

- 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:** Tuesday, 6th August, 2024
- Time:** 1.00 pm
- Venue:** Belle Vue Suite, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ

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Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 3rd June 2024** (Pages 5 - 10)
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. **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** (Pages 11 - 40)
Report of Head of Development Management – Community Development Services.
5. **ZC23/01691/FUL - Conversion of Four Traditional Farm Buildings to Form 4 No. Dwellings with Associated Works, Including Creation of Dedicated Parking and Private Gardens and Demolition of Modern Farm Buildings at Manor Farm, Fearby on Behalf of Swinton Estates.** (Pages 41 - 62)
Report of Assistant Director Planning – Community Development Services.
6. **ZC23/01692/LB- Internal and External Alterations to Grade II Listed Barn North-East of Farmhouse Comprising of Replacement Timber Windows/Doors, 2 No. Conservation Style Rooflights, 1 No. Internal Opening, Internal Staircase and New First Floor Structure in Association with Conversion to a Two-Bedroom Dwelling at Manor Farm, Fearby, on Behalf of Swinton Estates.** (Pages 63 - 72)
Report of Assistant Director Planning – Community Development Services.
7. **ZC24/01406/FUL- Conversion of Existing Stable to Form One New Custom Build Dwelling House with Associated Garden and Parking Areas at Bogs Hall Stables, Bogs Hall Farm, Kirkby Malzeard.** (Pages 73 - 88)
Report of Assistant Director Planning – 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. **Date of Next Meeting**
Monday, 2 September 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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Monday, 29 July 2024

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North Yorkshire Council

Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Monday, 3rd June, 2024 commencing at 1.00 pm.

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

Officers present: Kate Lavelle, Solicitor; Stuart Mills, Planning Manager; Neville Watson, Planning Manager, Daniel Childs, Principal Planning Officer – Development Management; Mike Parkes, Senior Planning Officer – Development Management; Vicky Davies, Senior Democratic Services Officer and David Smith, Democratic Services Officer.

Apologies: Councillor Andrew Williams. .

Copies of all documents considered are in the Minute Book

1 Apologies for Absence

An apology for absence was received from Councillor Andrew Williams.

2 Minutes for the Meeting held on 2nd April 2024

Councillor Brown raised the correctness of the legal advice given in relation to Grundy Farm, Carleton and the updated Conservation Area and whether weight could be attached to it. It was agreed that the minutes accurately reflected what was said at the meeting, but that advice had since been updated following further research. Members agreed that the details of the renewed advice should be dealt with later in the agenda under the item Any Other Business.

Additionally, Councillor Ireton didn't recall the words 'North Yorkshire' being used (Minute 82, bullet point 4). The Democratic Services was asked to check the recording, and if required, circulate any modifications to the Committee. Thereafter, the Committee agreed that the Chair sign the minutes as an accurate record.

3 Declarations of Interests

There were no declarations of interests. Councillor Ireton declared that he had been lobbied for both Gargrave applications. Councillor Noland had been lobbied in respect of the Marton Road, Gargrave application. Councillor Brown had been lobbied for both Gargrave applications as well as the application at Nan Scar, Cowling.

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 conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the 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 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 granted planning permission contrary to the recommendation in the report the reasons for doing so are set out below.

- 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.**

Considered:

The Assistant Director Planning – Community Development Services sought determination for a variation of conditions to allow for fenestration and/or internal layout changes and air source heat pumps in all 33 dwellings on land in Kirkby Malzeard.

No interested parties had indicated that they wished to make representations to the Committee.

During consideration of the above application, the Committee noted that any potential adverse noise emanating from the heat pumps could be controlled and that the fenestration changes had no impact on overlooking.

The decision:

That, the Section 73 variation be GRANTED subject to the conditions set out in the Assistant Director's report.

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

- 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.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for the residential development of 38 dwellings with access, associated landscaping, green infrastructure and associated works on land at Marton Road,

Gargrave. Members had visited the site to aid them in the decision making process.

Mr Mark Bolton spoke on behalf of the objectors.

Parish Councillor Gregory Butt spoke on behalf of Gargrave Parish Council.

Councillor Simon Myers spoke in his capacity as Division Member for Mid Craven.

Mr James Pert spoke on behalf of the applicant.

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

1. Whilst noting that the Highways Authority had no objections to the proposal, Members voiced concern there was the lack of a pavement between the proposed development and the village centre.
2. It was noted that the current residential properties on Marton Road did not have access to a pavement and to provide one would mean taking garden land from properties already there.
3. It would be difficult to justify refusing the application because the scheme didn't provide a footpath which was legally part of the highway and the Highways Authority had no objections to the scheme.
4. Members stated that residents were worried about walking or cycling safely due to the absence of a pavement.
5. A mega farm in Bank Newton had increased agricultural traffic on Marton Road.
6. There was only one entrance/exit at the site.
7. There were no conditions in relation to bio-diversity and energy efficiency.
8. The application now before Members had overcome the previous reasons for refusal.
9. The site had been allocated for development in the Craven Local Plan and the Gargrave Neighbourhood Plan.

The decision:

That, the Committee DEFERRED the decision pending the Highways Authority being further consulted to ask that they clarify their position on the impact traffic on Marton Road would have on pedestrians and to see if there are any mitigation measures that could be taken. Secondly that the developers are asked if they have any interest in land beyond the application site (shown in red) on the map shown in the officer's presentation.

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

(A short comfort break was taken at 2:50pm.)

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.

Considered:

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the removal of 25 residential caravans, the conversion of the existing sawmill into 2 apartments and the erection of 12 new dwellings at the Old Sawmill, Marton Road, Gargrave. Members had visited the site to aid in their determination

of the application. A late information report had been circulated stating the inclusion of a monitoring fee in relation to any open space. The application was recommended for refusal because 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 Policy Framework.

Parish Councillor Gregory Butt spoke on behalf of Gargrave Parish Council.

Councillor Simon Myers, spoke in his capacity as Division Member for Mid-Craven.

The applicant's representative Mr Ms Fiona Tiplady spoke in support of the application.

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

1. Much of the site was in Flood Zone 2 and historically the site had not been known to flood.
2. The Strategic Flood Risk Assessment flood risk maps were out of date.
3. The proposed application was on a brownfield site and there would be improvements to the character and appearance of the area.
4. A downstream weir in Gargrave was likely to have been a cause of increased flood risk had been removed.
5. The application provided flood resilient permanent dwellings replacing caravans vulnerable to flood risk.
6. Members were pleased to note the proposed restoration of a non-designated heritage asset.
7. There was a requirement to consult with the Secretary of State.
8. Pursuant to advice from the planning officer, the considerations which Members wished to give weight to in arriving at any resolution to grant the application.

The decision:

That, against officer recommendation, the Committee were strongly minded to GRANT the application and that, subject to referral to the Secretary of State, the determination of the application be delegated to the Head of Development Management – Community Development Services, subject to the conditions below and any further conditions as he may deem necessary and, completion of a S.106 obligation in relation to the required off-site open space contribution:

1. Standard time limit for commencement (3 years).
2. Adherence to an approved plans list, unless otherwise required by condition.
3. Contaminated land investigation/remediation/verification.
4. Prior approval of measures in relation to railway safety.
5. External lighting to be wildlife sensitive in accordance with a scheme to be submitted and agreed.
6. Landscaping/implementation.
7. Landscape and ecological enhancement management plan.
8. A scheme for the incorporation of renewable energy and efficiency measures.
9. Details of windows, doors and external surfaces, including sample panels.
10. Sustainable drainage in accordance with a scheme to be submitted.
11. Chimneys in accordance with a scheme to be submitted.
12. Parking provision in accordance with a scheme to be submitted.
13. Adherence to flood mitigation and resilience measures set out in the submitted Flood Risk Assessment.

Reason for decision:

The proposal would result in the regeneration of a brownfield site, improvements to the character and appearance of the area, and the restoration of a non-designated heritage asset. Flood resilient dwellings would replace caravans vulnerable to flood risk and for which a certificate of lawfulness has been granted for permanent residential occupancy, thus creating a fallback position. Furthermore, a downstream weir in Gargrave likely to have contributed to an increased risk of flooding has been removed. Further still, historically the site has not been known to flood. Therefore, having regard to the submitted evidence, including the submitted Flood Risk Assessment, the benefits, cumulatively, outweigh conflict with the spatial strategy of the development plan Policy ENV6 Flood Risk and the flood risk policies of the National Planning Policy Framework.

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

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

Considered –

The Assistant Director Planning – Community Services sought determination of a planning application for the erection of 4 no. semi-detached dwellings with associated work at land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling. A site visit had been undertaken by Members of the Committee to assist with their deliberations. The application had been brought to Committee as it had been called in by Councillor Brown due to concerns of overdevelopment at the site.

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

1. The main difference between this scheme and the previously approved scheme was an increase in the number of dwellings from two to four.
2. Four smaller homes would be provided rather than two larger ones.
3. Some work had already started on retaining walls.
4. The abbreviated comments on the heritage aspect in the officer's report seemed not to fully reflect those contained in the full Heritage report.
5. The Heritage Advisor had recommended refusal as the principle of development was contrary to S.16 of the NFFP and the site should be returned to its original condition. The Planning Manager stated that it was unrealistic to believe the site would be returned to its original state as there was already a permission in place.

The decision:

That, Members were minded to APPROVE planning permission, the decision to be delegated to the Head of Planning – Community Development Services, subject to the conditions set out in the report as well as a further condition requiring the prior approval of materials to be used before development commences.

Voting record: Five Members voted for the motion; one Member voted against. The motion was declared carried.

8 Any other items

The Solicitor to the Committee gave a verbal update on legal advice provided at the last

meeting in relation to Conservation Area Appraisals as follows:

“The legal advice regarding the issue of weight to be given to the proposals for extended conservation areas contained in Conservation Area Appraisals (CAA’s) has been updated following further research. The minutes of Council for Craven on 30th March 2023 which have now been made public confirm that the CAA’s have been adopted and now carry weight in the context of planning decisions. The proposals for extended conservation areas contained within the CAA’s are considered to carry limited weight rather than no weight as these are subject to further consultation and notice processes as was detailed in the report to Craven’s Policy Committee on 28th February 2023.”

The Planning Manager and Principal Planning Officer gave a verbal update on the current position regarding the application known as Hellifield Flashes. The application was complex and contentious and further information and answers from the applicant were awaited so that further screening could be done enabling a decision to be taken on whether an Environmental Impact Assessment was required. Officers could not confirm when the application might be presented to Committee for determination.

9 Date of Next Meeting

The Chair suggested that the next meeting scheduled for 2nd July should be rescheduled to a later date due to its closeness to the Parliamentary Election on 4th July 2024. Venue to be confirmed.

The meeting concluded at 4.39 pm.

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

06 August 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 The application was previously brought before the Skipton and Ripon Constituency Committee on the 3rd of June 2024 with a recommendation for approval. The application was considered by members when it was deferred for further consultation with highways in relation to the impact of traffic on Marton Road for pedestrian users and potential mitigation measures. In addition, clarification was to be sought by officers regarding the interest in land beyond the application site (shown in red). The applicant confirmed that they do not own the land outside the red boundary line so has not been included in a blue outline.
- 1.2 The report has been updated to address the reasons for the deferral.

2.0 SUMMARY

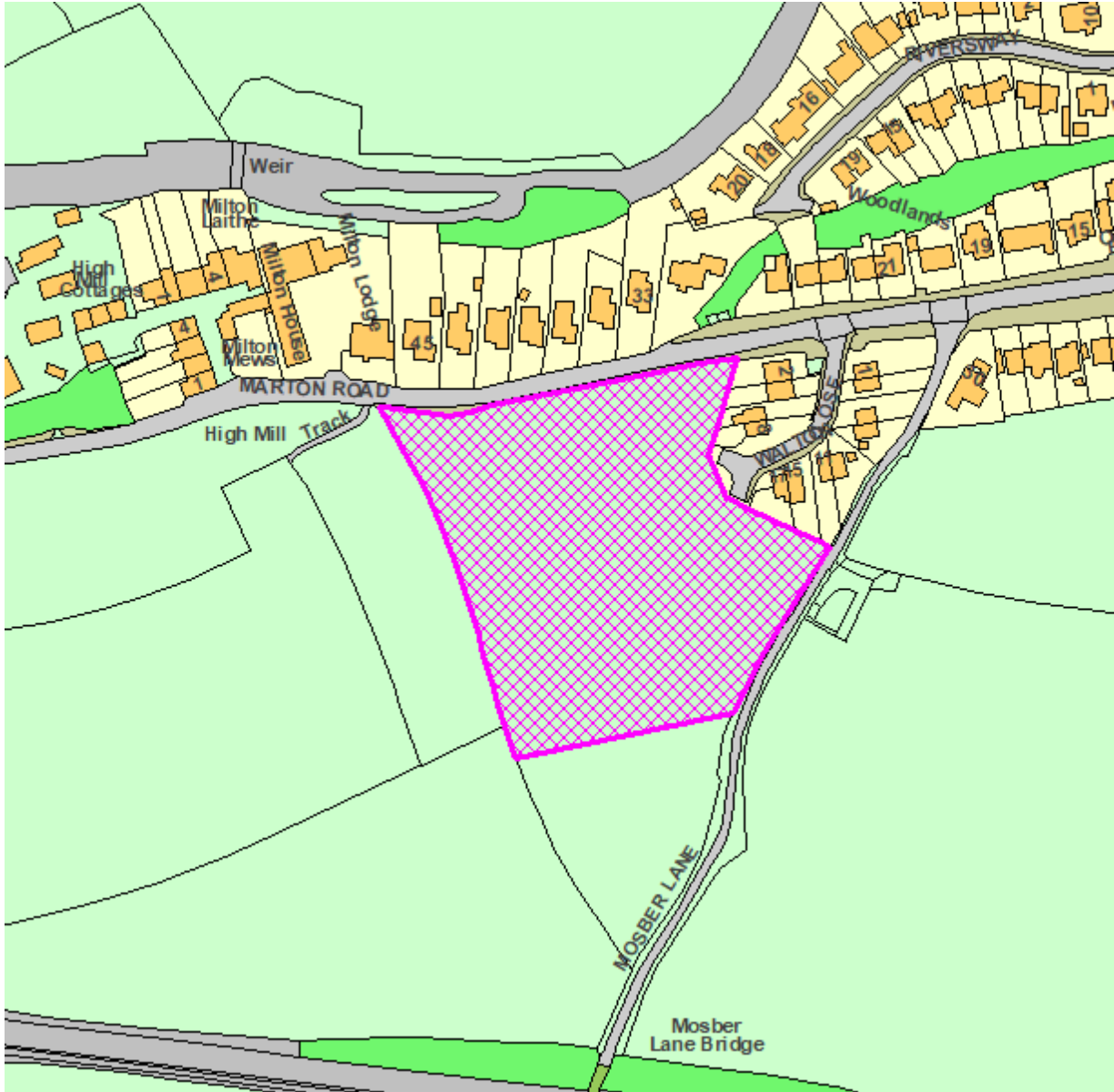
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of an S106 agreement with terms as detailed in Table 1 to secure the affordable housing provision and open space contributions.

- 2.1 This application seeks full planning permission for the construction of 38 dwellings with off-street parking and associated infrastructure.
- 2.2 The application site is an allocated housing site in both the Council's Local Plan (GA031) and the Gargrave Neighbourhood Plan (Policy G2/2), and thus the principle of housing on this site is acceptable.
- 2.3 Concerns have been raised by residents with regards to flooding and drainage, design, amenity, visual impact, and biodiversity. Concerns have also been raised regarding highway safety, but many of these concerns relate to existing issues and traffic movements for example large agricultural vehicles travelling along Marton Road. The Highways officer has taken these concerns on board and following a re-consultation has recommended the provision of a footpath on Marton Road to improve pedestrian safety.
- 2.4 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.cravencd.gov.uk/online-applications/>

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

3.3 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 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 northeast 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.

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.
- 5.5 The application is accompanied by the following documents:
- Transport Statement
 - AMR Travel Plan.
 - HWA Drainage Strategy
 - Ecological Appraisal
 - Landscape Visual Appraisal
 - Design and Access Statement
 - Lighting Assessment

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 (GHNP)

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 DPS 2022
- Craven Green Infrastructure SPD 2022
- Craven Settlement Monitoring Report 1st April 2024.
- Craven District Plan Approaching Housing Density and Mix 2017
- Craven Authority Monitoring Reports 2021-2022
- 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.
- 7.2 **Gargrave Parish Council:** Updated comments objecting to the proposal for the following reasons:

No immediate or material differences from the original application and should be refused.

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.

Concern over the increase in traffic numbers

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.

Does not meet the needs of local population who require affordable housing

- 7.3 *Officer's Note:* A condition has been attached following consultation with the Council's Environmental Health Officer to address noise concerns.
- 7.4 **NYC 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 **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.
- 7.6 **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.
- 7.7 **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.
- 7.8 **NYC Police (DOCO):** "The design and layout for this proposal has taken into consideration the principles of crime prevention through environmental design".
- 7.9 **NYC 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.
- 7.10 **NYC Environmental Protection:** No objection but recommend conditions regarding a noise mitigation report, construction noise, and dust management.

7.11 **NYC Contaminated Land:** No objection subject to a condition for a Phase II Intrusive Site Investigation Report.

7.12 **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 are 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.

Following re-consultation (response dated 9th July 2024) The Highway Authority has further considered their position on the impact traffic on Marton Road would have on pedestrians and provided the following comment:

After a further site visit and review of information and documents provided traffic volumes will increase but not to the detriment of pedestrian safety. However, it is considered appropriate that a new footway be provided for pedestrians from Walton Close to Walton Avenue. This will run on the Northerly side of Marton Road thus allowing footfall from the new development to use the new link to Walton Close, cross Marton Road and progress to the existing footpath alongside the river towards Pennine Way

7.13 **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.

7.14 **Historic England:** No comment other than stating to seek views of our own conservation and archaeological advisers.

7.15 **National Grid:** "No National Gas Transmission assets affected in this area".

7.16 **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.

Local Representations

7.17 Over 245 local representations have been received of which raise objections. A summary of the comments is provided below, however, please see the website for full comments.

7.18 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.

Officer's Note: Members of the committee on 3rd June 2024 sought clarification concerning the proposal and the conflict with the GHNP. The perceived conflict has occurred due to the reference within an earlier version of the GHNP that stated

vehicle access would be achieved through Walton Close. However, in the final GHP this requirement was omitted.

- 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.

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.
- o Local Plan did not follow due process.

A comment was also received from the Pennine National Trails Partnership stating no objection to the proposal but requesting monies through a Section 106 Agreement for payment towards the upkeep of the National trail.

8.0 Environmental 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 main issues are:

- Principle of development
- Context of the 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
- Public Rights of Way
- 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 G1 of the Gargrave Neighbourhood Plan is in favour of new housing within the settlement boundary of the Plan subject to various criteria including (but not limited to) good accessibility, the site not being at risk of flooding, suitable provision for vehicular access, and are of a good design quality. 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 effectively and efficiently to address local housing needs. In typical greenfield developments, the appropriate housing density should be approximately 32 dwellings per hectare. GHP G3 also seeks to ensure that new developments provide an appropriate range of tenures, types, and size of dwellings.
- 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 of the LP and G3 of the GHNP 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 is triggered. GHNP policy G3 also seeks to ensure that developments over 11 units provide affordable housing.

10.17 The proposal would provide 11 on-site affordable housing units. Members raised concerns that the provision did not meet the required 30% as set out in Policy H2. However, following discussions with the Council's Strategic Housing officer he as confirmed that whilst 30% provision would equate to 11.4 dwellings, the method of calculation in this instance is to round it down to the nearest whole number thus the provision of 11 affordable units is policy compliant. For these reasons, it is considered that the proposal is 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. The proposal therefore accords with Policy H2 of the LP and G3 of the GHNP.

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 provisions 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. Policy G7 of the GHNP also seeks to ensure that developments are of a high-quality design.
- 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. Objections have also raised concerns regarding the impact of the proposal upon the designated Gargrave Conservation Area. The Gargrave Conservation Area is located in excess of 160m to the east of the site at its nearest point. There are intervening houses for much of this distance plus due to the intervening topography, landscaping, separation distance and public footpath. It is therefore considered that the proposal would not have an adverse impact on the character and appearance of the conservation area.
- 10.30 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building, or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework also makes clear that great weight should be given to the conservation of designated heritage assets and their setting.
- 10.31 Regarding Milton House a Grade II listed building located to the north-west of the site and is set back from the highway with buildings to the east and west. It is recognised that the development of this field would result in some harm to the setting of the listed building, although the overall harm would be less than substantial given the separation distances. In contrast due to the separation distance between the application site and the moated site (schedule monument) located to the east the proposal would have no impact on this designated heritage asset.
- 10.32 In such, instances where harm to heritage assets, in this case the aforementioned listed building, is less than substantial, the Framework states it should be weighed against the public benefits of the proposal. The public benefits would arise from the provision of housing including affordable, to meet the districts housing need. There would also be economic, sustainable and biodiversity benefits arising from the proposal. It is therefore considered that the benefits outweigh the identified harm to the heritage asset.
- 10.30 Based upon the case officer site visit, and that the site would deliver 38 dwellings rather than the 44 specified by policy it is not considered that the proposal would result in an overdevelopment 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 would 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 Further to the above, a consultation was undertaken with the Designing Out Crime Officer with NY Police who stated that the design and layout of the proposal has taken into consideration the principles of crime prevention through environmental design. This is considered appropriate and is in accordance with GNHP Policy G8.
- 10.36 For the aforementioned reasons, it is considered that the proposed residential development would be consistent with Craven Local Plan Policies ENV2 & ENV3, Policy G7 of the Gargrave Neighbourhood Plan, and the aims and objectives of the NPPF of securing high-quality development.

Impact on amenity

- 10.37 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. GNHP Policy G7 also seeks to ensure that new developments do not have an adverse impact on existing residents. 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

- 10.38 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.
- 10.39 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 regarding loss of privacy nor would the dwellings appear overbearing when viewed from these properties. Similarly, these dwellings would not give rise to any unacceptable overshadowing to the occupants of these existing dwellings.

- 10.40 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. 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). It is therefore considered that the development would not give rise to any adverse amenity issues.
- 10.41 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.
- 10.42 Comments have also raised concern over light pollution from the site post development. It is accepted that there would be some low level of light. However, the majority of this light will be contained within the site. Any light that will emanate from the site will be seen within the context of the surrounding built form to the north and east. It is considered therefore that the proposal is acceptable in regard to light pollution.

Future residents

- 10.43 The amenity of the potential future occupiers of the proposed dwellings also needs to be a consideration. In this instance, the proposed level of accommodation and outside amenity space is considered sufficient to meet the needs of any future occupants.
- 10.44 Additionally, concern has been raised regarding the accessibility within the site. There is a requirement under Part M of the Building Regulations (Access to and use of buildings - volume 1) that all new residential dwellings are accessible for all. The proposal as submitted is compliant with this Part and this requirement would be enforced under the separate Building Regulation legislation.
- 10.45 The proposal also includes the connection of a footpath link from the site through to Walton Close and for off-site highway works to form a footpath along Marton Road connecting Walton Close to Walton Avenue which would allow a connection to the centre of Gargrave by following the river footpath. The proposal would therefore be compliant with accessibility and in accordance with policies G1 and G13 of the Gargrave Neighbourhood Plan.
- 10.46 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

- 10.47 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. GHNP Policy G7 also seeks to ensure that

new developments are designed to maximise sustainability in terms of energy and resource consumption. Building Regulations have also become more stringent through Approved Document L (Conservation of fuel and power) which ensures that the standards are high for energy performance of new and existing buildings, Approved Document O (Overheating) and Approved Document S (Infrastructure for charging electric vehicles) requires the installation of electric vehicle charge points or cable routes. These documents ensure that the performance of buildings is sustainable and will help to ensure that these dwellings are capable of being net zero in terms of operational carbon when the grid decarbonizes.

- 10.48 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.

- 10.49 These measures are considered appropriate in principle to comply with Policy ENV3 of the Local Plan and GHNP Policy G7. However, a condition will be attached to ensure that the appropriate and commensurate measures are taken at the site. The proposal also accords with the aims and objectives of the NPPF.

Flooding & Drainage

- 10.50 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. GHNP G15 also seeks to ensure that new developments are designed to maximise the retention of surface water on the development and to minimise runoff.
- 10.51 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.
- 10.52 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.
- 10.53 Regarding surface water the Lead Local Flood Authority have reviewed the proposed surface water management details which includes the provision of an attenuation tank. The Local Lead Flood Authority have confirmed that they have no objection to the development subject to the imposition of a compliance condition to ensure that the attenuation detailing is provided and the development is carried out in accordance with the submitted details.
- 10.54 Concerns have been raised stating that the public sewer is at capacity. Yorkshire Water have reviewed the submission and not objected to the proposed drainage scheme on the grounds that the existing network is unable to accommodate the

development proposal. Additionally, Yorkshire Water have recommended conditions to safeguard the local aquatic environment and Yorkshire Water infrastructure.

- 10.55 In light of the above, it is considered that the proposed development can be satisfactorily drained without placing unacceptable strain on the existing drainage infrastructure. Further, the proposal would not be at unacceptable risk from flooding and would not give rise to an unacceptable in flood risk in the locality thus accords with Local Plan Policy ENV8 and GHNP policy G15. The proposal also accords with the aims and objectives of the NPPF.

Biodiversity

- 10.56 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. GHNP policy G7 also seeks to ensure that landscaping schemes enhance the local biodiversity.
- 10.57 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.
- 10.58 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.
- 10.59 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.
- 10.60 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.
- 10.61 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.
- 10.62 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.

- 10.63 However, this application is considered exempt from this condition due to the application being submitted before the implementation of the mandatory 10% BNG provision.
- 10.64 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.
- 10.65 The new measures outlined above would introduce new habitats and would result in an improvement in quality of the biodiversity currently on the site.
- 10.66 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 and GHNP policy G7.
- Highway safety
- 10.67 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.
- 10.68 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. GHNP G1 seeks to ensure that developments have suitable provisions for vehicular access and that they do not adversely impact on highway safety.
- 10.69 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.
- 10.70 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.
- 10.71 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.'

- 10.72 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'.
- 10.73 The 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 totalling 78 spaces plus visitor spaces to the north of the site. The NYC Highways Officer has not raised any objections regarding the provision of on-site vehicle parking. It is also relevant that no highway issues were found to be harmful in the 2024 planning application for the Sawmill.
- 10.74 Concerns have been raised regarding the existing junction from Marton Road at the Masons Arm to the East of the site. It is acknowledged that the development would increase traffic levels in the area, however, there is no evidence that the development would harm highway safety concerning this existing junction. The Transport Statement considers the impacts of the proposal on the existing network including the junction and the Highways Officer have reviewed this information and has raised no concerns concerning highway safety regarding this junction.
- 10.75 Under 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.
- 10.76 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.
- 10.77 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.
- 10.78 The Highway Authority was consulted on the proposal and stated that the proposed visibility of 2.4m x 43m at the site entrance 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. Additionally, following a further re-consultation following the committee referral additional conditions have been recommended from NYC Highways. These include the delivery of off-site highway works including a footway from Walton Close to Walton Avenue, submission and approval of road and footways, and construction of roads and footways.
- 10.79 Regarding the proposed footpath, it is lawful for planning permission to be granted over land not belonging to the applicant, provided that the owners of the land are notified. The applicant must serve a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served. The National Planning Practice Guidance ('PPG') states:

"The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural

tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.”

10.80 Therefore, an applicant must both give notice to the owners of the relevant land outlined in the manner above and provide a certificate to this effect along with the application.

10.81 For the above purposes, Ownership is defined as:

“An ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. In the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land is also an owner.”

10.82 The point in time at which ownership is assessed is based, as per Article 13(1), on the “prescribed date”. The definition of the prescribed date is set out at article 13(7):

“The date prescribed for the purposes of section 65(2) of the 1990 Act (notice etc. of applications for planning permission) and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the application.”

10.83 Therefore, it is only the owners at the point 21 days in advance of the application being registered that need to be notified.

10.84 Evidence provided by the Highways Authority is that the Land to the north east of the site along Marton Road is adopted highway and therefore maintainable at the public expense. Notification via a Certificate B was served on the Highway Authority.

10.85 These off-site highway works would be secured under a planning condition on the planning permission should it be granted, and the said works would then be dealt with by the developer entering into an agreement with the local highway authority under section 278 of the Highways Act 1980

10.86 Due to the proposed footpath connections between the site and the village, it is considered that future occupiers would gain access to goods and services safely by means other than private cars from the site and the proposal would therefore accord with the LP and the GHNP requirements.

10.87 The Highway’s Officer has also recommended a condition be imposed if planning permission was granted requiring a Construction Management Plan. This would set out how construction traffic will access the site, provision of wheel washing facilities, on-site parking areas for construction vehicles, and details of site working hours.

10.88 Objection have also referenced concerns regarding the volume of agricultural vehicles using the highway. However, it is not for the planning system to solve an existing highway concern of this nature moreover planning proposals do not make the system worse. The photos and comments in this regard are acknowledged by the Council and have been reviewed but it is considered that this proposal would not make this issue any worse. This view is also supported by the fact that there is no evidence of any accidents at this junction for the last 10 years based on official data published by the Department for Transport. Therefore, based on the assessment of the existing highway network and the impact of the proposed development by the

Highways Officer it is considered that this proposal would not create conditions prejudicial to highway safety.

- 10.89 Notwithstanding, it is considered that the proposal is in accordance with Local Plan policies INF4, INF7 and ENV12 and paragraph 115 of the NPPF. The proposal also accords with the GHNP policy G1 with regards to ensuring that development do not have an adverse impact on highway safety.

Public Rights of Way

- 10.90 Concerns have been raised by objectors stating that the proposal would have a detrimental impact upon the Public Right of Way close to the site. There is a public footpath which runs along Mosber Lane to the South-east of the site which connects a section of Marton Road to the east of Walton Close to Bank Newton and East Marton. The footpath is only immediately adjacent to the development site for one short section to the rear of plots 19 to 25. However, intervening landscaping will help to mitigate the impact upon the PROW.
- 10.91 The Pennine National Trails Partnership has also commented on the scheme. They have no objection to the proposal but have requested monies through a Section 106 Agreement as payment towards the upkeep of the National Trail (Pennine Way). However, the Pennine Way does not run through or even adjacent to the site. The nearest section of the Pennine Way is located 100m to the south of the application site and there is already a link in place from Mosber Lane. Any request for contributions would need to be quantified and backed up by some explanation for its necessity. Accordingly, imposing such a condition on the proposal would not meet the six planning tests as it has not been demonstrated that the contributions are necessary or relevant to the development proposed.

Other Matters

- 10.92 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.
- 10.93 Concerns have been raised regarding a conflict between the Gargrave Neighbourhood Plan and the adopted Craven Local Plan 2012-2032. In particular, the objectives of the GHNP for example the protection of protected areas (National Cycle Route and the Pennine Way) from development. The proposal is not considered contrary to these objectives as the proposed development would not restrict users of either the NCR or the Pennine Way as they travel through the area. In addition, in accordance with the design principles of G2/2 the proposal would provide a green buffer to help minimise any adverse impacts on the Pennine Way. Similarly, residents have raised concerns that the proposal fails to meet other objectives set out within the GHNP around infrastructure and walking cycling, however, for reasons set out above the proposal is not considered contrary to these objectives.
- 10.94 Concerns have been raised regarding the impact on the listed bridge crossing the River Aire at Church Street to the east of the site. The Highways officer acknowledges the concerns and has taken these into account when commenting on the proposal but considers that the increase in traffic will not have an adverse impact on the bridge.

- 10.95 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, and the price of the houses is not a material consideration. The amount of affordable housing is considered to be appropriate.
- 10.96 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.
- 10.97 An objector has stated that the Local Plan did not follow due process. 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. Notwithstanding that this is not a material planning consideration for this proposal.
- 10.98 Objectors have raised concerns that the proposal conflicts with the Council's Climate Emergency. North Yorkshire Council's Climate Change Strategy 2023-2030 states that climate change should be embedded into every service including policy and decision-making in an effort to become net zero. These measures have been fully considered through the submission of the development proposal through biodiversity, landscaping, preserving habitats, encouraging the use of public transport, footpaths and cycle routes, and through sustainable design and construction. These elements are incorporated throughout the site and are also covered both through Local Plan policies SD2, ENV3(t), ENV4, and ENV9 and the GHNP.
- 10.99 The agent has confirmed that the land beyond the application site is not in the ownership of the applicant.

S106 Legal Agreement

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

Table 1		
Category/Type	Contribution	Amount & Trigger
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 on-site plus monitoring fee
S106 Monitoring	Band 3	£390.00

- 10.102 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 The proposal represents the development of an allocated housing site within the Craven Local Plan 2012 – 2032 in accordance with Policy SP10. The proposal is also an allocated housing site within the Gargrave Neighbourhood Plan and accords with Policy G2/2. Thus, the proposal would contribute towards the district's housing need across the plan period.
- 11.2 The site is located within a sustainable location for housing and has been designed in such a way that the layout takes into account the constraints of the site. The scheme provides a new pedestrian link to Walton Close and a new footpath along Marton Road.
- 11.3 Careful consideration has been given to the impact of the development on the local area and it has been demonstrated that there would be no unduly harmful impacts on amenity of existing residents. Where harm does arise, it can be appropriately mitigated, and would not amount to a reason to refuse this planning application.
- 11.4 The proposal would result in biodiversity and sustainable benefits and would not increase in flood risk.
- 11.5 It is acknowledged that the development would see an increase in traffic movements, however, the Highways Officers have reviewed the capacity of the existing network during the allocation of this site for housing during both the Local Plan and Neighbourhood Plan adoption stage process. In addition, the impact of the proposal on the existing network including highway safety for both vehicle and pedestrian users was re-assessed with highways confirming that the proposal with the proposed mitigation works would not give rise to any highway safety issues to warrant a refusal on highway grounds.
- 11.6 On balance, it is considered that there are no adverse impacts arising from the proposal and would accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Craven Local Plan, the Gargrave Neighbourhood Plan, and with the relevant sections of the National Planning Policy Framework and the National Planning Practice Guidance. It is considered that any harm arising from the development would be significantly and demonstrably outweighed by the benefits of the proposal and planning permission should be approved subject to conditions.
- 11.7 The proposal conforms to guidance in the NPPF, Local Plan and Gargrave Neighbourhood Plan Policies and supplementary planning documents.

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 Condition

- 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.

Prior to Commencement of Development

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

Reason: In the interest of public health 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 interest of public health 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.

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

Reason: to safeguard the living conditions of nearby residents particularly with regard to the effects of dust and to accord with Policy ENV3 of the Craven Local Plan

- 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.

- 11 No building or other obstruction including landscape features shall be located over or within 3 metres on 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.

During Building Works

- 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 in 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.

- 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.

Prior to Occupation

- 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 Prior to the occupation of the hereby approved dwellings, an enhanced Sustainable Design and Construction Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The SCP shall include:

- (i) Full details of the proposed renewable technologies to be incorporated in the development
- (ii) Full details of sustainable design measures to be incorporated in the dwellings.

Development shall thereafter be carried out in strict accordance with the duly approved SDCS.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 21 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 hereby approved 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.

- 22 Prior to the occupation of the new development at Lond off Marton Road Gargrave site a new footway is to be provided to the satisfaction of NYC from Walton Close to Walton Avenue, Marton Road, Gargrave.

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

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the

submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

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

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

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

- 23 Prior to the occupation of the dwellings hereby approved, bat and bird boxes shall be installed at the site and retained thereafter.

Reason: In order to provide biodiversity enhancements in accordance with Policy ENV4 of the Craven Local Plan.

Ongoing Conditions

- 24 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). If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, 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 Charging Points

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

4 Broadband Connectivity

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 the 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 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 the nest of a wild bird, 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

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

North Yorkshire Council

Community Development Services

Skipton and Ripon Constituency Planning Committee

6TH AUGUST 2024

ZC23/01691/FUL - CONVERSION OF FOUR TRADITIONAL FARM BUILDINGS TO FORM 4 NO. DWELLINGS WITH ASSOCIATED WORKS, INCLUDING CREATION OF DEDICATED PARKING AND PRIVATE GARDENS AND DEMOLITION OF MODERN FARM BUILDINGS AT MANOR FARM, FEARBY ON BEHALF OF SWINTON ESTATES

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

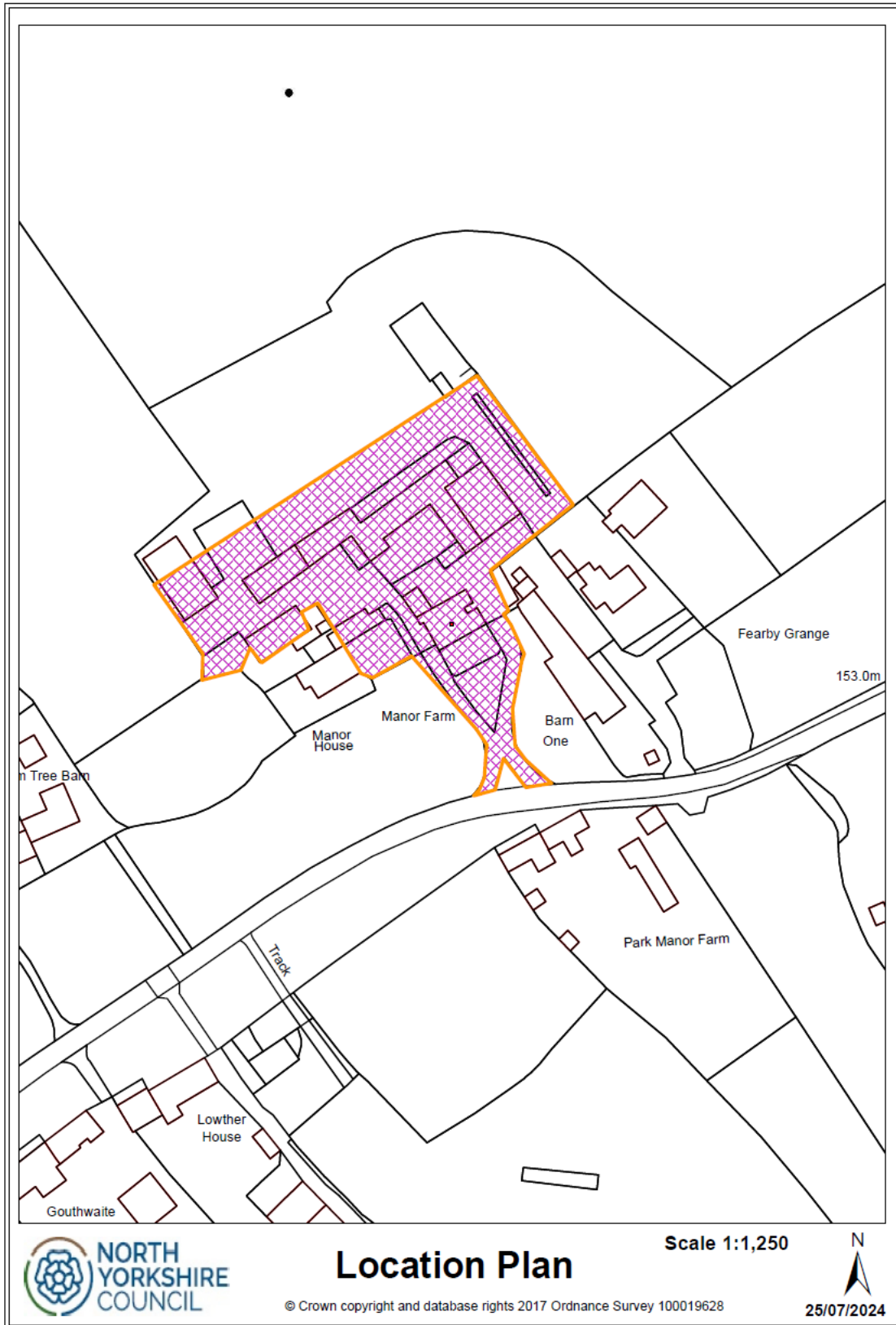
- 1.1 To determine a planning application for the conversion of four traditional farm buildings to form 4 no. dwellings with associated works, including creation of dedicated parking and private gardens and demolition of modern farm buildings at Manor Farm, Fearby.
- 1.2 This application is brought to the Area Planning Committee as the applicant is related to a local Member.

2.0 EXECUTIVE SUMMARY

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

- 2.1. This application seeks full planning permission for the conversion of four traditional farm buildings to form 4 no. dwellings. The proposal involves the demolition of modern farm buildings, the creation of parking and residential curtilages for the dwellings. The proposal would provide 1 no. 2 bed dwelling; 2 no. 3 bed dwellings and 1 no. 4 bed dwelling. Barn 4 is a listed building.
- 2.2. The application site comprises a range of traditional farm buildings including a Grade II listed barn and non-listed modern farm buildings to the rear of Manor Farm, Fearby, which is also a Grade II listed building. The buildings are accessed by an existing track across the village green within the Fearby Conservation Area.
- 2.3. The application site is outside defined development limits and therefore is located within open countryside. The site is also located within the Nidderdale National Landscape (AONB). A public footpath crosses the site.
- 2.4. The conversion of rural buildings outside defined development limits is supported under Local Plan Policy HS6. It is considered that the proposal meets the requirements of the policy.
- 2.5. The buildings are located within Fearby Conservation Area and within the setting of a number of listed buildings. Barn 4 is listed in its own right. The proposal represents a

sensitive scheme to bring the buildings back into use, and whilst the scheme will create 'less than substantial harm' to the heritage assets, it is considered that the public benefits outweigh this harm. The proposal is therefore considered to comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF and Local Plan Policy HP2.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been changed during the determination process following advice from the Case Officer and the Conservation Officer. These changes relate to the design details and size of the proposed residential curtilage.
- 3.3. There is 1 relevant planning application in relation to the above development:

ZC23/01692/LB – Internal and external alterations to Grade II listed barn north-east of farmhouse comprising of replacement timber windows/doors, 2 no. conservation style rooflights, 1 no. internal opening, internal staircase, and new first-floor structure in association with conversion to a two-bedroom dwelling – Pending Consideration

This application is also on today's agenda.

4.0 Site and Surroundings

- 4.1. The application site comprises a range of traditional farm buildings including a Grade II listed barn and non-listed modern farm buildings to the rear of Manor Farm, Fearby, which is also a Grade II listed building. The buildings are accessed by an existing track across the village green within the Fearby Conservation Area.
- 4.2. The application site is outside defined development limits and therefore is located within open countryside. The site is also located within the Nidderdale National Landscape (AONB). A public footpath crosses the site.

5.0 Description of Proposal

- 5.1. This application seeks Full planning permission for the conversion of four traditional farm buildings to form 4 no. dwellings. The proposal involves the demolition of modern farm buildings, the creation of parking and residential curtilages for the dwellings.
- 5.2. The proposal would provide 1 no. 2 bed dwelling; 2 no. 3 bed dwellings and 1 no. 4 bed dwelling. Barn 4 is a listed building.
- 5.3. The conversion works involve the re-use of existing openings; the blocking up of openings; the creation of new openings; the replacement of profile sheet roofing with slate roofing; small areas of rebuild; alterations to levels; use of cladding and the insertion of vents, flues and rooflights.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 - 2035 (adopted 2020)
 - Joint Minerals and Waste Plan (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 Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework December 2023
 - National Planning Practice Guidance
 - National Design Guide
 - Heritage Management Guide
 - Nidderdale AONB Management Guide
 - Fearby Conservation Area Appraisal
 - Landscape Character Assessment
 - Farm Buildings Design Guide
 - House Extensions and Garages Design Guide

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. **Parish Council:** seeks safeguards in relation to need for affordable housing in the area.
- 7.3. **Highways:** Recommend conditions
- 7.4. **Ecology:** Recommend conditions
- 7.5. **Yorkshire Water:** Recommend conditions
- 7.6. **Footpath Officer:** recommends informative in relation to footpath crossing the site.
- 7.7. **Environmental Health:** recommend conditions in relation to land contamination, noise and dust control
- 7.8. **Conservation Officer:** - recommends conditions

Local Representations

- 7.9. 3 local representations have been received of which all seek safeguards but do not object or support the application. A summary of the comments is provided below, however, please see website for full comments.
- 7.10. Safeguards:

- Potential flooding in the area
- Condition of the public footpath

8.0 Environment Impact Assessment (EIA)

- 8.1. The Proposed Development was screened under 10 (b) of the Town and Country Planning (Environmental Impact Assessment) 2017.
- 8.2. The Proposed Development is located within Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and it is a designated sensitive area as defined by the EIA Regulations.
- 8.3. Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and surrounding designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.
- 8.4. The Proposed Development is not therefore EIA Development.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Impact on heritage assets
 - Impact on landscape character
 - Impact on residential amenity
 - Impact on highway safety
 - Flood risk and drainage
 - Ecology
 - Land contamination
 - Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. The site is outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be

supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.

- 10.3. Paragraph 88 of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth, sustainable rural tourism which respect the character of the countryside and farm diversification schemes.
- 10.4. The conversion of rural buildings outside development limits is supported under Local Plan Policy HS6 subject to various criteria.

Outside defined settlement development limits the conversion and/or re-use of existing buildings to residential use from other uses will be supported where proposals meet all of the following criteria:

A. The building is of permanent and substantial construction, structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction;

B. The scale, form and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

C. The proposed alterations are of a high quality design, retaining the features that contribute positively to the character of the building and its surroundings;

D. The building and its curtilage can be developed without an adverse effect on the historic environment, the character of the local landscape or its setting;

E. It can be demonstrated that there is no significant impact on local biodiversity, including protected habitats and species; and

F. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures.

Developments under this policy will be expected to comply with the affordable housing and open space provision policies of the plan.

Where a future alteration or extension could have a detrimental effect on the character of the converted building or the area, permitted development rights will be withdrawn for such development.

- 10.5. The application has been submitted with a structural report which sets out that the buildings are capable of conversion but that some demolition and rebuild and repair works are required. The submitted report includes drawings setting out the extent of the works which are required and it is considered expedient that any planning approval for the conversion of the buildings includes a condition that limits the extent of works to those set out in these drawings.
- 10.6. Whilst the extent of demolition and rebuild may be greater than normally considered to be appropriate, the proposal would enable the preservation and repair of the fabric of the listed building and associated barns, and thus this has been given great weight in the decision making process.
- 10.7. The application has been amended in terms of the detailed design of the proposal and it is considered as set out further in this report that the scale, form and general design of the proposed works are appropriate to the character of the area and would create 'less than substantial harm' to the listed buildings both on site and in close proximity and to the Conservation Area, but this harm is outweighed by the public benefits of

bringing the listed building back into use and to conserve the setting of the nearby designated heritage assets.

- 10.8. It is considered that the buildings can be converted without harming the landscape character of the area through the change of use and provision of the amended and restricted domestic curtilage, and that the proposal would create no harm in relation to ecology, and highway safety.
- 10.9. The proposal is therefore considered to meet the criteria set out in Local Plan Policy HS6 and is acceptable in principle subject to no other material planning consideration outweighing the benefit of housing in this location.
- 10.10. As set out in Local Plan Policy HS6 it is considered expedient to removal all permitted development rights from the dwellings should they be approved. This would ensure that the proposed development did not create issues in terms of harm to heritage assets; the character and appearance of the buildings; and the impact on the landscape character of the area.

Impact on Heritage Assets

- 10.11. 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.
- 10.12. Section 72 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 and enhancing the character and appearance of a Conservation Area.
- 10.13. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- 10.15. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.16. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.17. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest.
- 10.18. The proposed development relates to a listed barn and farm buildings to the rear of Manor Farm in Fearby, which is also a listed building. The buildings are also located within the Fearby Conservation Area.
- 10.19. The buildings are in a poor state of repair and are noted as an area of enhancement in the Conservation Area appraisal. The appraisal notes 'vacant farm buildings and outbuildings should be returned to use in an appropriate manner which respects their traditional character'.
- 10.20. The buildings are no longer suitable for modern farming practices and the modern buildings that are attached to the buildings are also in a poor state of repair and detract from the village green. The proposal represents a sensitive conversion of the buildings to provide 4 no. dwellings and the proposed alterations have been kept to a minimum and are retain and respect their traditional character.
- 10.21. Following input from the Conservation Officer the proposal has been amended to ensure that the alterations to the buildings retain as much as the historic fabric as possible and the amended details have been considered acceptable to the Conservation Officer subject to a number of conditions relating to specific technical details.
- 10.22. The proposed development is considered to comply with Local Plan Policy HP2 and whilst the proposal will lead to 'less than substantial harm' to the heritage assets as there will be some loss of fabric to enable the conversion to be undertaken, it is considered that this is outweighed by the public benefits of the scheme. The proposal will bring back into use the vacant farm buildings which directly affect the appearance of the Conservation Area and the setting of the nearby listed buildings and also ensure that the listed barn is saved from any further deterioration.

- 10.23. The proposal therefore accords with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.

Impact on Landscape Character

- 10.24. The application site is located within the Nidderdale National Landscape (AONB) which is protected through the NPPF and Local Plan Policy GS6. Local Plan Policy NE4 is also relevant which seeks to protect the landscape character of the wider local plan area.
- 10.25. The application site is located on the edge of Landscape Character Area 39 'Ellingstring and Fearby upland fringe Grassland'. The area is described as a diverse, transitional landscape which is sensitive to changes which could result in the loss of key characteristics. It also refers to the development of farmsteads impacting on the character of the landscape.
- 10.26. The application site sits on the edge of Fearby, which is a linear settlement formed around the Green. The buildings form part of the existing built form and the proposal would remove the modern farm buildings which detract from the overall landscape character.
- 10.27. The plans have been amended to reduce the extent of the proposed curtilage so that they are more tightly arranged around the buildings and it is proposed to bound the curtilage areas to the rear of the site with native hedging and the provision of boundary walling to unit 3.
- 10.28. A public right of way runs across the site and the design of the proposal has been amended to ensure that the right of way is not affected by the proposal and the route would remain open on its approved route.
- 10.29. Whilst the experience of users would be affected by the change of use of the buildings this impact would be limited as the domestic space would be segregated from the footpath by the proposed hedge and the route of the footpath would continue through the open fields to the rear of the site.
- 10.30. The present route is compromised by the existing modern buildings which block the route and the safety issues around the state of the buildings. The proposal will remove the buildings which block the route.
- 10.31. It is considered that the buildings could be redeveloped without harm to the landscape character of the Nidderdale National Landscape or the wider character of the local plan area and therefore would be in accordance with Local Plan Policies GS6 and NE4 subject to conditions relating to boundary treatments; and the removal of permitted development rights for outbuildings.

Impact on residential amenity

- 10.32. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.33. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.34. The proposal would provide 4 no. dwellings to the rear of Manor Farm. Plot 1 forms a 3 bedroom dwelling which sits to the rear of Manor House and Unit 4. The minimum separation distance between the units is 17.5m which is slightly shorter than the recommended 18m in the House Extensions and Garages Design Guide, however this extends to over 18m between Manor house and Plot 1. There are also no first floor windows to Plot 4 only rooflights therefore there would be no direct overlooking at first floor level. The private amenity space to both properties is to the front of Plot 4 and the rear of Plot 1 with parking in the central area, so the private external amenity space is not compromised by the tightness of the site.
- 10.35. A separation distance of 22m can be achieved between Manor Farm and Plot 2 and a separation of over 30m between Plot 3 and the nearest residential property. All of the properties can provide internal accommodation in excess of that set out within the Nationally Designated Space Standards. All properties have an appropriate level of private amenity space.
- 10.36. It is considered that the proposal would provide the high level of residential amenity required by Local Plan Policy HP4 and paragraph 135 of the NPPF.

Impact on Highway Safety

- 10.37. Local Plan Policy TI3 sets out the requirements for parking provision for developments.
- 10.38. Paragraphs 114 and 115 of the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.39. The proposal makes use of the existing access across the Village Green which serves the existing residential properties and the redundant farm buildings.
- 10.40. The Highways Authority have considered the proposal and whilst the visibility splays are less than those generally required, any alterations to the access would affect the registered village green. In accordance with the Manual for Streets a setback of 2m may be acceptable in some lightly-trafficked and slow speed situations. Given the characteristics of the site (a rural setting with a 30mph speed limit) the Local Highways Authority are satisfied that this can be applied and there would be no adverse impact on highway safety.
- 10.41. The proposed development is able to provide sufficient parking for the proposed units to meet the required NY parking standards.
- 10.42. The public footpath which runs through the site will not be affected by the development.

- 10.43. The LHA recommend conditions in relation to the provision of parking and the submission of a Construction Management Plan during construction.

Flood Risk and Drainage

- 10.44. The application site is located within Flood Zone 1, which is the lowest risk of flooding. Yorkshire Water have confirmed that there is a public foul sewer in close proximity of the site and that the discharge of surface water via soakaway is acceptable.
- 10.45. It is considered that suitable drainage can be provided to the site although full drainage details have not been provided. It is recommended that conditions are attached requiring separate systems of drainage and to include the conditions in relation to surface water as recommended by Yorkshire Water.
- 10.46. It is not considered that the proposal will create issues in relation to flood risk or drainage.

Ecology and Biodiversity Net Gain

- 10.47. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.
- 10.48. Paragraph 180 of the NPPF states that the 'intrinsic character and beauty of the countryside' should be recognised including trees and woodland and minimising impacts on biodiversity.
- 10.49. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.
- 10.50. The application is supported by a Preliminary Ecological Appraisal dated February 2021 and a further Bat, Breeding Bird and Barn Owl Survey dated July 21.
- 10.51. Whilst the surveys are now out of date as the application has been with the Council for sometime, the Council's ecologist has commented that ' The impact of the renovation on the species will be minimal at all levels (site, local, and regional) as roosts of this type have low conservation significance due to the low number and common species of bat present and an outline method statement has been provided within the report'.
- 10.52. In view of this conditions are recommended. An updated survey will be required for the Natural England licence that would be required by this development.
- 10.53. The application was submitted prior to mandatory biodiversity net gain and therefore does not apply to this development.

Land contamination and Air Quality

- 10.54. Local Plan Policy NE9 sets out the requirements in relation to land contamination. The application does not include a sufficient level of information to rule out that land

contamination is not present on the site from the previous agricultural use. As such conditions are recommended in relation to land contamination.

- 10.55. Local Plan Policy NE1 seeks to improve air quality and it is therefore considered expedient to attach a condition requiring electric vehicle charging points to be provided, which will aid in the options for more sustainable travel and therefore improve air quality within the Local Plan area.

Other Matters

- 10.56. The Parish Council has asked for safeguards in relation to affordable housing, however the proposal does not exceed the threshold for the provision of affordable housing in this location, and thus no affordable housing is required.
- 10.57. Local Plan Policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change. An energy statement has been provided to support the application which sets out the measures that will be used within the conversion to meet Local Plan Policy CC4. It is recommended that the development is conditioned to be undertaken in accordance with this statement.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The application site is located outside defined development limits and therefore in 'open countryside'. The proposal is for the conversion of existing rural buildings to form dwellings which is supported by Local Plan Policy HS6. It is considered that the proposed development accords with this policy.
- 11.2. The application site includes a Grade II listed barn and the remaining buildings are situated within the setting of this building. The site is also located within the Fearby Conservation Area. The proposed development (as amended) provides a sensitive scheme which enables the conversion of the buildings to 4 no. dwellings. Whilst it is acknowledged that the proposal will create 'less than substantial harm' to the heritage assets due to the loss of some historic fabric, this is outweighed by the public benefits of the proposal. The scheme will enable the buildings to be brought back into use and ensure no further loss of fabric to the listed barn. This will also improve the appearance of the Conservation Area and the setting of the nearby listed buildings. This accords with Local Plan Policy HP2 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.
- 11.3. The proposal will provide a suitable level of amenity for existing and future residents and a suitable access and parking can be provided on site, subject to conditions. The proposal will not create harm to ecology, flood risk or drainage and land contamination subject to conditions.
- 11.4. It is therefore considered that the proposal as amended is acceptable.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before 3 years of date of decision.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act

Condition 2 Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

Location Plan submitted to the LPA on 26 June 2024

Proposed Site Plan – Drawing No 8 submitted to the LPA on 17 June 2024

Proposed Elevations and Ground Floor Plan (Barns 1 to 3) – Drawing No 1 submitted to the LPA on 17 June 2024

Proposed First Floor Plans (Barns 1 to 3) – Drawing No 6 submitted to the LPA on 17 June 2024

Proposed Floor and Elevational Plans – Barn 4 – Drawing No 7 submitted to the LPA on 17 June 2024

Enlarged Cross Section Detail – Drawing No 8 submitted to the LPA on 17 June 2024

Reason: In order to ensure compliance with the approved drawings.

Pre-Commencement

Condition 3 Submission of a Preliminary Land Contamination Risk Assessment (Phase 1 Report) (discharge required)

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 4 Submission of an Intrusive Land Contamination Site Investigation Report (Phase II Report) (discharge required)

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 5 Submission of a Land Contamination Remediation Strategy (discharge required)

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. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 6 Construction Phase Management Plan – Small Sites (discharge required)

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:

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

Reason: In the interests of public safety and amenity and to accord with Local Plan Policy HP4.

Early Stage/ Construction Period

Condition 7 Implementation of the Land Contamination Remediation Strategy (discharge required)

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

by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 8 Materials (Stone) (discharge required)

Any new stonework shall match the stonework of the original building in type, size, colour, dressing, coursing and pointing to the satisfaction of the local planning authority. Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

Condition 9 – Materials Roof (discharge required)

Before the first use of any materials in the external construction of the roof of the dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

Condition 10 – Structural Report

The level of demolition and rebuild shall be no greater than that set out within the submitted Structural Report (Victoria Design Group Ltd, dated 4th November 2022).

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

Condition 11 Noise

Preparatory and construction works shall be controlled and restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of the residential amenity of the neighbouring properties and to comply with Local Plan Policy HP4.

Condition 12 Waste Water (discharge required)

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.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

Condition 13 Ecology – protected species

Works must be undertaken strictly in accordance with the recommendations of Sections 9 (Mitigation and Compensations) and Section 10 (Enhancement) of the Bat, Breeding Bird and Barn Owl Survey and Great Crested Newt Risk Assessment (MAB Environment & Ecology Ltd, July 2021) except where these measures may be superseded by the requirements of a Natural England Bat Licence. Section 9 provides that precautionary working methods are set out to avoid harm to bats during the course of works and that replacement crevice roosting habitat will be provided on site and that an appropriate lighting scheme will be adopted which is suitable to enable bats to continue to utilise the site.

Reason: In the interests of preserving biodiversity and protected species and to accord with Local Plan Policy NE3.

Condition 14 – Ecology birds (discharge required)

The works must be undertaken outside of the main birds nesting season (i.e. not March to August inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates that no actively nesting birds would be impacted by the works. A pre-commencement check for barn owls will also require to be undertaken, prior to the commencement of works. Evidence of adequate compensatory habitat provision for nesting birds including swallows and swifts, roosting barn owls and roosting bats must be submitted for the written approval of the local planning authority prior to the first occupation of the redeveloped buildings.

Reason: In the interests of preserving biodiversity and protected species and to accord with Local Plan Policy NE3.

Condition 15 – Cross Section Details

The development of all barns shall be undertaken in accordance with the 'Enlarged Cross Section Detail' shown on drawing no. 8 to provide a permeable solid floor, lime to the walls and woodfibre board to the underside of the roof. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 16 – Window Details (discharge required)

Prior to the installation of any windows or doors details of the proposed joinery at a scale of 1:5 shall be provided for the approval of the Local Planning Authority. Glazing shall be putty fixed (not timber beading) and details should show through glazing bars and not externally applied glazing bars. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 17 – Rooflights (discharge required)

Prior to the installation of any rooflights, technical details and sizes shall be submitted to the Local Planning Authority for approval. The rooflights shall be cast iron framing, flush to the roof slope with lead glazing bar and lead flashing. Rooflights should not be constructed of timber. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

Condition 18 – Door details (discharge required)

Prior to the installation of any doors 1:20 scale drawings shall be provided of the door joinery and cross section plans. The doors shall be vertical boarded ledged, braced with no border around the edge of the opening door. Plans should also include details of the proposed ironmongery. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

Condition 19 – Structural Interventions (discharge required)

Prior to any structural interventions being undertaken, including but not limited to metal work or rebuilding works, full details of the proposed interventions including a method statement shall be submitted to the LPA for approval. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 20 – Rainwater Goods (discharge required)

Prior to the installation of any rainwater goods, details shall be submitted to the LPA for approval. This should include details of the materials and proposed brackets. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Pre-Occupation**Condition 21 Submission of Land Contamination Verification Report (discharge required)**

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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 22 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development and to accord with Local Plan Policies TI3 and HP4.

Condition 23 Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, garages, outbuildings, flues or vents, satellite dishes or additional openings including roof windows or boundary treatments other than any expressly authorised by this permission shall be erected or inserted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the rural buildings, the Nidderdale National Landscape and the Fearby Conservation Area in accordance with Local Plan Policies HS6, GS6 and HP2.

Condition 24 Electric Vehicle Charging

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 amp). Buildings and parking

spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging point installed shall be retained and maintained thereafter.

Reason: In the interests of improving air quality and sustainable travel and to accord with the NPPF.

Condition 25 – Energy Statement

The development shall be undertaken in accordance with the details set out within the Energy Statement submitted to the LPA on 20th June 2024.

Reason: In the interests of sustainable design and to accord with Local Plan Policy CC4.

Informatives

Noise and Dust Control

The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during the demolition and construction phases of the development. This should include not working outside the hours stated above, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

Public Rights of Way

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.
- ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required. Please contact the Council or visit their website for an application form.
- iv) the existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be

made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

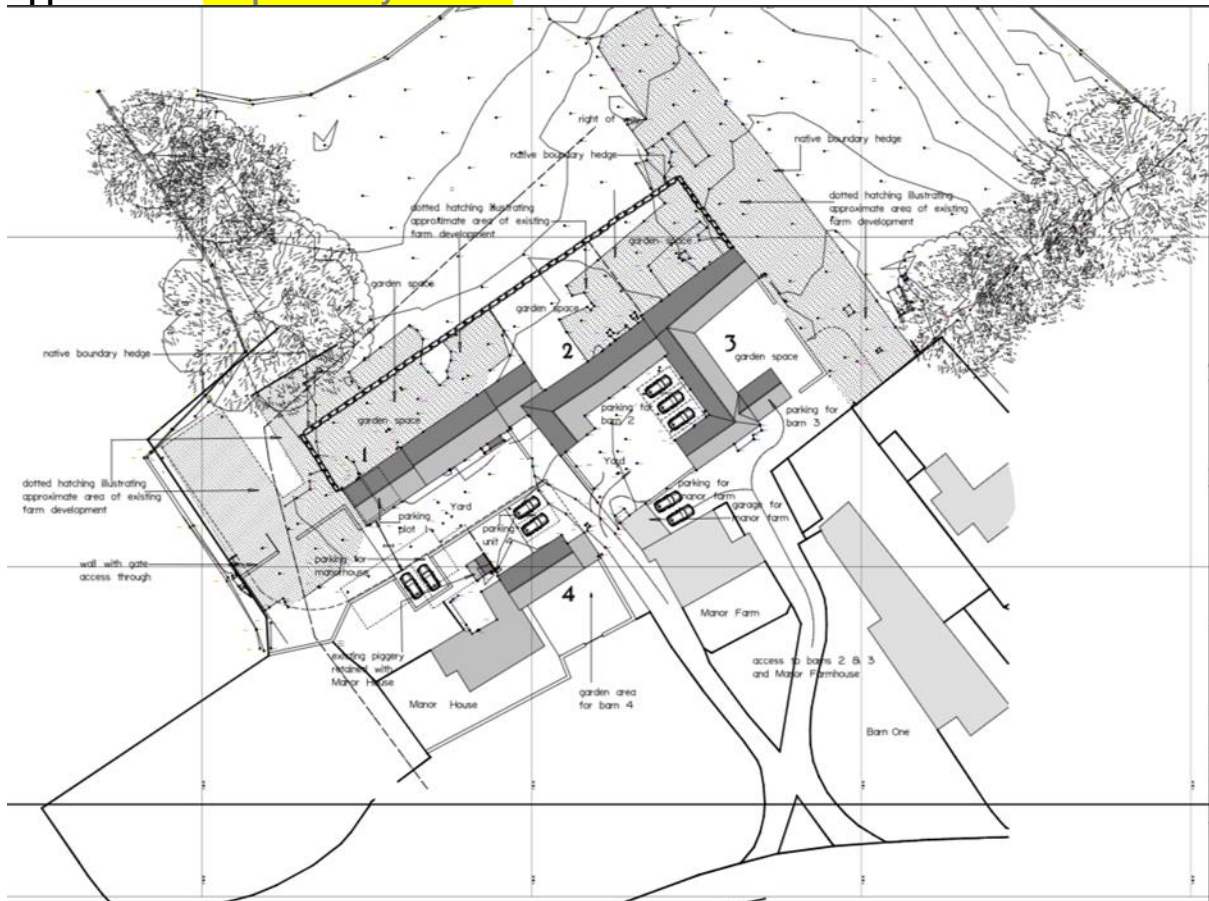
Ecology

The applicant's ecological consultants have provided evidence of the presence of protected species on site. It is the applicant's responsibility to ensure that the correct licences are in place, prior to the commencement of works, to enable the proposed works to be undertaken lawfully.

Target Determination Date: 15.08.2024

Case Officer: Emma Howson, emma.howson@northyorks.gov.uk

Appendix A – Proposed Layout Plan



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North Yorkshire Council

Community Development Services

Skipton and Ripon Constituency Planning Committee

6TH AUGUST 2024

ZC23/01692/LB- INTERNAL AND EXTERNAL ALTERATIONS TO GRADE II LISTED BARN NORTH-EAST OF FARMHOUSE COMPRISING OF REPLACEMENT TIMBER WINDOWS/DOORS, 2 NO. CONSERVATION STYLE ROOFLIGHTS, 1 NO. INTERNAL OPENING, INTERNAL STAIRCASE AND NEW FIRST-FLOOR STRUCTURE IN ASSOCIATION WITH CONVERSION TO A TWO-BEDROOM DWELLING AT MANOR FARM, FEARBY ON BEHALF OF SWINTON ESTATES

Report of the Assistant Director Planning – Community Development Services

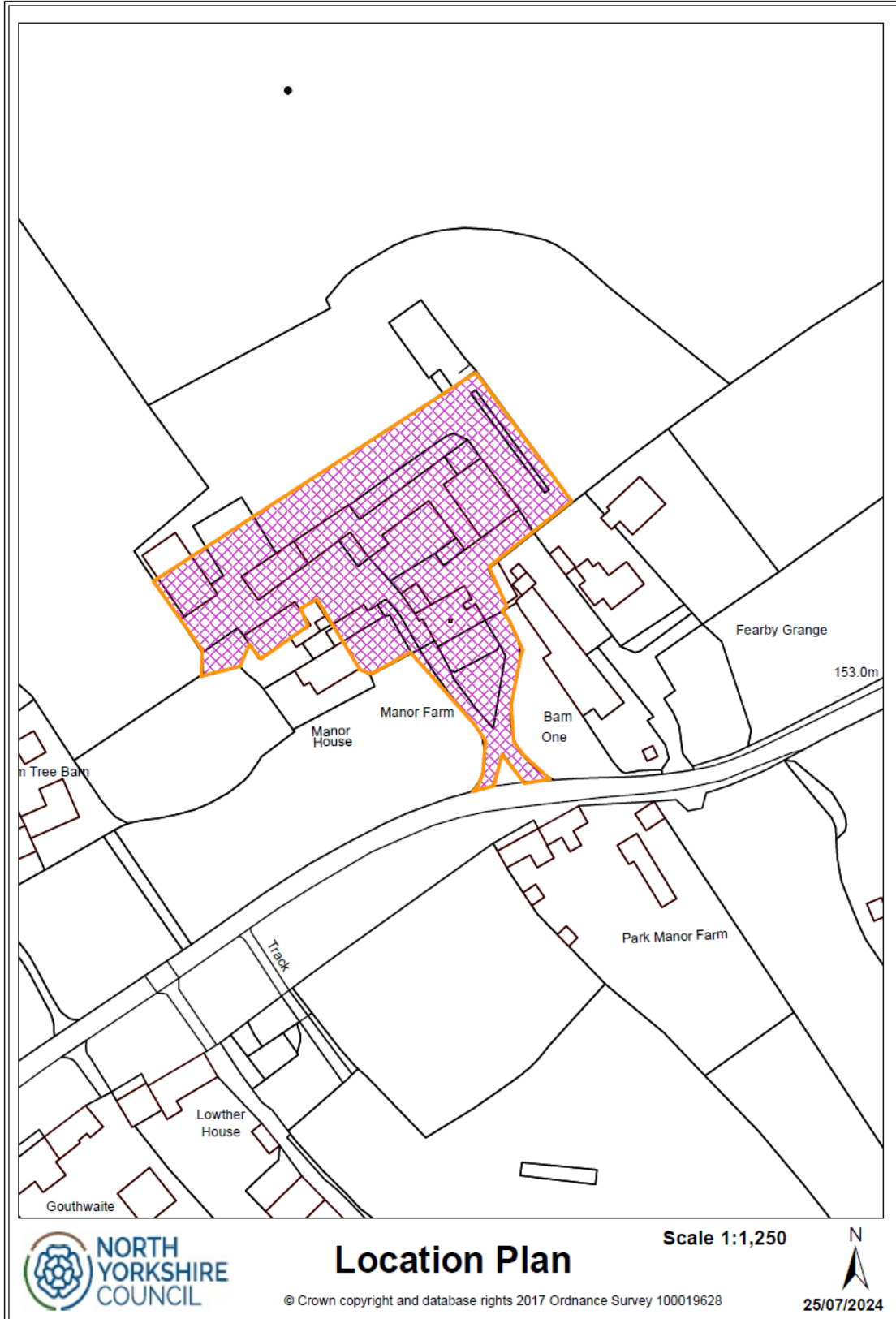
1.0 Purpose of the Report

- 1.1 To determine a planning application for the Internal and external alterations to Grade II listed barn north-east of farmhouse comprising of replacement timber windows/doors, 2 no. conservation style rooflights, 1 no. internal opening, internal staircase and new first-floor structure in association with conversion to a two-bedroom dwelling at Manor Farm in Fearby.
- 1.2 This application is brought to the Area Planning Committee as the applicant is related to a local Member.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks Listed Building Consent for works to enable the conversion of the Grade II listed barn at Manor Farm, Fearby to form a 2 bedroomed dwelling. The works include the replacement of existing timber windows/doors, the insertion of 2 no. conservation style rooflights, the creation of 1 no. internal opening and other internal alterations including internal partitions and an internal staircase and a new first-floor structure.
- 2.2. The wider farm site comprises a range of traditional farm buildings including a Grade II listed barn and non-listed modern farm buildings to the rear of Manor Farm, Fearby, which is also a Grade II listed building. The buildings are accessed by an existing track across the village green within the Fearby Conservation Area.
- 2.3. The proposal represents a sensitive scheme to bring the buildings back into use, and whilst the scheme will create 'less than substantial harm' to the heritage assets, it is considered that the public benefits outweigh this harm. The proposal is therefore considered to comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF and Local Plan Policy HP2.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been amended during the determination process to reduce the proposed alterations to the listed barn and also to provide additional information in relation to the technical details of the proposal.
- 3.3. There is 1 relevant planning application for this application which is detailed below.

ZC23/01691/FUL Change of use of traditional farm buildings to form 4no. dwellings and associated demolition of modern farm buildings. Pending consideration.

This application is also on today's agenda.

4.0 Site and Surroundings

- 4.1. The application site comprises a Grade II listed barn situated to the east of Manor House, Fearby. The building is accessed by an existing track across the village green within the Fearby Conservation Area.
- 4.2. The application site is outside defined development limits and therefore is located within open countryside. The site is also located within the Nidderdale National Landscape (AONB).

5.0 Description of Proposal

- 5.1. This application seeks Listed Building Consent for works to enable the conversion of the Grade II listed barn at Manor Farm, Fearby to form a 2 bedroomed dwelling. The works include the replacement of existing timber windows/doors, the insertion of 2 no. conservation style rooflights, the creation of 1 no. internal opening and other internal alterations including internal partitions and an internal staircase and a new first-floor structure.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
 - Harrogate District Local Plan 2014 - 2035 (adopted 2020)
 - Joint Minerals and Waste Plan (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 Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework December 2023
- National Planning Practice Guidance
- National Design Guide
- Heritage Management Guide
- Nidderdale AONB Management Guide
- Fearby Conservation Area Appraisal

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. **Parish Council:** No comments received

- 7.3. **Footpath Officer:** recommends informative.

- 7.4. **Conservation Officer:** No objections subject to conditions

Local Representations

- 7.5. No local representations have been received.

9.0 Main Issues

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

- Impact on Listed Building

10.0 ASSESSMENT

Impact on Listed Building

- 10.1. Section 72 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 and enhancing the character and appearance of a Conservation Area.
- 10.2. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 10.3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 10.4. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.5. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.6. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest.
- 10.7. The proposed development relates to a listed barn to the west of Manor Farm in Fearby, which is also a listed building. The building is also located within the Fearby Conservation Area.
- 10.8. The building, along with the surrounding agricultural buildings are in a poor state of repair and are noted as an area of enhancement in the Conservation Area appraisal. The appraisal notes 'vacant farm buildings and outbuildings should be returned to use in an appropriate manner which respects their traditional character'.
- 10.9. The buildings are no longer suitable for modern farming practices and the modern buildings that are attached to the buildings are also in a poor state of repair and detract from the village green.
- 10.10. The listed building application accompanies a full planning application for the wider site. The listed building application relates only to Unit 4, the Grade II listed barn. The proposal represents a sensitive conversion of the building to provide a two bedroom

dwelling and the proposed alterations have been kept to a minimum and retain and respect the traditional character and historic fabric of the original building.

- 10.11. The scheme has been amended in response to comments made by the Conservation Officer who raised no objections but sought amendments to the original scheme. The proposal has been amended to ensure that the alterations to the buildings retain as much as the historic fabric as possible and the amended details have been considered acceptable to the Conservation Officer subject to a number of conditions relating to specific technical details.
- 10.12. The scheme involves the creation of an upper floor and the installation of a number of partitions along with the creation of an opening between the two parts of the barn, to allow internal access between the two sections. The proposal makes use of the existing openings and does not create large openings through the use of timber boarding. Two rooflights are proposed to the northern elevation.
- 10.13. The proposed development is considered to comply with Local Plan Policy HP2 and whilst the proposal will lead to 'less than substantial harm' to the Listed Barn as there will be some loss of fabric to enable the conversion to be undertaken, it is considered that this is outweighed by the public benefits of the scheme. The proposal will bring back into use the vacant farm building which directly affects the appearance of the Conservation Area and the setting of the nearby listed buildings and also ensure that the listed barn is saved from any further deterioration.
- 10.14. The proposal therefore accords with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The application site comprises a Grade II listed barn. The site is also located within the Fearby Conservation Area. The proposed development (as amended) provides a sensitive scheme which enables the conversion of the building to form a 2 bedroomed dwelling. Whilst it is acknowledged that the proposal will create 'less than substantial harm' to the heritage assets due to the loss of some historic fabric, this is outweighed by the public benefits of the proposal. The scheme will enable the buildings to be brought back into use and ensure no further loss of fabric to the listed barn. This was also improve the appearance of the Conservation Area and the setting of the nearby listed buildings. This accords with Local Plan Policy HP2 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.

12.0 RECOMMENDATION

- 12.1 That listed building consent be GRANTED subject to conditions listed below:

Recommended conditions:

Condition 1 Time Limit

The works hereby permitted shall be begun on or before three years from the

date of this permission.

Reason: To ensure compliance with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

Condition 2 Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details as set out below:

Location Plan submitted to the LPA on 17th July 2024

Proposed Site Plan – Drawing No 8 submitted to the LPA on 17 June 2024
Proposed Floor and Elevational Plans – Barn 4 – Drawing No 7 submitted to the LPA on 17 June 2024

Enlarged Cross Section Detail – Drawing No 8 submitted to the LPA on 17 June 2024

Reason: In order to ensure compliance with the approved drawings.

Early Stage/ Construction Period

Condition 3 Materials (Stone) (discharge required)

Any new stonework shall match the stonework of the original building in type, size, colour, dressing, coursing and pointing to the satisfaction of the local planning authority. Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

Condition 4 – Materials Roof (discharge required)

Before the first use of any materials in the external construction of the roof of the dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

Condition 5 – Cross Section Details

The development of all barns shall be undertaken in accordance with the ‘Enlarged Cross Section Detail’ shown on drawing no. 8 to provide a permeable solid floor, lime to the walls and woodfibre board to the underside of the roof. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 6 – Window Details (discharge required)

Prior to the installation of any windows or doors details of the proposed joinery at a scale of 1:5 shall be provided for the approval of the Local Planning Authority. Glazing shall be putty fixed (not timber beading) and details should show through glazing bars and not externally applied glazing bars. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 7 – Rooflights (discharge required)

Prior to the installation of any rooflights, technical details and sizes shall be submitted to the Local Planning Authority for approval. The rooflights shall be cast iron framing, flush to the roof slope with lead glazing bar and lead flashing. Rooflights should not be constructed of timber. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

Condition 8 – Door details (discharge required)

Prior to the installation of any doors 1:20 scale drawings shall be provided of the door joinery and cross section plans. The doors shall be vertical boarded ledged, braced with no border around the edge of the opening door. Plans should also include details of the proposed ironmongery. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

Condition 9 – Structural Interventions (discharge required)

Prior to any structural interventions being undertaken, including but not limited to metal work or rebuilding works, full details of the proposed interventions including a method statement shall be submitted to the LPA for approval. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Condition 10 – Rainwater Goods (discharge required)

Prior to the installation of any rainwater goods, details shall be submitted to the LPA for approval. This should include details of the materials and proposed brackets. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

Target Determination Date: 15.08.2024

Case Officer: Emma Howson, emma.howson@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Skipton and Ripon Constituency Planning Committee

6TH AUGUST 2024

ZC24/01406/FUL- CONVERSION OF EXISTING STABLE TO FORM ONE NEW CUSTOM BUILD DWELLINGHOUSE WITH ASSOCIATED GARDEN AND PARKING AREAS.

Report of the Assistant Director Planning – Community Development Services

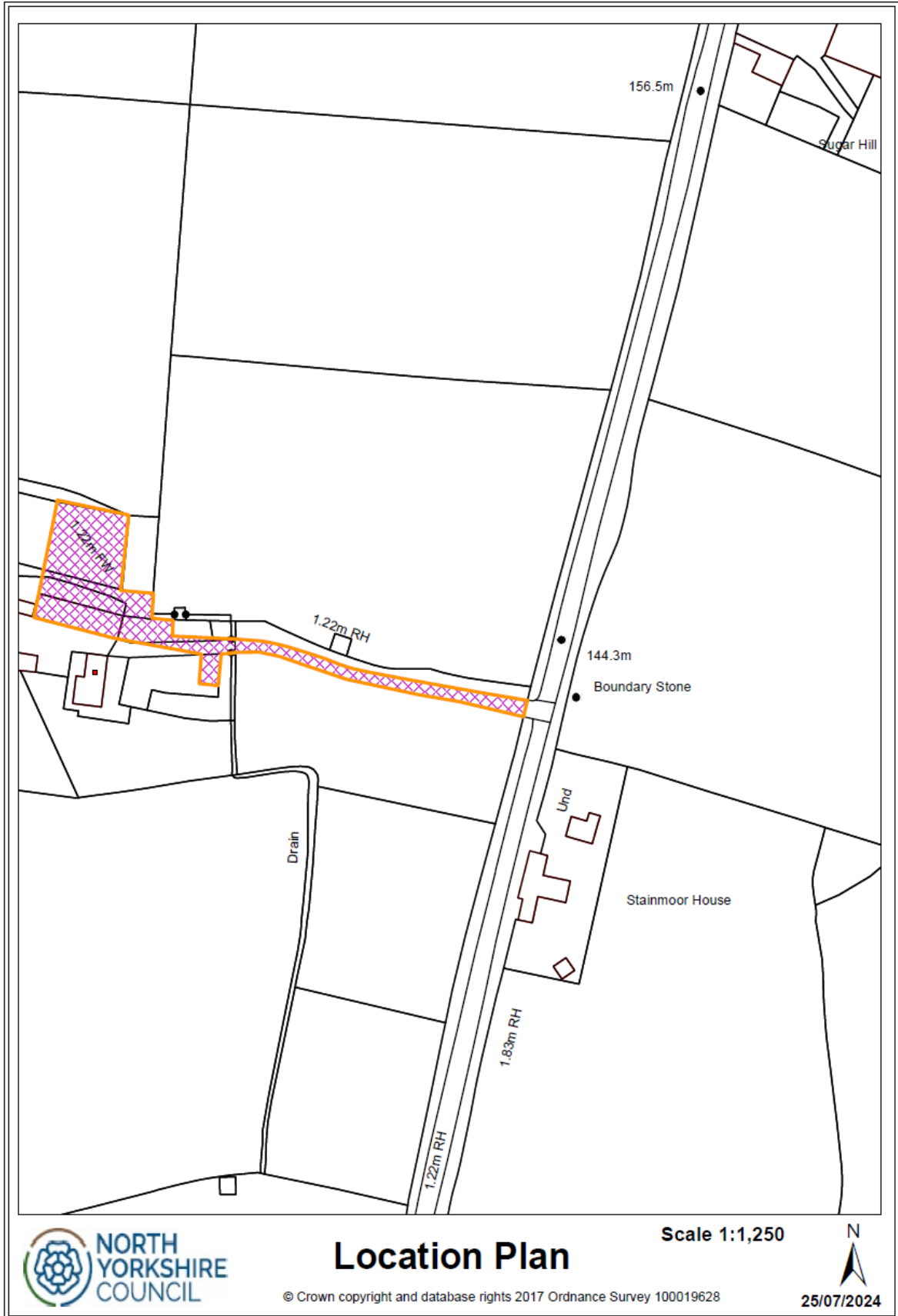
1.0 Purpose of the Report

- 1.1 To determine a planning application for the Conversion of existing stable to form one new custom build dwellinghouse with associated garden and parking areas at Bogs Hall Stables, Bogs Hall Farm. Kirkby Malzeard.
- 1.2 This application is brought to the Area Planning Committee as the applicant is a member of the Development Management Team – Harrogate Office.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a unilateral agreement with terms as detailed in Table 1.

- 2.1. This application seeks permission for the conversion of existing stable to form one new custom build dwellinghouse. The proposal includes the creation of a domestic curtilage to the north of the building using an area of existing hardstanding and part of an existing equestrian menage. The proposal shares an existing access with the existing dwelling on the site but has its own parking provision.
- 2.2. The application site is located outside defined development limits and the nearest settlement is Kirkby Malzeard. This is an area where housing is not considered to be acceptable unless supported by another local plan policy. Local Plan Policy HS6 supports the conversion of rural buildings to dwellings. The site is also situated within the Nidderdale National Landscape (AONB).
- 2.3. It is considered that the proposal meets the requirements set out in Local Plan Policy HS6 and would not harm the character and appearance of the Nidderdale National Landscape and would therefore comply with Local Plan Policy GS6 and NE4.
- 2.4. The Council has a shortage of self and custom build plots and the proposal would provide a custom build dwelling. A legal agreement is required to meet the criteria of custom build dwelling and therefore meet the exemption provided in relation to mandatory Biodiversity Net Gain.
- 2.5. Subject to the signed unilateral agreement the proposal is considered to comply with local and national planning policies.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been amended during the determination process. The curtilage to the proposed dwelling has been reduced in size and the size of the openings proposed to the northern elevation have been reduced.
- 3.3. There is no relevant planning history in relation to this application.

4.0 Site and Surroundings

- 4.1. The application site comprises of an existing blockwork stable block situated at Bogs Hall Farm. The building is in close proximity to a number of stable and equestrian buildings and to the north of the building sits a large horse menage.
- 4.2. An existing dwelling is located opposite the building to the south. The equestrian business, existing house and proposed dwelling share the same access off Laverton Road.
- 4.3. The application site is located approximately 0.6 miles from the settlement of Kirkby Malzeard, which has a school, pub and village shop.

5.0 Description of Proposal

- 5.1. This application seeks Full planning permission for the conversion of the stable building to form 1 no. custom build dwelling with associated garden and parking. The property would provide three-bedroom accommodation with an estimated internal floorspace of 146 sq. metres.
- 5.2. A garden would be provided to the north elevation of the building which would incorporate the existing area of hardstanding and part of the arena to the north. The application has been amended to reduce the extent of the proposed domestic curtilage. The remainder of the arena within the red edge line would be returned to agricultural purposes. A post and rail fence would provide the boundary between the two areas. The remainder of the arena to the west would remain in equestrian use.
- 5.3. Two parking spaces can be provided within the existing area of hardstanding.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan (adopted 2020).
- Joint Minerals and Waste Plan (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 Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Farm Buildings Design Guide
- House Extensions and Garages Design Guide

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. **Parish Council:** No objections.

- 7.3. **Highways:** No objections subject to conditions

- 7.4. **Environmental Health:** No objections subject to conditions

Local Representations

- 7.5. None received.

8.0 Environment Impact Assessment (EIA)

- 8.1. The Proposed Development was screened under 10 (b) of the Town and Country Planning (Environmental Impact Assessment) 2017.

- 8.2. The Proposed Development is located within Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and it is a designated sensitive area as defined by the EIA Regulations.

- 8.3. Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and surrounding designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.

- 8.4. The Proposed Development is not therefore EIA Development.

9.0 **Main Issues**

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

- Principle of development
- Landscape Impact/Impact on Nidderdale National Landscape (AONB)
- Impact on residential amenity
- Highways
- Drainage
- Land Contamination
- Ecology
- Sustainability

10.0 **ASSESSMENT**

Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. Paragraph 88 of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth, sustainable rural tourism which respect the character of the countryside and farm diversification schemes.
- 10.3. The site is outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.
- 10.4. The conversion of rural buildings outside development limits is supported under Local Plan Policy HS6 subject to various criteria.

Outside defined settlement development limits the conversion and/or re-use of existing buildings to residential use from other uses will be supported where proposals meet all of the following criteria:

- A. The building is of permanent and substantial construction, structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction;*
- B. The scale, form and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*
- C. The proposed alterations are of a high quality design, retaining the features that contribute positively to the character of the building and its surroundings;*
- D. The building and its curtilage can be developed without an adverse effect on the historic environment, the character of the local landscape or its setting;*
- E. It can be demonstrated that there is no significant impact on local biodiversity, including protected habitats and species; and*

F. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures.

Developments under this policy will be expected to comply with the affordable housing and open space provision policies of the plan.

Where a future alteration or extension could have a detrimental effect on the character of the converted building or the area, permitted development rights will be withdrawn for such development.

- 10.5. The application is supported by a structural survey which confirms that the existing building can be suitably converted. The proposal therefore meets Policy HS6A in that the building is of permanent and substantial construction.
- 10.6. As set down further within this report the proposal is considered to meet the requirements of Local Plan Policy HS6. Due to the requirements of Local Plan Policy HS6 and the sensitive location of the building it is considered expedient that permitted development rights are removed for the extension and alteration of the proposed dwelling.
- 10.7. The applicant seeks an exemption from mandatory Biodiversity Net Gain on the basis that this is a self build/custom build dwelling.

Self-Build

- 10.8. The proposal is indicated to be a custom build development within the submitted CIL form 1. Local Plan Policy HS3: Self and Custom Build Housing requires self and custom build housing plots to be provided on sites of 500 dwellings or more, nevertheless the Council has a duty to meet the demand for self and custom build housing identified on our Register. It is recognised that small windfall sites will continue to play a role in providing a source of supply during the plan period. With regards this enquiry the proposal would see 1 self-build plot delivered on such a site.
- 10.9. As of 31st January 2024, Regulation 2(f)1 brings into force section 123 of the Levelling Up and Regeneration Act (LURA) 2023. Section 123 of the Act amends section 2A of the Self-build and Custom Housebuilding Act 2015 to ensure that only land permissioned explicitly for self-build and custom housebuilding will qualify towards a relevant authority's statutory duty to meet demand for self-build and custom housebuilding in the authority's area.
- 10.10. For the plot to be fully considered to meet the demand on the Register assurance would be needed that the dwelling would meet the definition of the Act, such as the submission of a unilateral undertaking stating that the plot would be self-build rather than just a market dwelling (which could be sold onto builders). Occupants would be required to live there for three years before selling.
- 10.11. The applicants has confirmed that this wish to enter into a legal agreement subject to agreement with the Council and all relevant parties which would provide the assurance required in relation to the Self Build and Custom Housebuilding Act.

- 10.12. Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) at 2A sets out the duty to grant planning permission which requires an authority to give suitable development permission in respect of enough serviced plots land to meet the demand on the self-build and custom housebuilding in the authority's area arising in each base period.
- 10.13. The council have held a Self and Custom Housebuilding Register since April 2016, the information held on the register sets the demand for self and custom housebuilding in the district, which the council use when carrying out our planning, housing, land disposal and regeneration functions.
- 10.14. The register data fed into the preparation Local Plan and the council have a self and custom build housing policy. Policy HS3: Self and Custom Build Housing requires strategic sites of 500 dwellings or more to provide at least 5% of dwelling plots for sale to self-builders subject to demand being identified by the council, by reference to the council's Self and Custom Build Register.
- 10.15. There are currently planning applications in with the council for strategic sites which are proposing to deliver self and custom build plots under Policy HS3.
- 10.16. The justification acknowledges that the policy refers to the delivery of plots on strategic sites, but it is expected that a proportion of self builds will come forward on small sites and single plots on infill sites and sites on the edge of settlements.
- 10.17. As set out councils are required under the Act to give suitable development permission in respect of enough serviced plots land to meet the demand on the self-build and custom housebuilding in their area.
- 10.18. The latest monitoring report concludes that as at October 2023 there is a shortfall of self-build and custom housebuilding plots within the Harrogate Local Plan area.
- 10.19. However, there are strategic planning applications pending which will deliver self-build serviced plots under Policy HS3. It is expected these sites, once approved, will deliver housing in phases, with self-build plots also subject to phased delivery.
- 10.20. The contribution of self-build units to meeting the needs of the Register is therefore a material consideration in the assessment of this proposal. The provision of self-build plots is considered to carry significant weight in the planning balance.
- Landscape Impact/Impact on the Nidderdale National Landscape (AONB).
- 10.21. The application site lies within the Nidderdale National Landscape (AONB) and therefore Local Plan Policies GS6 and NE4 that seek to preserve the AONB and wider landscape character are considered to be relevant, along with policy HP3 which seeks to preserve local distinctiveness.
- 10.22. NPPF paragraph 182 states that 'great weight should be given to conserving and enhancing landscape and scenic beauty' in the AONB.

- 10.23. The application site is located within Landscape Character Area 35 – Kirkby Malzeard and Grewelthorpe, in an area identified as under pressure from the conversion of traditional farm buildings and changes to domestic curtilage.
- 10.24. Landscape sensitivity is determined by an assessment of value placed on the landscape and its susceptibility to change. The landscape is susceptible to change as a result of domestication of the rural landscape. Therefore the landscape has high sensitivity to the proposed change. The magnitude of change is determined by assessing the nature of the effect and this is determined by the size or scale of the effect, the geographical context and the duration and reversibility of the effect. Overall, the landscape of the site is highly valued and sensitive to change as a result of inappropriate development.
- 10.25. The proposal seeks to convert an existing blockwork building. The roof material is to be replaced as it is likely to include asbestos but the remaining roof structure can be retained. It is proposed to replace the roof with a standing seam roof. Samples of the proposed roofing material should be required as a condition of this consent.
- 10.26. The works use the existing openings and include a minimum number of new openings. The scale of these openings has also been reduced during the course of the application. The building is to currently painted white and it is proposed to render the building off-white as part of the application.
- 10.27. The scale of the works proposed is considered to meet the requirements of Local Plan Policy HS6 criterion A, B and C. The proposed conversion of the building would not harm the character and appearance of the building or that of the Nidderdale National Landscape.
- 10.28. The curtilage is to be formed using an existing area of hardstanding to the north of the building and a small area of the horse arena to the north of the site which is at a raised land level from the building.
- 10.29. The land raises away from the building towards the highway but existing boundary treatments and landscaping along the northern boundary of the arena provides an element of screening from the road.
- 10.30. The curtilage is to be restricted, with the area beyond being returned to grass for agricultural purposes. It is considered that the proposal will not harm landscape character subject to conditions in relation to boundary treatments; and the restriction of the curtilage to the area shown on the plan.
- 10.31. A public right of way runs to the west of the site but views are limited by the existing landscaping and topography and the equestrian buildings.
- 10.32. The proposed development is thereby considered to meet Local Plan Policy HS6 (D) and Policies NE4 and GS6.

Impact on residential amenity

- 10.33. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.34. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.35. The proposed development would create a three bedroom dwelling which meets the Nationally Designated Space Standards and would provide adequate external amenity space for future residents.
- 10.36. The southern elevation of the building is located immediately adjacent to the access track and thus will be affected by noise and vehicles visiting the existing equestrian use on the site. The main windows to the majority of the rooms are however situated on the northern elevation and thus disruption would be limited.
- 10.37. The equestrian use would create noise and disturbance to the residents of the property however this is a custom build dwelling and therefore the applicant is aware of the neighbouring use and therefore is aware of the potential for disturbance in choosing this location.
- 10.38. The building is situated opposite an existing dwelling across a 5m access track. The building is offset from the side elevation of the existing building which has one window to the first floor, which would appear to be a tertiary window.
- 10.39. Views from this window would look over the roof of the proposed conversion and not directly into the building. It is considered that a suitable level of amenity can be provided for both dwellings.
- 10.40. The proposal is therefore considered to comply with Local Plan Policy HP4.

Highways

- 10.41. Local Plan Policy TI3 sets out the requirements for parking provision for developments.
- 10.42. Paragraphs 114 and 115 of the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.43. The application has been assessed by the Highways Authority who although raising the fact that the proposed access may not be suitable for an extensive agricultural use raise no concern over the use of the access for the conversion of the building to a dwelling.
- 10.44. The proposal confirms that adequate parking can be provided in line with Local Plan Policy TI3 and no highway safety issues are raised subject to a condition in relation to the provision of car parking.

Drainage and Flood Risk

- 10.45. The application site is located within Flood Zone 1, which is the lowest risk of flooding. The proposal is to provide drainage via the installation of a package treatment plant, as it is not feasible to connect to the mains sewerage in this location.
- 10.46. It is not considered that the proposal will create issues in relation to flood risk or drainage.

Land Contamination and Air Quality

- 10.47. Local Plan Policy NE9 sets out the requirements in relation to land contamination. The applicant has submitted a Phase 1 contaminated land assessment. From this information potential sources of contamination have been highlighted associated with the previous agricultural use of the site, structures on site, made ground and presence of radon. Based on these sources and pathways risk to the end user is thought to be medium/low. As such further investigation in the form of an intrusive investigation is proposed. Conditions are therefore recommended in relation to contaminated land.
- 10.48. Local Plan Policy NE1 seeks to improve air quality and it is therefore considered expedient to attach a condition requiring electric vehicle charging points to be provided, which will aid in the options for more sustainable travel and therefore improve air quality within the Local Plan area.

Ecology

- 10.49. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.
- 10.50. Paragraph 180 of the NPPF states that the 'intrinsic character and beauty of the countryside' should be recognised including trees and woodland and minimising impacts on biodiversity.
- 10.51. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.
- 10.52. The site is not located within an ecological designation and is presently in equestrian use. There are not considered to be an ecological constraints relating to the proposal.
- 10.53. As the site is in a rural location which could house protected species such as bats, it is considered expedient to add an informative in relation to any protected species found during conversion works, albeit no protected species have been identified as being present as part of the submitted information.

Sustainability

- 10.54. Local Plan Policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change.

- 10.55. The proposal incorporates the use of PV Solar Panels to the southern elevation and the provision of an EV charging point. The proposal is considered to meet Local Plan Policy CC4.

Unilateral Legal Agreement

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

Table 1
1. That the Dwelling forming part of the Development will be constructed as a Custom-Build Dwelling.
2. To construct the Custom-Build Dwelling in accordance with a design and layout into which the first intended owner of the Custom-Build Dwelling has had primary input.
3. That the first Occupation of the Custom Build Dwelling shall be by a person or persons who had primary input into the design and layout of the Custom-Build Dwelling and who intends to live in the Custom-Build Dwelling for at least 3 (three) years from the date of practical completion as their sole or main residence.
4. To notify the Council of the name(s) of the person or persons who intend to take up first Occupation of the Dwelling at least two months prior to first Occupation.

- 10.57. The legal agreement is required to ensure that the dwelling is a custom build dwelling and therefore is exempt for the mandatory requirement for Biodiversity Net Gain.
- 10.58. It is considered that the above 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.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The site is outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.
- 11.2. The conversion of rural buildings outside development limits is supported under Local Plan Policy HS6 and it is considered that the proposed development meets the requirements of this policy.
- 11.3. The applicant has stated that the proposal would form a custom build dwelling in line with the Self-build and Custom Housebuilding Act 2015. The Local Plan Area has a shortfall of self-build dwellings.
- 11.4. The amended design of the proposed dwelling and the reduced curtilage creates a dwelling which is considered to be in keeping with the locality and would not detract from the character or appearance of the Nidderdale National Landscape and thus would accord with Local Plan Policy GS6.

- 11.5. The proposal provides a suitable level of internal and amenity space for future residents and does not compromise the amenity of the neighbouring property, nor does it create issues in relation to highway safety, drainage or ecology and thereby accords with Local Plan Policies HP3, HP4, NE1 and NE3.
- 11.6. The development is therefore considered to be acceptable subject to conditions and the signing of a unilateral agreement in relation to self and custom build housing.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a unilateral legal agreement with terms as detailed in Table 1

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before 3 years of date of decision.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act

Condition 2 Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

Location Plan submitted to the LPA on 30th April 2024
Proposed Site Block Plan – Drawing No. SP01 Rev B
Existing and Proposed Floor Plan – Drawing No. FP01 Rev C
Existing and Proposed Elevation – North – Drawing No. E02 Rev B
Existing and Proposed Elevation – South – Drawing No. E01 Rev A
Existing and Proposed Elevation – East and West – Drawing No. E03

Reason: In order to ensure compliance with the approved drawings.

Pre-Commencement

Condition 3 Submission of an Intrusive Land Contamination Site Investigation Report (Phase II Report) (discharge required)

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. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 4 Submission of a Land Contamination Remediation Strategy (discharge required)

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. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Early Stage/ Construction Period

Condition 5 Materials (discharge required)

Before the first use of any materials in the external construction of the roof of the dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Nidderdale National Landscape and to accord with Local Plan Policies HP3, GS6 and HS6.

Pre-Occupation

Condition 6 Submission of Land Contamination Verification Report (discharge required)

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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

Condition 7 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Condition 8 Curtilage Restriction

The domestic curtilage of the dwelling hereby approved shall be restricted to the hatched area shown on proposed site block plan SP01 Rev B.

Reason: In the interests of protecting the landscape character of the Nidderdale National Landscape and to accord with Local Plan Policies NE4, GS6 and HS6.

Condition 9 Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, garages, outbuildings, or additional openings including roof windows or boundary treatments other than any expressly authorised by this permission shall be erected or inserted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the rural buildings and the Nidderdale National Landscape in accordance with Local Plan Policies HS6 and GS6.

Condition 10 Electric Vehicle Charging

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging point installed shall be retained and maintained thereafter.

Reason: In the interests of improving air quality and sustainable travel and to accord with the NPPF.

Informatives

Potable Water Supply

If there is a private water supply which currently provides water to the farmhouse and no other property it would be classed as a single dwelling under the Private Water Supply Regulations 2016 and would not require sampling and risk assessing by the Local Authority. However, if the proposed development is to be supplied by an existing private water supply that also supplies the farmhouse it would be classed as a small supply and require sampling and risk assessing every 5 years. If the property is to be

served by a private water supply the occupant/owner should contact the environmental health team to provide further details.

Bats

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

Target Determination Date: 15.08.2024

Case Officer: Emma Howson, emma.howson@northyorks.gov.uk

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