception test. However, officers cannot be certain that it is FZ3a, or that if it were the second limb of the exception test would be satisfied.
- 10.25. In conclusion on this main issue, part of the site would be located in an area within FZ3 which has a high probability of flooding, potentially within FZ3b with the highest risk where development should not be permitted. Having considered the submitted evidence and following discussions with the Council, the EA has not been able to withdraw their objection. The sequential and exception tests have not been passed, and the proposal would therefore be contrary to Local Plan Policy ENV6 and the policies of the Framework.
- 10.26. On a procedural point, should the Committee resolve to grant planning permission for the development notwithstanding the recommendation, the local planning authority is required to consult the Secretary of State<sup>2</sup> under the Town and Country Planning Consultation (England) Direction 2021 [*This has been replaced by the 2024 direction. However, the revised direction only applies to applications received after 26 January 2024 which the application predates*].
- 10.27. Consultation is necessary because the proposal is for “flood risk area development”<sup>3</sup>. The Secretary of State then has 21 days from the date of receipt of the consultation to determine whether they intend to issue a direction under section 77 of the Town and Country Planning Act 1990. If they do not, the local planning authority may proceed to determine the application.

#### Heritage assets

<sup>2</sup> Paragraph 11, The Town and Country Planning (Consultation) (England) Direction 2021

<sup>3</sup> Paragraph 8, The Town and Country Planning (Consultation) (England) Direction 2021

*Designated heritage assets*

- 10.28. To the northwest and northeast are a number of listed canal structures (all Grade II); Steg Neck and Scarland Locks and Bridge No 169. To the west beyond the adjacent railway embankment and viaduct, are an aqueduct carrying the canal over the river Aire and Priest Holme Bridge (both also Grade II listed). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses. In accordance with Framework paragraph 205, great weight should be given to the conservation of these assets.
- 10.29. In development plan terms, GNDP Policy G5 Protecting Local Heritage Assets states that heritage assets enhance local distinctiveness and should be preserved, and Part 7 of Policy G11 requires historic stone bridges should be protected and enhanced as important landscape features. Local Plan Policy ENV2 Heritage states that Craven's historic environment will be conserved and where appropriate enhanced, and its potential to contribute towards the economic regeneration, tourism and education of the area fully exploited. Part a) of the policy states that particular attention will be paid to the conservation of those elements which contribute most to the district's distinctive character and sense of place. The policy specifically lists mills and the buildings, bridges, locks, and structures associated with the Leeds-Liverpool Canal.
- 10.30. Whilst the proposal would not directly affect these listed structures or impinge on key views of them, the sawmill site makes a positive contribution to their wider setting. However, in the context of the existing residential caravans this positive contribution is somewhat diminished. Views south of the scheme obtained from the canal would be distant, across intervening agricultural land and the river Aire. Views of the site east from the canal are restricted by the railway. Together, these features create a degree of visual separation, and given the separation distances the proposal would not compete with or distract from canal heritage assets. Architecturally, the scheme would be a better fit in terms of materials and design than the existing caravans. For all these reasons, it is not considered that the proposal would harm the significance of canal heritage assets by way of harm to their setting.

*Non-designated heritage assets (the sawmill)*

- 10.31. The sawmill is not a designated heritage asset and at present the Council has no local heritage list. As such, it would be disproportionate to require a heritage statement. However, contrary to objection received that the sawmill is not of local interest, the sawmill might be considered a non-designated heritage asset (NDHA).
- 10.32. The PPG definition of NDHAs includes buildings identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. The Council's heritage adviser considers the building likely dates from the late eighteenth century and that it would meet Historic England's guidance to qualify for local listing.

- 10.33. Furthermore, anecdotal evidence suggests the sawmill was initially built to cut timbers necessary for construction of the canal and railway. Further still, the building is identified in the GNDP as a built heritage asset which has special significance that is important to Gargrave's distinctive local character. Notwithstanding objection to the scheme that the sawmill is not of interest, it would not therefore be irrational or contrary to the PPG to find that it qualifies as being an NDHA.
- 10.34. Local Plan Policy ENV2 paragraph e) states that support will be given to proposals which conserve Craven's NDHAs. Amongst other things, GNDP Policy G5 states that non-designated heritage assets enhance local distinctiveness and should be preserved in a manner appropriate to their significance, in accordance with guidance in the Framework. Framework paragraph 209 requires that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application.
- 10.35. The Council's heritage adviser confirms that removal of the modern extensions, additions and the caravans would improve the setting of the sawmill, and that the principle of its retention and conversion is acceptable subject to detail. He also confirms the acceptability of the principle of replacement of the caravans with suitably designed permanent dwellings in heritage and design terms, subject to the deletion of render to one of the terraced dwellings.
- 10.36. Although he recommends the provision of computer-generated images to demonstrate the impact of the new-build element on the setting of the sawmill and inform whether there is a need to reduce the number of dwellings, it is considered the submitted plans and perspective view are sufficient to describe the proposal. Taking a balanced view and having regard to the existing appearance of the site, the number of dwellings proposed is considered to result in an appropriate form of development that would enhance the setting of the sawmill. Whilst he also recommends the relocation of balconies to the rear elevation of the sawmill, they are considered to add interest to the front elevation in a way that is sympathetic to its industrial history.
- 10.37. In concluding on this main issue, the proposal would not harm the setting of listed buildings in the area. Subject to planning conditions to require precise and amended minor details, the proposal would deliver significant improvements to both the setting and appearance of the NDHA. As some supporters' comment, reuse of the sawmill would secure the building's historic contribution to Gargrave's distinctive local character for the long term. Therefore, in heritage terms the proposal would accord with Local Plan Policy ENV2, GNDP Policy G5, and the Framework.

#### Landscape and character and appearance of the area

- 10.38. Local Plan Policy ENV1 Countryside and Landscape expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area. Proposals should also have regard to the relevant Landscape Character Appraisal/Assessment, and specifically to the different landscape character types that are present in the plan area.
- 10.39. Part 1 of GNDP Policy G11 Protecting and Enhancing the Rural Landscape Setting and Wildlife of Gargrave requires that development proposals outside of the settlement



boundary should respect, safeguard, and wherever possible restore or enhance the landscape character of the area. Framework paragraph 180 b) includes that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

- 10.40. According to the Craven Landscape Appraisal (the CLA), the site is located outside of the main settlement of Gargrave (which like most settlements is excluded from the CLA), at the edge of the 'Semi-enclosed lowland, rolling drumlin field pasture' landscape character type. The CLA describes, in part, the characteristics as being a distinctive interlocking landscape of a 'field' of rolling drumlins, which limits views from within. The railway embankment screens the site from the west, and views from within the wider landscape are therefore limited. The site was previously used as an industrial site, and more recently for the siting of caravans. For all these reasons, it is not considered that the proposal would result in any unacceptable landscape harm.
- 10.41. Local Plan Policy ENV3 sets out broad principles which will achieve good design and includes that development should respond to its context. Furthermore, the design of new development should respect the form of existing and surrounding buildings, including density, scale, height, and massing. Under the policy development should also maintain and enhance townscapes and seek to create a sense of place and enhance local distinctiveness. The Craven Good Design SPD 2022 provides further guidance. Similarly, and amongst other things, GNDP Policy G7 requires that new development responds to a site's characteristics and reinforces local distinctiveness, and the use of high-quality materials.
- 10.42. Framework paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. According to paragraph 135 b), planning decisions should ensure that developments are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping. Amongst other things, paragraph 135 c) requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 10.43. The proposed materials are high quality and appropriate to the context, and precise details could be a conditional requirement. The new-build dwellings would be seen in close views from Marton Road, and in more distant views across agricultural land from the towpath of the Leeds-Liverpool Canal. While the terrace would partly obscure some views of the sawmill from Marton Road due to its scale, it is RIBA Architect designed and well executed. Subject to minor revisions (to ensure consistency of external finishes, precise details, and window style), they would closely follow the local vernacular and be a positive addition.
- 10.44. In wider views from the Leeds-Liverpool Canal the proposed dwellings would be greater in scale than the caravans they would replace and therefore be more visible. However, they are appropriately designed as contemporary additions and well detailed, and they would follow the curve of the river resulting in an attractive layout. The scheme is considered to be sympathetic to local character and responds well to its context.

- 10.45. The proposal would not be harmful to the local landscape or the character and appearance of the area. Therefore, there would be no undue conflict with Local Plan Policy ENV3, GNDP Policies G7 and G11, the Craven Good Design SPD 2022 or the Framework in these regards.
- 10.46. Highways
- 10.47. Local Plan policies ENV3, ENV7, INF4, and INF7, together and amongst other things, require new development provides safe and convenient access for all and adequate parking provision. GNDP Policy G13 supports improvements to accessibility, including for walking and cycling. Framework paragraph 89 states that beyond existing settlements in rural areas, it is important to ensure decisions exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 10.48. The submitted Transport Statement sets out that there are no accident records for Marton Road in the 5 years which precede it and identifies the availability of bus stops and walking and rail routes. It also sets out policy compliant levels of parking provision and makes the case that traffic generation will not exceed traffic levels generated by the existing use, and that any improvements to access visibility would be an overall improvement.
- 10.49. Gargrave Parish Council comment they would wish to see a 20mph speed limit covering the site and the provision of a footpath to the village with appropriate lighting. However, having regard to observed traffic speeds, the relatively small scale of the proposal and the fall-back position, it is not considered necessary to require a speed limit order. Beyond the centre of the village Marton Road lacks a footway, characteristic of many of the district's rural areas. However, due to the required length it would not be a proportionate, viable, or reasonable proposition to expect the development to deliver a footway into the village. Furthermore, given the very rural character of the surroundings, footway provision would have an urbanising effect, and any associated street lighting would be harmful to the dark landscape. Further still, the Council as local highway authority has no objection on highway safety grounds, and the absence of objection is not conditional on either of these requirements.
- 10.50. The width of the access into the site allows for two-vehicle passing, and it is of an appropriate geometry. Parking provision would be sufficient to meet the needs of the proposed development. Although it is slightly restricted in an easterly direction due to the curve in Marton Road, as an objector highlight, forward visibility is adequate. The access wing-wall does not obscure drivers' intervisibility at the junction. Furthermore, there is a lawful fall-back position for the siting of residential caravans with their associated traffic generation. As a result of these factors, it is not considered that the proposal would result in conditions that would be harmful to highway safety or the environment, or lead to conflict with the above policies.
- 10.51. Framework paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. From the above, the proposal would not harm highway safety or result in severe residual cumulative impacts, or

unduly conflict with the above highways policies. Refusal on highway grounds would not therefore be justified.

Protected species and biodiversity

- 10.52. Under the Environment Act 2021 and the statutory framework for biodiversity net gain (BNG), every grant of planning permission is deemed to have been granted subject to a general biodiversity gain pre-commencement condition. Unless the proposal falls under one of the exemptions (set out in Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations [2024]), the condition requires developers provide at least a 10% net gain in the biodiversity value found on the site prior to the development. However, the application was made before day one of mandatory BNG on 12 February 2024. Therefore, it is exempt from statutory BNG.
- 10.53. Nevertheless, Local Plan Policy ENV4 provides that all development will be accompanied by improvements in biodiversity and make a positive contribution towards achieving a net gain. This is consistent with Framework paragraph 180 d) which states that planning decisions should minimise impact on and provide net gains for biodiversity. The Craven Green Infrastructure and Biodiversity SPD 2022 provides further guidance.
- 10.54. Following the submission of a Preliminary Ecological Appraisal, which found no suitable habitat for amphibians, or otter holts, subject to conditions the EA has withdrawn its earlier objection on the grounds of river ecology. Following the submission of a Bat Assessment no evidence of roosting bats was found, either within the sawmill or the adjacent building to be demolished.
- 10.55. The existing site is devoid of significant native vegetation, largely being taken up by caravans and their associated decking and hardstanding areas. The proposal includes the formation of a central green, which would contain an exposed section of the mill race and also act as a surface water attenuation pond. Together with landscaping to gardens and boundary planting, and subject to detailed landscaping conditions to include bird and bat roost features, it is considered the proposal would deliver a net gain in biodiversity. Subject to conditions, the proposal would therefore comply with Local Plan Policy ENV4, the Craven Green Infrastructure and Biodiversity SPD, and the Framework.

Living conditions of neighbours and future occupants

- 10.56. Local Plan Policy ENV3 e) and ENV3 f) require that development should protect the amenity of existing residents and create an acceptable level of amenity for future occupants. Criterion 6 of GNDP Policy G7 requires that new development does not harm general amenity. Framework paragraph 135 f) states that decisions should ensure development creates places with a high standard of amenity for existing and future users.
- 10.57. Proposed unit 14 would be detached and sited to the rear of the sawmill and would face residents of an existing barn conversion at an angle across a track. This situation would inevitably lead to a degree of reduced privacy for existing occupants. However, this is not to be unexpected for a residential development of this type, and officers judge the effect on privacy as not being to an unacceptable degree. There would be no direct window to window or direct overlooking issues between these dwellings and the proposal would not

be overbearing in their outlook, or lead to any unacceptable loss of daylight or sunlight for existing occupants. Furthermore, no third-party objection has been received in these regards.

- 10.58. In terms of future occupants, the apartments formed through conversion of the sawmill would both have a good outlook to the south, east and west, and each would have a balcony for outdoor seating. From their front units 3-7 inclusive (the terrace) would enjoy a good outlook across Marton Road and internally within the site towards the central green from their rear. Units 8-13 inclusive would all benefit from an extensive rear outlook across the river towards the countryside and internally towards the green at their front. All dwellings would benefit from sufficient space internally and outdoor amenity space for future occupants. The proposed design and layout allow for adequate separation between dwellings so as not to give rise to any unacceptable privacy concerns.
- 10.59. Due to the proximity of the railway, Environmental Health recommend a condition to require a vibration and sound insulation scheme. In the event that acceptable internal sound levels within the dwellings cannot be demonstrated then refusal would be recommended.
- 10.60. Whilst the concern is understood, the railway is elevated and there is a reasonable degree of separation between it and the proposed dwellings, and all dwellings have secondary aspects which could provide for mechanical ventilation if necessary. Furthermore, although the Settle Carlisle Railway is a main line, it is not comparable with main lines in an urban area where train movements would be much more frequent. Further still, the proposed dwellings would be far better insulated from railway noise and vibration than the caravans.
- 10.61. A planning condition would be capable of addressing the concern and refusal on this basis would not therefore be warranted. Any scheme that did not provide for acceptable internal sound and vibration levels under a discharge of condition application could be refused.
- 10.62. Subject to conditions, the proposal would provide a good standard of living conditions for future occupants and those of the existing housing would not be unacceptably harmed. Therefore, the proposal would be policy compliant in these regards.

#### Planning obligations and viability

- 10.63. Local Plan Policy H2 states that for proposals involving 11 or more dwellings on brownfield sites they should deliver not less than 25% affordable housing provision. Under GNDP Policy G3, all housing schemes will require 30% affordable housing provision. However, criterion d) of Policy H2 states that lower levels of provision may be acceptable, if it can be clearly demonstrated that exceptional circumstances exist which justify it. Policy G3 is caveated that it is subject to viability, and the adopted Craven Affordable Housing SPD reaffirms this approach.
- 10.64. The applicant has agreed draft Heads of Terms, to include the payment of the required financial contribution towards off-site open space or sports and recreation facilities in accordance with Policy INF3 of the Local Plan and GNDP Policy G10. However, the proposal is advanced on the basis that it would not be viable with the required affordable housing contributions.

10.65. In this regard Framework Paragraph 58 states:

*“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.....”*

10.66. The PPG advises (Paragraph: 007 Reference ID: 10-007-20190509):

*“Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.”*

10.67. PPG Paragraph: 008 Reference ID: 10-008-20190509 includes:

*“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.”*

10.68. The PPG further advises that complexity and variance is inherent in viability assessment. To improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner.

10.69. The 2015 submitted scheme was accompanied by evidence of viability, in support of the position that the scheme would not be viable with affordable housing contributions. This was independently appraised and corroborated by the District Valuer. The subsequent 2019 scheme was accompanied by the same evidence, but it was not re-appraised. The decision notice for both earlier refusals did not cite the absence of affordable housing contributions as a reason for refusal. However, due to the passage of time, and in order to ensure that evidence of viability is contemporaneous, the applicant was invited to refresh their appraisal under this re-submission. Updated evidence of viability was duly submitted.

10.70. Since earlier refusals, there has been the outbreak of the Novel Coronavirus (Covid-19) declared by the World Health Organisation as a “Global Pandemic” on 1 March 2020. More recently, war in Ukraine and the Middle East, global commodities inflation, interest rate rises, and supply chain issues. Furthermore, the proposal involves repair and

refurbishment of a non-designated heritage asset. All of these factors may have further impacted on viability.

- 10.71. Nevertheless, in accordance with the above policies and guidance, the updated viability evidence was appraised by a Senior Associate Director of BNP Paribas Real Estate, who is a member of the Royal Institute of Chartered Surveyors specialising in UK development viability and affordable housing. He confirms that the proposal would not be viable with affordable housing contributions, and the Council's Housing Strategy and Partnerships consultee confirms they have no objection.
- 10.72. In the absence of any evidence to the contrary and having regard to the particular circumstances of the case, significant weight should be given to the viability appraisal and the findings of its independent evaluation. In so doing in this case, because it has been demonstrated it would be unviable with them, without affordable housing contributions the proposal would accord with the provisions of Local Plan Policy H2 and the Craven Affordable Housing SPD, and the Framework.

#### S106 Legal Agreement

- 10.73. 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>
POS Delivery and Maintenance	£53,015 (£10,395 for Children's Equipped play areas, £2,363 for Children's Informal play areas, and £40,257 for Youth and Adult play space)	To be confirmed

- 10.74. The proposal is a major housing development near to Gargrave, which is likely to include families with children and young adults. The requested sums for off-site contributions towards improving children's equipped play areas, children's informal play areas, and youth and adult play space within Gargrave are therefore reasonable and necessary, in accordance with Local Plan Policy INF3 and GNDP Policy G10.
- 10.75. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

#### Other matters

##### *Contaminated land*

- 10.76. Local Plan Policy ENV7 encourages the remediation of contaminated land, and Framework Paragraph 189 a) requires that a site be suitable for its proposed use, taking account of any risks from contamination. Due to its historic use the site has the potential to be at risk from the effects of contamination. However, this is a matter capable of being addressed by the use of planning conditions, as recommended by the Environmental Health consultee.

##### *Designing out crime*

- 10.77. Part o) of Local Plan Policy ENV3 Good Design requires the design of all new developments promotes safe living environments, reduce opportunities for crime and the fear of crime, disorder, and anti-social behaviour. GNDP Policy G8 Planning Out Crime requires proposals demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime, and how this will be achieved.
- 10.78. The proposed layout would provide good levels of natural surveillance of parking and open space areas, and the river provides a natural defence to the rear and one side and the railway embankment to the other. As a result, there would be no undue conflict with the above policies or Framework paragraphs 96 b) and 135 f), which require that decisions should aim to achieve safe communities where crime and disorder and the fear of crime do not undermine quality of life.

*External lighting*

- 10.79. Together, Local Plan Policies ENV1, ENV3 and ENV4, GNDP Policy G7, and paragraph 191 c) of the National Planning Policy Framework, seek to ensure that light pollution from artificial lighting does not harm local amenity, the dark landscape and nature conservation interests. Furthermore, the submitted Preliminary Ecological Appraisal recommends a wildlife friendly lighting scheme. This is also a matter capable of being addressed by an appropriately worded planning condition as recommended by the EA.

*Housing mix and density*

- 10.80. Together, Local Plan Policy SP3 Housing Mix and Density and Framework paragraph 60 require an appropriate housing mix and density. GNDP Policy G3 requires all new proposals for housing development to demonstrate how they are contributing to maintaining a mix of types and size of dwellings in the parish with reference to the latest housing needs data. Under the policy, proposals which over provide one type or size of dwelling will not be permitted.
- 10.81. The density proposed would be approximately 29 dwellings per hectare and this would be appropriate to the local context. The application does not set out housing mix. However, from the submitted plans the proposal would comprise 1 two-bedroom apartment, 5 two-bedroom terraced houses (with study), 1 three-bedroom apartment, and 7 four-bedroom detached or semi-detached dwellings. As a scheme for all market housing, this would not fully meet the general view on housing mix the local population is likely to need over the plan period set out in the Strategic Housing Market Assessment (SHMA).
- 10.82. The scheme is high on one/two bed dwellings (43% vs a suggested mix of 18.9%), low in 3 bed dwellings (7% vs 57.3%), and high in 4 bed dwellings (50% vs 23.8%). However, the proposal meets other local plan objectives in the restoration of the sawmill NDHA and there are considerations in relation to viability. Furthermore, the high number of two-bed units are likely to be more accessible to first time buyers than a higher number of three bed units. Therefore, on balance, the proposed mix is considered to be justified in this case in accordance with paragraph 4.33 under Policy SP3.

*Local infrastructure*

- 10.83. Public comment in support of the scheme includes that local infrastructure is already in place and demands on it would not increase. Third-party objection is made to the contrary, and Gargrave Parish Council would wish to see a lit footpath created into the village. Furthermore, the Council's Sport and Active Wellbeing consultee asks for access improvements to public open space within the village to be considered.
- 10.84. For the reasons already set out above, lit footway provision is not considered to be necessary, feasible, or indeed desirable in terms of local character. Having regard to the

fall-back position there is nothing to suggest the proposal would overwhelm the capacity of local infrastructure, including drainage, and Yorkshire Water have no objection.

*Railway safety*

- 10.85. The site is located adjacent to a railway embankment, sufficiently close to it that Network Rail is a statutory consultee. In response to consultation, they confirm they have no objection in principle subject to conditions (asset protection during construction and implementation of drainage, boundary treatment and lighting to ensure the safety of railway users).

*Vulnerable residents might be displaced from [cheaper] homes and concern over where displaced residents would be re-homed*

- 10.86. Certificate of Ownership A was submitted, declaring that the applicant is sole owner of the site, and the agent confirms that 8 caravans are currently occupied on a six-month lease. An objector is concerned about the loss of cheaper housing and that these occupants may be rendered homeless.
- 10.87. The concern is not unique to the situation where a caravan occupied as a dwelling under a short lease is proposed for removal; it would apply equally to individuals renting a house proposed for demolition and redevelopment. Furthermore, the caravans do not fall within the definition of affordable housing under Annex 2 of the Framework.
- 10.88. Nevertheless, the rent is likely to be less than what is charged for other types of market housing and the caravans would be removed. Moreover, for the viability reasons set out above, the development would not deliver any affordable housing on site. However, on balance, it is considered that the overall housing delivery, socio-economic, and heritage benefits of the scheme would outweigh the loss of the caravans and the accommodation they provide.
- 10.89. Due regard must be had to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. However, there is no evidence to suggest that current site occupiers share a protected characteristic for the purposes of the PSED. Furthermore, class is not currently a protected characteristic if that were the relevant concern. Therefore, it does not follow from the PSED that planning permission should be refused.
- 10.90. The site does not benefit from planning permission as a park home site, simply a certificate of lawfulness to confirm it is immune from enforcement action, and it is understood that the site has a license for holiday use. It is not therefore certain if the site is a 'protected site' under the Mobile Homes Act 2013. Renters have different rights depending on whether they live on a protected site, the terms of any written agreement, and whether they have a tenancy as a dwellinghouse. However, this largely rests as a private matter between landlord and tenant and is not a determinative material consideration.

*Sustainable construction*

- 10.91. Together, Local Plan Policies ENV3 and ENV8 set out requirements for development to be sustainably designed and take all reasonable opportunities to reduce the use of resources and minimise waste, and where possible to generate power through solar or other means. The application is supported by a Sustainability Statement, which suggests materials would be locally sourced and local contractors and labour would be used. It highlights that all dwellings would have a south-facing aspect, thereby reducing the need for artificial light.



This would also maximise solar gain and reduce heating costs, and roofs would have the potential to accommodate solar photovoltaic panels.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The starting point for the determination of the application is the development plan. The application must be determined in accordance with it unless material considerations indicate otherwise. Because the site does not fall within or adjacent to the main built-up area and is located outside of the GNDP settlement boundary and is unallocated for housing development, the proposal would be contrary to the spatial approach to housing delivery set out in the development plan. The proposal as a whole does not fall within the list of exceptions to the general approach to limit housing in the countryside. Therefore, there would be conflict with Local Plan Policy SP4 and GNDP Policy H1.
- 11.2. Subject to conditions, the proposal would not harm the local landscape, living conditions of existing or future occupants, protected species, and highway or railway safety. Nor is there any evidence the proposal would exceed the capacity of local infrastructure, and the density and housing mix would be appropriate having regard to the specific circumstances and other local plan objectives. The site layout would be acceptable in relation to designing out crime. Evidence that the proposal would not be viable with affordable housing provision has been independently evaluated, and the Council's appointed MRICS Valuer agrees. These are all neutral factors in the planning balance.
- 11.3. In its favour the proposal would deliver significant benefits through the re-use and restoration of the sawmill NDHA which is a brownfield site, and it would deliver improvements to the appearance of the site. There would also be socio-economic benefits flowing from increased housing delivery. Furthermore, a fall-back position is established for the siting of permanent residential caravans. Further still, the scheme would provide 14 dwellings which would be flood resilient and well insulated, replacing residential caravans which are neither. Cumulatively, these considerations attract significant weight. In isolation, the weight attached to these benefits would outweigh the conflict with the spatial strategy.
- 11.4. However, the proposal is partly located within FZ3 and the EA object. Officers cannot be certain if the scheme would be located partly within FZ3b, in which case permission should not be granted. Even if none of the site were within FZ3b, the required sequential test and exception tests are not passed. Whilst the evidence demonstrates that the proposed dwellings would be sufficiently flood resilient, it has not been demonstrated that they would be safe for their lifetime, or that the proposal would not increase the risk of flooding elsewhere. Because the site would be located in an area with a high probability of flooding, potentially within FZ3b, the proposal would be contrary to Local Plan Policy ENV6 and the policies of the Framework, and the EA have not been able to withdraw their objection. This attracts very significant weight against the proposal.
- 11.5. There are clearly a number of policies and considerations to be considered which pull in opposite directions. However, in the overall planning balance the significant weight attached to the benefits does not outweigh the very significant weight that should be given to flood risk considerations and the identified conflict with the development plan overall. Refusal is therefore recommended on flood risk grounds.

## **12.0 RECOMMENDATION**

- 12.1. That planning permission be REFUSED for the following reason:
1. Having considered the submitted evidence, including the Flood Risk Assessment and topographical survey, according to the latest Environment Agency Flood Map (2023) part of the site would be located in an area with a high probability of flooding,

potentially within FZ3b where development should not be permitted. The sequential and exception tests have not been passed and the Council cannot be certain that the proposal would not increase the risk of flooding elsewhere and be safe for the lifetime of the development. Planning permission has been refused twice before and, having considered the submitted evidence, the EA have not been able to withdraw their objection to the scheme. Therefore, the proposal would be contrary to Local Plan Policy ENV6 and the policies of the Framework. In the overall planning balance, the significant weight given to the benefits of the scheme do not outweigh the very substantial weight given to the flood risk considerations and resultant conflict with the development plan.

**Target Determination Date:** 30.03.2024

**Case Officer:** Daniel Child, [Daniel.Child@northyorks.gov.uk](mailto:Daniel.Child@northyorks.gov.uk)

**North Yorkshire Council  
Community Development Services  
Skipton and Ripon Area Constituency Planning Committee**

**03 June 2024**

**ZA24/25646/FUL - 4 no. Proposed semi-detached dwellings with associated works at land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling, BD22 0DJ on behalf of Mr Scott Edmondson**

**Report of the Head of Development Management – Community Development Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the proposed construction of 4 semi detached dwellings on land adjacent to Freegate House, Nan Scar, Cowling.
- 1.2 This application is brought to the Skipton and Ripon Area Constituency Planning Committee by Councillor Brown due to concerns of overdevelopment at the site.

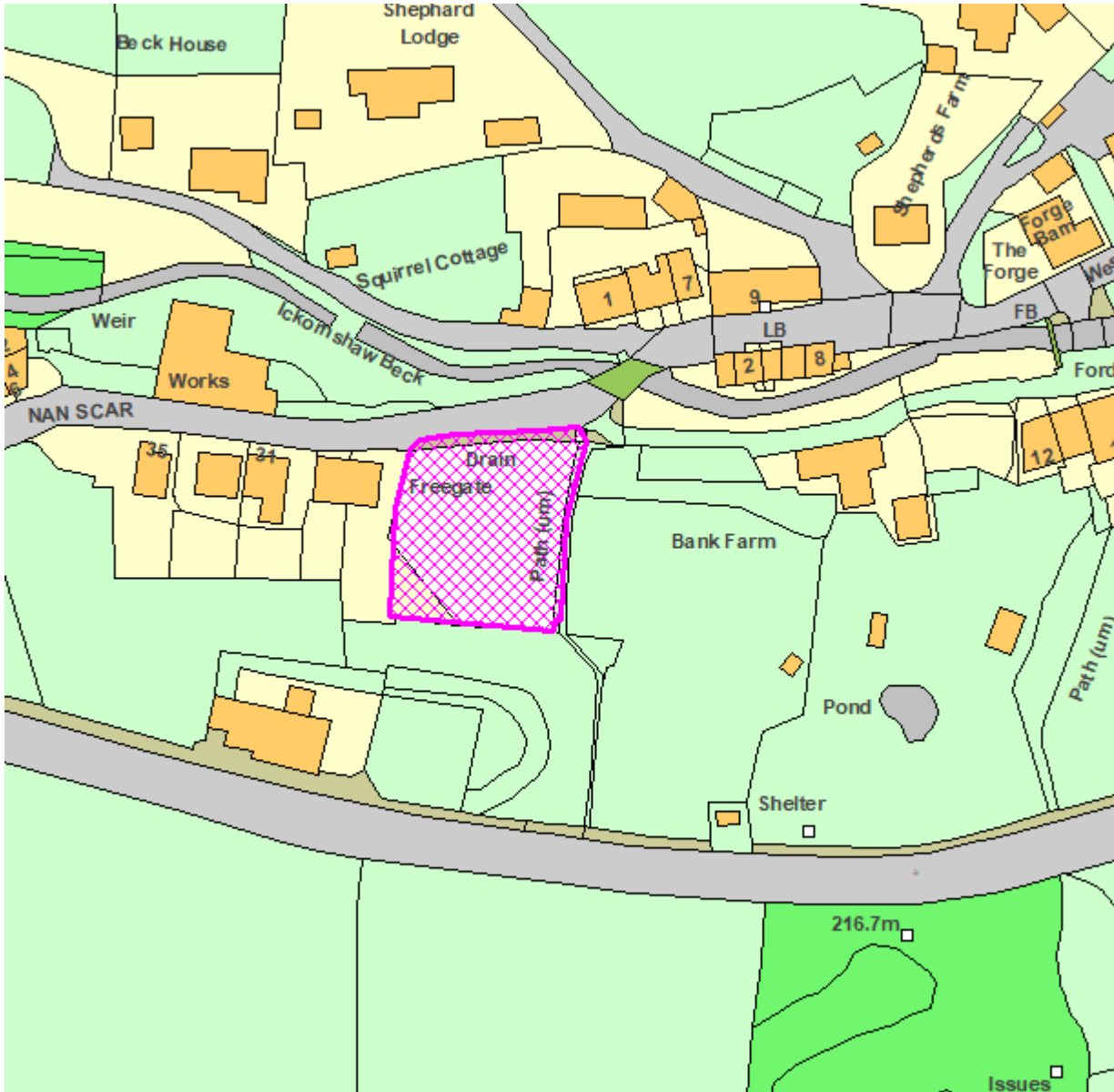
**2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be GRANTED subject to the conditions outlined below.

- 2.1 This application seeks full planning permission for the construction of 4 semi-detached dwellings with the provision of off street parking for 8 vehicles on land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling.
- 2.2 The site is located in the main built up area of Cowling as defined by Appeal Decision APP/C2708/W/22/3309412 which is a Tier 4a settlement in the Craven Local Plan 2012-2032 (adopted 2019) (CLP). Policy SP4 (H) sets out that the principle of housing is acceptable in this location.
- 2.3 The site lies within the designated conservation area. A public right of way runs outside but adjacent to the eastern boundary. The site is in Flood Zone 1 as defined by the Environment Agency.
- 2.4 Concerns have been raised regarding flooding and heritage impacts. However, it is considered that the proposal has mitigated these concerns through suitable detailed supporting documents and the imposition of planning conditions.
- 2.5 The proposed development of the site is considered to comply with local and national planning policies.



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### 3.0 **Preliminary Matters**

- 3.1 Access to the case file on Public Access can be found <https://publicaccess.cravencdc.gov.uk/online-applications/>
- 3.2 The application site has been the subject of two previous full planning permission ref: 2018/19788/FUL and 2021/22856/FUL. Both planning permission approved the construction of two detached dwellings with off-street parking. The site benefits from an extant permission (ref: 2021/22856/FUL).

3.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act) sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council acknowledges that the presence of the extant permissions is a material consideration.

3.4 The main difference between this scheme and the previously approved scheme is the number of dwellings have increased from 2 to 4 dwellings.

#### **4.0 Site and Surroundings**

4.1 The application site is a square plot of approximately 0.07 hectares in area located on the western edge of Cowling and to the south of Nan Scar.

4.2 The site previously raised up from north to south has been significantly excavated with the construction of retaining walls due to the implementation of planning permission 2021/22856/FUL.

4.3 Surrounding the site are several dwellings to the west and further to the north-east along Nan Scar which comprise a mix of two and three storey terraced and detached dwellings. Directly adjacent to the site there is a Public Right of Way which connects Nan Scar to the north with the A6068 (Colne Road) to the south.

#### **5.0 Description of Proposal**

5.1 The application seeks planning permission for the construction of 4 No. 3-storey semi-detached dwellings. The dwellings would be sited to the south of Nan Scar with the frontage facing north.

5.2 The dwellings will have 3 bedrooms. The curtilage of plot 1 will be sited 1m to the west of the PROW. The curtilage of plot 4 will be sited approx. 4.m from the adjacent dwelling "Freigate House".

5.3 Each dwelling will have parking provision for 2 off-street parking spaces. The dwellings will be built into the hillside so will have a rear garden amenity area at first-floor level.

5.4 It is not proposed to make any changes to the existing PROW that runs adjacent to the eastern boundary.

5.4 The site is in the main built-up area of Cowling, which is a Tier 4a settlement within the development hierarchy of the Local Plan Area as set out in the Local Plan Policy SP4.

#### **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:

The Craven Local Plan 2012-2032 (adopted 2019) (Local Plan).

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

National Planning Policy Framework 2023  
 National Planning Practice Guidance  
 National Design Guide  
 Craven Good Design SPD 2022  
 Craven Green Infrastructure and Biodiversity SPD 2022  
 Cowling Conservation Area Appraisal 2023  
 Craven Settlement Monitoring Report July 2023  
 Craven District Plan Approaching Housing Density and Mix 2017  
 Craven Authority Monitoring Reports 2021-2022 (AMR)  
 BRE Site Layout Planning for Daylight and Sunlight

**7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below. Focus on the most recent comments from consultees.
- 7.2 **Cowling Parish Council:** "Taking into consideration comments from residents the Parish Council do not support the application of four dwellings, BUT would support an application for two dwellings".
- 7.3 **NYCC Highways:** There are no visibility issues for the development and the proposed parking meets NYC standards. The Highway gully which will drain to the attenuation tank is acceptable. Consequently, the Local Highway Authority recommends Conditions.
- 7.4 **Environmental Protection:** No objection but recommend conditions regarding an acoustic report, reporting of contaminated land, and hours of construction.
- 7.5 **Hinchliffe Heritage:** Recommend refusal as the principle of development would be contrary to Section 16 of the NPPF and the site should be returned to its original condition.
- 7.6 **Public Rights of Way:** Object as insufficient information has been provided for protection of the PROW.

Local Representations

- 7.7 6 local representations have been received of which 1 is in support and 5 raise objections. A summary of the comments is provided below, however, please see website for full comments.
- 7.8 Object
- Concerns developing the site would not be safe due to land subsistence.
  - Concerns over flooding.

- Highways impact from additional vehicles.
- Overdevelopment.
- Impact upon adjacent PROW.

#### 7.9 Support

- Support as long as neighbours property would not be impeded.
- External appearance matches adjacent properties.

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

8.1 Having regard to the scale and nature of the proposal, the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). Therefore, no Environment Statement is required.

### **9.0 Main Issues**

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

- Principle of development
- Fallback position
- Housing Mix and density
- Visual impact and design/impact on heritage assets
- Impact on amenity
- Sustainable design
- Highway considerations
- Biodiversity
- Flood risk
- Other matters

### **10.0 ASSESSMENT**

#### Principle of Development

10.1 The site is part of an open parcel of land within the Main Built-Up Area of Cowling but near other residential properties.

10.2 Cowling is a Tier 4a settlement as a result, policy SP4 applies. Policy SP4 is supportive of sustainable growth within the Craven Area over the plan period. The higher the tier the more growth the settlement is expected to receive.

10.3 Criterion H of policy SP4 supports the additional housing growth on non-allocated land for housing within the Main Built-Up Area of Tiers 1-4a provided the proposal accords with all other relevant local plan policies.

10.4 As the proposal is on non-allocated land within the Main Built-Up Area of a Tier 4a settlement, it is considered that the principle of development is acceptable. Furthermore, the principle of residential development was deemed permissible under the requirements of the current local plan with the grant of planning permission 2021/22856/FUL.

#### Fallback position

10.5 In this instance, the site benefits from an extant planning permission. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act) sets out that applications should be determined in accordance with the development plan unless

material considerations indicate otherwise. The Council acknowledges that the presence of the extant permissions is a material consideration.

- 10.6 The implementation of the extant permission would see the creation of 2no. Detached dwellings on the application site, whereas the current proposal would see the creation of 4no. dwellings on the site thus making a more effective use of the land as well as providing 2 additional dwellings.

Housing Mix and Density

- 10.7 Local Plan Policy SP3 states that new housing developments will ensure that land is used in an effective and efficient matter to address local housing needs. In typical greenfield developments or in brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare.
- 10.8 The site area for the proposal is approximately 1056 square metres which equates to 0.106 hectares. At the approximate 32 dwellings per hectare calculation, the site should be expected to yield 3.392 dwellings. The policy allows for some flexibility to housing mix and density to ensure scheme viability, to take account of local variations in housing need, to promote better balanced mixed communities or to achieve other local plan objectives.
- 10.7 In this instance the proposed development would be at a marginally higher density as it is rounded up to 4 dwellings from 3.392. This flexibility is marginal and is considered to be within an acceptable range and suitable justification for higher density.
- 10.8 Regarding the mix, the proposal would provide 4no. 3-bedroom dwellings. This mix is considered to accord with the most up-to-date Council evidence regarding need/demand. In addition, it would help address the under provision of 3-bedroom dwellings as reported in the CDC Authority Monitoring Report.
- 10.9 In conclusion, the proposal is considered to meet the requirements of Policy SP3 of the Local Plan. It would also accord with the aims and objectives of paragraph 60 of the Framework, which amongst other things seeks to ensure the efficient use of land, considering identified housing needs.

Visual impact and design/impact on heritage assets

- 10.10 Policy ENV2 seeks to conserve and where appropriate, enhance the historic environment and this can be achieved through the protection of this elements which contribute most to the district's distinctive character and sense of place. It also outlines that development which preserve or enhance the character or appearance of a Conservation Area will be supported.
- 10.11 Policy ENV3 also seeks to ensure developments are of a good design that respond to the character of the surrounding area.
- 10.12 In this instance, the proposed dwellings would be of a similar scale to those already considered acceptable when viewed travelling along Nan Scar. However, in this instance the density has increased so the site now proposes 4 dwellings instead of the previously approved 2 dwellings. The scale of the proposal overall has therefore increased for the site area but the size of the dwellings has reduced.
- 10.13 The design of the dwellings has altered from the previous scheme resulting in 4 semi-detached dwellings rather than 2 detached units. However, the overall appearance in



terms of materials includes coursed natural stone walling with artificial stone slate to the roof, and timber-effect upvc windows and doors. As these materials are similar to those used in the locality it is considered that the materials would be appropriate for the area.

- 10.14 The Council's heritage advisor has objected to the scheme on heritage grounds in particular for the less than substantial harm the development would have upon the openness of the application site as identified in the Conservation Area Appraisal. But does state that if the principle of development is deemed acceptable then further clarification on design and materials should be sought. It is considered that these can be controlled via appropriately worded conditions.
- 10.15 In accordance with the Framework, it is therefore necessary to consider whether the less than substantial harm to the Conservation area would be outweighed by the public benefits. This is returned to below under the planning and heritage balance.
- 10.16 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 10.17 The proposal would contribute to the provision of housing in the district, and this carries significant weight as a public benefit.
- 10.18 The proposal would provide ecological benefits through the creation of new habitats (new planting of grassland, shrubs, tree planting, provision of bat boxes and bird boxes).
- 10.19 The proposal would enhance the economy of the community through the creation of jobs associated with the construction stage, and new residents would be likely to support existing local services and businesses. It is recognised that these benefits are common to similar developments and thus, are given limited weight.
- 10.20 The identified public benefits of the application site are considered to present cumulatively considerable weight to the heritage balance as set out in the Framework.

#### Heritage balance

- 10.21 It is recognised that there would be some very low-level harm to the significance of the CA of Cowling, however, on balance this harm is at the low end of the spectrum and when combined with the public benefits the proposal is considered acceptable on heritage grounds
- 10.22 In conclusion, it is considered that the public benefits outweigh the very low level harm to the setting of the conservation area.
- 10.23 The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan which seeks to preserve or enhance the character or appearance of a designated heritage asset. It would also accord with the aims and objectives of paragraph 203 of the Framework, which amongst other things seeks to ensure the creation of high-quality, and sustainable buildings, and the desirability of maintaining an area's prevailing character and setting.

#### Impact on amenity

- 10.24 Policy ENV3 seeks to ensure that development protects the amenity of

existing residents and provides a good standard of amenity for future occupants of land and buildings. Amongst other things, Framework paragraph 135 requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### Existing residents

- 10.25 The proposed dwellings would be sited immediately adjacent to the east of a row of existing dwellings, with a further row of dwellings to the north-east which all front Nan Scar. The proposed dwellings will largely be screened by the existing landform from Colne Road to the south. This section of Nan Scar is at a much lower ground level than Colne Road so would only be visible from public viewpoints in relatively close proximity to the site.
- 10.26 The nearest dwelling to the site (Freigate House) is constructed at a similar ground level to the proposed dwellings although the topography of Nan Scar means that this dwelling sits on land that rises westwards. Freigate House has 3 windows to the east (side) elevation facing toward the application site. 2 windows are at ground floor level and 1 is at first-floor level.
- 10.27 Plot 4 would be located approximately 7.5m from the side gable of Freigate House and will have a similar front building line. It is acknowledged that due to the positioning and orientation of the proposed dwellings there would be some overshadowing of side windows. However, one of these windows appears to be a secondary window and both windows are affected to some level at certain times of the day by overshadowing the existing topography of the land. Thus, the proposal would not result in any unacceptable level of overshadowing of these lower windows.
- 10.28 The greater impact would be on the upper window. However, this appears to be a bathroom window and thus the impact is limited as this is not a habitable room.
- 10.29 The separation distance between the existing dwelling and Plot 4 is approx. 7.5m and thus the development would not appear overbearing or dominate when viewed from the side ground-level windows.
- 10.30 The proposal would see windows at the first and second floor. The windows proposed to the side elevations would serve the staircases only, so are not considered to be unacceptable regarding an unacceptable loss of privacy to the occupants of Freigate House. There will be some overlooking of their rear amenity areas from the second-floor windows serving the rear bedrooms. However, the angle of overlooking would be acute so the impact upon amenity would be minimal and acceptable.

#### Future residents

- 10.31 Amenity of the potential future occupiers of the proposed dwellings also needs to be taken into consideration. There would be a level of mutual overlooking between plots 1 & 2 and 3 & 4. It is considered that as the overlooking will be mutual it is not considered to be unacceptable. Additionally, at first floor level to the rear there is proposed boundary fencing providing additional privacy to the future occupiers. The proposed internal space is considered sufficient to meet the needs of any future occupants.
- 10.32 For the aforementioned reasons, the proposal would result in a minimal impact upon the amenity of the existing neighbouring properties and would provide an acceptable

level of accommodation for future residents. As such, the proposal accords with the requirements of Policy ENV3 of the Craven Local Plan.

#### Sustainable design

- 10.33 Policy ENV3 of the Craven Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, carbon emissions and to minimise waste.
- 10.34 The applicant has submitted a sustainable design and construction statement to demonstrate the measures that have been built into the design. This includes energy-efficient white goods, low water consumption, natural ventilation, high levels of insulation, solar panels, and locally sourced materials.
- 10.35 These measures are considered appropriate for the size of the proposal and sufficient for compliance with Local Plan Policy ENV3.

#### Highway considerations

- 10.36 Local Plan policy INF4 seeks to ensure that developments help to minimise congestion, encourage sustainable transport modes and ensure proper provision and management for parking for vehicles. Policy INF7 seeks to ensure that development do not have an adverse impact on highway safety.
- 10.37 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 115 of the NPPF states that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

- 10.38 The Craven Local Plan is supportive of development proposals that provide adequate car parking provision. In this instance, the proposal would provide 4 No. 3-bedroom dwellings with 2 associated car parking spaces (including the proposed integral garages). The Highway Authority parking standards state that for properties with 3 bedrooms in rural areas they should provide 2 off-street car parking spaces. It is considered that this provision is appropriate for each of the proposed dwellings. The Highway Authority has also confirmed that the visibility splays are acceptable.
- 10.39 Overall, it is considered that the proposal is in accordance with Local Plan policies INF4 & INF7 and paragraph 115 of the NPPF. The application is therefore considered to be acceptable regarding highway safety.

#### Biodiversity

- 10.40 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13, of the Town and Country Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.41 However, this application is considered exempt from this condition due to the application being submitted prior to the implementation of the mandatory 10% BNG provision.
- 10.42 Notwithstanding this, Policy ENV4 requires that development avoids the loss of, and encourages the recovery or enhancement of habitats and that the biodiversity of

buildings is conserved. Development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted. Furthermore, development proposals should achieve benefits in biodiversity at least equal to the biodiversity value of the site before development.

- 10.43 The applicant prepared a Biodiversity Mitigation/Net Gain Statement which outlines the installation of bat and bird boxes, the planting of hedgerows along the site boundaries and the opportunity for roosting and foraging from the new drystone boundary walls.
- 10.44 It is accepted that the current state at the site is not the original condition due to the implementation of planning permission 2021/22856/FUL. Notwithstanding this, it is considered that even in its original form (agricultural field) it provided a minimal contribution to biodiversity. It is considered that if approved the mitigation measures to be brought forward would be sufficient to secure a biodiversity net gain at the site.
- 10.45 In conclusion, given the above considerations, the development is assessed to meet the relevant requirements of Policy ENV4, the NPPF, The Conservation of Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) (as amended) and is acceptable.

#### Flood Risk

- 10.46 The application site is located within Flood Zone 1 which has a low probability of flooding from rivers and lies outside of any identified surface water flood risk area. As a result, there would not be any conflict with Local Plan Policy ENV6.

#### Other matters

- 10.47 The proposal does not trigger the provision for affordable housing or open space provision.
- 10.48 It is considered that a condition requiring the implementation of the retaining wall would address concerns raised by residents and would ensure no adverse effects with regards to land stability.
- 10.49 Concerns have been raised regarding the parking of vehicles near the site on the public highway. This appears to be a long-standing issue which is affecting residents accessing their properties. However, this should not prevent the development of this site.
- 10.50 It is considered that a condition requiring future details regarding the development and the PROW would address the concerns of the PROW officer and would ensure no adverse effects on the existing PROW.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 11.2 The principle of development has been established through extant permission 2021/22856/FUL and full compliance with Local Plan Policy SP4. The main concerns for the development are drainage and heritage. However, these details have been clarified and detailed in supporting documentation and are protected through planning conditions.
- 11.3 On balance, it is considered that any adverse impacts arising from the proposed development would not significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and planning permission should be granted.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below.

### **Recommended Conditions:**

#### **Time condition**

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved Plans**

- 2 The permission relates to the following plans and documents:

Drawing No. 01 Rev A "Location Plan" received 01st March 2024.  
 Drawing No. 03 Rev A "Proposed Site Plan" received 01st March 2024.  
 Drawing No. 04 Rev A "Proposed Floor Plans" received 01st March 2024.  
 Drawing No. 05 Rev A "Proposed Elevations" received 01st March 2024.  
 Drawing No. 06 Rev A "Proposed Site Sections" received 01st March 2024.  
 Drawing No. 07 Rev A "Proposed Drainage Plan" received 01st March 2024.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.

#### **Pre-commencement condition**

- 3 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for that phase. The statement shall provide for the following in respect of that phase:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials

- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/depositing of waste resulting from demolition and construction works.

**Reason:** To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to accord with Policy INF4 of the Craven Local Plan.

4. No development shall take place until full details of any retaining structures to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- (i) the length, height, siting and materials of any retaining structures;
  - (ii) structural engineer's calculations;
  - (iii) the amount of earth to be retained;
  - (iv) the extent of excavation and infill required;
  - (v) the proposed finish for the surface of the land behind the structure;
  - (vi) the guaranteed minimum service life of the structure relative to the local exposure level; and
  - (vii) a timetable for their construction. The retaining structures shall thereafter be constructed in accordance with the duly approved details and timetable.

The retaining walls within the application site shall be constructed to the requirements of an appointed Civil Engineer Report which shall be provided to the Local Planning Authority.

**Reason:** In order to ensure that any retaining structures required due to topographical changes and/or groundworks on the site are constructed to an appropriate standard with respect to their structural and visual form and function in accordance with the requirements of the NPPF.

5. No development shall take place until a method statement detailing the implementation of the development with regard to the impacts on the Public Right Of Way. The method statement shall include:
- Details showing the reinstated public right of way (legally recorded width of 1.2m)
  - Details of how the sides of the excavation will be permanently established
  - Details of the finished safe distance between the edge of the footpath's recorded width and the edge of the stabilised excavation
  - Details of design and height of permanent fencing adjacent to the public right of way
  - Details of individual responsible for future maintenance of the stabilised excavation and fencing.

**Reason:** To ensure the protection of the public right of way.

#### **During Building Work**

6. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above-ground works shall take place until the

following details have been submitted to and approved in writing by the local planning authority:

- a sample panel of walling, of at least 2m<sup>2</sup> area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on-site and;
- samples of the proposed roof slates have been made available for inspection.
- External finish of proposed windows

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenity of the locality.

7. No above ground works shall take place until details of finished floor levels for the building and ground levels for the external areas of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

**Reason:** In order to ensure a satisfactory relationship between the development, surrounding buildings and the street scene before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of policies ENV2 and ENV3 of the Craven Local Plan and the National Planning Policy Framework.

8. There shall be no access or egress by any vehicles between the highway and the application site until the surface water ditch in front of the site has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Nan Scar from a point measured 2 metres down the centre line of the access road. the eye height will be 1.05 metres and the object height shall be 1.05 metres. once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of road safety and to accord with Policy INF7 of the Craven Local Plan.

10. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the predevelopment rate (incorporating an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures; and

- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and shall be maintained and managed as such thereafter.

**Reason:** To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Section 14 of the NPPF.

11. The development shall be implemented in accordance with the Sustainable Design and Construction Statement and retained as such thereafter.

**Reason:** To help address climate change and to accord with Policy ENV3 of the Local Plan of the Craven Local Plan.

12. Within three months of this permission full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. the works shall be implemented in accordance with the approved details and programme.

**Reason:** In the interests of highway safety and to accord with Policy ENV6 of the Craven Local Plan.

13. Notwithstanding the plans approved under condition 2 (Approved Plans) of this permission, details for the improved biodiversity and expansion of green infrastructure shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in their entirety prior to the occupation of the dwellings and shall thereafter be retained.

**Reason:** To ensure an improvement to the environment to accord with policies ENV4 and ENV5 of the Craven Local Plan and the requirements of the NPPF.

14. Notwithstanding any details shown on the approved plans of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan Policies ENV3 and ENV4 and the National Planning Policy Framework.

15. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either:

- (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or
- (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a 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 site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

**Reason:** In the interest of public health and to accord with Policy ENV7 of the Craven Local Plan

#### **Prior to first use**

16. Before each dwelling hereby approved is first occupied, a scheme for the design, construction (including surface treatment) and drainage of its associated parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and retained as such thereafter for the parking of vehicles.

**Reason:** In order that there is adequate provision for vehicles to be parked clear of the highway, to ensure appropriate surface treatment of parking areas and that satisfactory provisions are made for the disposal of surface water in accordance with the requirements of Section 14 of the NPPF.

17. The development must not be brought into use until the accesses to the site as shown on the approved plan has been set out and constructed in accordance with the requirements;
- (ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
  - (iii) Any gate or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:20.
  - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (or vice-versa) shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Informative: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and to accord with Policy INF7 of the Craven Local Plan.

18. Prior to the occupation of the dwelling a noise report shall be submitted to and approved by the Local Planning Authority.

The report shall:-

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

**Reason:** To ensure amenity of future occupants and to comply with Policy ENV3 of the Craven Local Plan.

### Ongoing conditions

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**Reason:** To ensure these areas are kept for their intended use in the interests of highway safety and the general amenity of the development.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

**Reason:** To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and general amenity of the development.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse, nor the erection of any outbuildings, nor the erection or installation of any walls, fences, gates or other means of enclosure within the curtilage of the dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

**Reason:** In order to enable the Local Planning Authority to retain a degree of control over the development having regard to the sensitive location of the dwellings within the open countryside.

**Informative**

Failure to adhere to the details of the approved plans or to comply with the conditions contravene the Town and Country Planning Act 1990 and enforcement action may be taken.

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on-site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on-site should be made available for inspection at the request of the Council's Environmental Health Department.

The applicant is advised to undertake early engagement with telecommunication providers to ensure the development benefits from the highest quality broadband connectivity available. Lead times for the provision of broadband services can be in excess of 9 months prior to occupation of the first dwelling.

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing [Edu.cra@northyorks.gov.uk](mailto:Edu.cra@northyorks.gov.uk) or can be downloaded from the Council's website.

**Target Determination Date: 02 May 2024**

**Case Officer: Mr Sam Binney, [Sam.Binney1@northyorks.gov.uk](mailto:Sam.Binney1@northyorks.gov.uk)**

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