

Meeting: Skipton and Ripon Area Planning Committee

Members: Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.

Date: Tuesday, 3 December 2024

Time: 1.00 pm

Venue: Belle Vue Square, Broughton Road, Skipton BD23 1FJ

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer, by midday on Thursday 28th November 2024.

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

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Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 5th November 2024** (Pages 5 - 6)
3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZC24/03113/DVCMAJ - Section 73 application for the variation of condition 1 of S73 permission ZC24/01066/DVCMAJ to allow changes to proposed window frames, door frames, garage door frames, front doors of dwellings and garage doors to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at Brierley Homes Laverton Oaks development at land comprising field at 422819 474158, Back Lane, Kirkby Malzeard, North Yorkshire on behalf of Brierley Homes Ltd.** (Pages 7 - 18)
Report of the Assistant Director Planning – Community Development Services.
5. **ZA24/25923/FUL- Proposed construction of a covered steel portal frame agricultural building at Souber Dairy, Bank Newton, Skipton, North Yorkshire BD23 3NT on behalf of Mr Tom Dodgson.** (Pages 19 - 32)
Report of the Assistant Director Planning – Community Development Services.
6. **ZA24/26255/FUL - Residential development with associated parking provision, public open space, soft and hard landscaping and associated infrastructure, on land to the north of Airedale Avenue, Skipton, on behalf of Skipton Properties Ltd.** (Pages 33 - 64)
Report of the Assistant Director Planning – Community Development Services.
7. **2020/22109/FUL - Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on an allocated site on land at Richard Thornton School, Burton-in-Lonsdale, on behalf of Permahome Ltd.** (Pages 65 - 84)
Report of the 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**
Tuesday, 07 January 2025 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:

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North Yorkshire Council

Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Tuesday, 5th November, 2024 commencing at 2.00 pm.

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

Officers present: John Worthington, Development Services Manager – Development Management; Kelly Dawson, Senior Solicitor; Emma Howson, Principal Development Management Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Democratic Services Officer.

Copies of all documents considered are in the Minute Book

121 Apologies for Absence

There were no apologies for absence.

122 Minutes for the Meeting held on Monday 30th September 2024

The minutes of the meeting held on 30th September 2024 were confirmed and signed as an accurate record.

123 Declarations of Interests

There were no declarations of interests.

Planning Applications

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

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.

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

In granting permission in accordance with the recommendations in the report this was because the proposals were 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.

124 ZC24/01065/RG3- Extension of Pateley Bridge Cemetery, with traditional and natural burial areas, ash interments and soft landscaping and internal access and parking at land comprising field west of cemetery, Panorama Walk, Pateley Bridge on behalf of North Yorkshire Council

Considered –

The Assistant Director Planning Community Development Services sought determination of a full planning application for the extension of the Pateley Bridge Cemetery on an adjacent agricultural field west of the existing cemetery. The application was outside the defined development limits, therefore in open countryside. The site was also situated within the buffer of the Pateley Bridge Conservation Area. It had been brought to Committee as it was an application by North Yorkshire Council.

The proposed extension would provide an additional 314 burial plots, 48 natural burial plots and 364 ash internments which would be accessed by an extended roadway from the existing cemetery through the demolition of a small section of the existing stone wall with a turning head, hearse and disabled parking.

Local Division Councillor Andrew Murday spoke and was supportive of the application.

The applicant's agent Mr Adam Muspratt spoke in support of the application.

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

- Apart from allocated parking for the hearse and a disabled vehicle no additional parking had been included in the proposed scheme.
- The suitability, due to the gradient of the site, for access by the elderly and less agile visitors.
- Members were advised that to retain the openness of the landscape, hardstanding and car parking had been reduced as sufficient car parking could be provided within the existing cemetery.
- Concern about the recommendation that the boundary wall should be post and rail rather than a dry stone wall in keeping with the existing cemetery.
- Wildflower and hedge planting would improve biodiversity and was good for wildlife.

Decision:

That, the application is GRANTED subject to the conditions as detailed in the Assistant Director's report.

Record of Voting:

A vote was taken and the motion was declared carried with 5 for, 1 against and 1 abstention.

125 Any other items

There were no urgent items of business.

126 Date of Next Meeting

Tuesday, 3rd December 2024.

The meeting concluded at 2.55 pm.

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

3RD DECEMBER 2024

ZC24/03113/DVCMAJ – SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 1 OF SECTION 73 PERMISSION ZC24/01066/DVCMAJ TO ALLOW FOR CHANGES TO PROPOSED WINDOW FRAMES, DOOR FRAMES, GARAGE DOOR FRAMES, FRONT DOORS OF DWELLINGS AND GARAGE DOORS TO A DEVELOPMENT OF 33 DWELLINGS ORIGINALLY PERMITTED UNDER RESERVED MATTERS APPLICATION 20/04874/REMAJ AT BRIERLEY HOMES LAVERTON OAKS DEVELOPMENT, LAND COMPRISING FIELD AT 422819 474158, BACK LANE, KIRKBY MALZEARD, NORTH YORKSHIRE, ON BEHALF OF BRIERLEY HOMES LTD.

Report of the Assistant Director Planning – Community Development Services

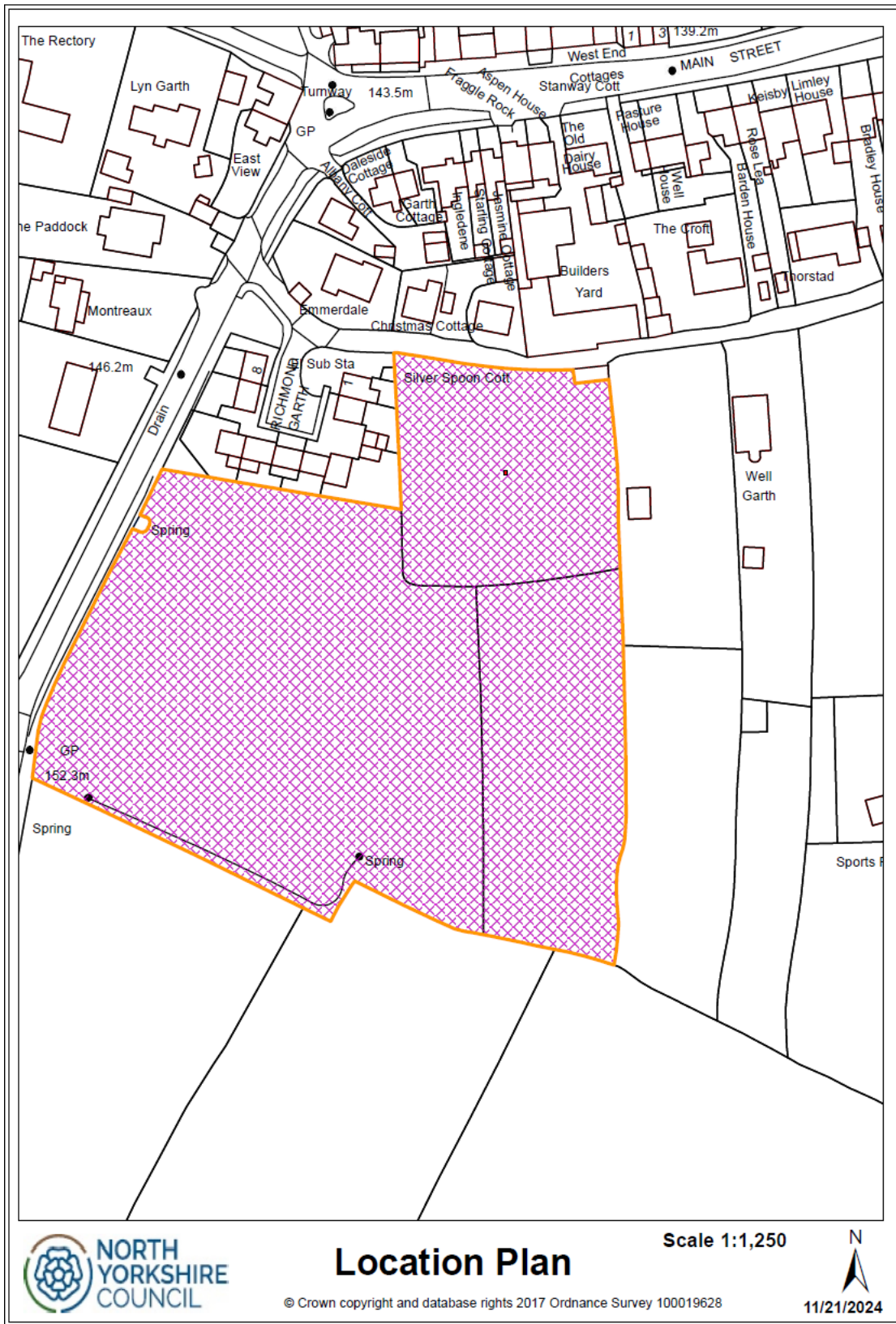
1.0 Purpose of the Report

- 1.1. To determine a Section 73 application for the variation of condition 1 of Section 73 permission ZC24/01066/DVCMAJ to allow for changes to proposed window frames, door frames, garage door frames, front doors of the dwellings and garage doors to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMAJ on land at Back Lane, Kirkby Malzeard, on behalf of the Assistant Director Planning.
- 1.2. This application is brought to the Planning Committee because the applicant, Brierley Homes, is owned by the Council.

2.0 SUMMARY

RECOMMENDATION: That the Section 73 variation be GRANTED

- 2.1. Planning permission has been granted for a residential development of 33 dwellings at Back Lane, Kirkby Malzeard, in the Nidderdale National Landscape. The current application seeks approval for revised details of doors and windows.
- 2.2. The proposed variations do not materially affect the reserved matters of this development, and it is considered that the application can be supported subject to conditions.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Outline planning permission 17/04308/OUTMAJ was granted in January 2019 for the residential development of 1.75ha of land at Kirkby Malzeard, within the Nidderdale National Landscape.
- 3.3. Whilst the outline permission allowed for up to 37 dwellings the reserved matters scheme, 20/04874/REMMAJ, granted in May 2022, provided for fewer dwellings, 33, across the whole site.
- 3.4. Subsequently, both the outline and reserved matters were varied by Section 73 applications. Those further permissions varied the timing of submission for various detailed matters that were required by the conditions of both permissions. As the Local Education Authority advised that no contribution was necessary towards education facilities in the locality, the requirement for such provision on the outline permission was dropped.
- 3.5. The outline permission variation was case reference 22/04924/DVCMAJ of 24 August 2023 and the reserved matters variation was case reference 22/04925/DVCMAJ of 23 March 2023.
- 3.6. A further Section 73 variation was granted in respect of the reserved matters in June this year, ZC24/01066/DVCMAJ. That allowed variation of the house types slightly along with the installation of air source heat pumps and the use of natural stone on all main elevations with render on the remainder.
- 3.7. The approved details showed that the uPVC windows and ribbed effect sectional garage doors were to be anthracite in colour, while the colour of the front doors had not been confirmed.

4.0 Site and Surroundings

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

5.0 Description of Proposal

- 5.1. The proposal is to vary the colouring of the windows and garage doors and confirm the colour of the front doors. All would be pebble grey (RAL7032) with white frames.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan relevant for this proposal is;
 - Harrogate District Local Plan 2014-2035, adopted March 2020

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

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

7.0 Consultation Responses

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

- 7.2. **Parish Council:** Has no objections

Local Representations

- 7.3. None.

8.0 Environment Impact Assessment (EIA)

- 8.1. Located in a 'sensitive area' the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2. The application has been screened and does not require an Environmental Statement because it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.

9.0 Main Issues

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

10.0 ASSESSMENT

Suitability of varying conditions

- 10.1. This application is for a 'minor material amendment' to the approved development for 33 dwellings. Such applications are considered against the Development plan and material considerations such as the National Planning Practice Framework (NPPF) and the conditions attached to the existing permission.
- 10.2. The National Planning Practice Guidance advises that Local Planning Authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 10.3. The NPPF advises, in paragraph 140, that it should be ensured that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 10.4. The extant reserved matters permission through the previous Section 73 permission was considered under the current development plan and NPPF.

Impact on the locality

- 10.5. Local Plan Policies HP3 'Local Distinctiveness' and NE5 'Green and Blue Infrastructure' require high quality development that protects characteristics, qualities and features contributing to local distinctiveness, and maintains and enhances local vernacular and the sense of place of individual settlements.
- 10.6. The NPPF has a chapter on 'Achieving well-designed and beautiful places', setting out initially that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 131).
- 10.7. A duty has been imposed under section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling-up and Regeneration Act 2023, that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (now known as a National Landscape), a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.8. The colour changes sought by this Section 73 application do not adversely impact on the development and its surroundings.

Conditions

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

- 10.10. The June 2024 Section 73 permission, which this application seeks to vary the terms of, is subject to 15 conditions.
- 10.11. Subsequent to that decision, detail has been approved (ZC24/02740/DISCON) of a noise assessment of the on-site pumping station. That assessment showed no mitigation as being necessary. Condition 14 regarding the noise assessment consequently now does not continue to have effect. That condition can therefore be removed from a new permission arising from this Section 73 application.
- 10.12. In addition, the details of the natural stone to be used in the external construction of the main walls has been approved under condition 6 (ZC24/02601/DISCON). However, the roofing materials were refused and a further sample of roofing material was also refused (ZC24/03249/DISCON); both being concrete tiles.
- 10.13. Accompanying the original reserved matters application (20/04874/REMMAJ), by a different applicant, was a Design and Access statement which incorrectly described the adjoining Richmond Garth development as having artificial stone facades and artificial slate roofs. Natural reclaimed stone and natural slate has been utilised.
- 10.14. That misinterpretation of the setting lead to artificial materials being specified for the development. The extant Section 73 permission included the use of natural rather than reconstituted stone.
- 10.15. The drawings submitted with this Section 73 application, however, retain a reference to the use of slate grey pitched with thin leading edge concrete tiles.
- 10.16. The issue with the samples of thin leading edge concrete tile so far submitted for inspection is that there is a pronounced visual overlap between the tiles, which is not evident of properties using natural grey or blue slates other than those of stone.
- 10.17. Undoubtedly there is a higher cost to a developer using natural slate, compared to a concrete tile, as each slate covers individually less of a roof space and consequently greater labour is required.
- 10.18. That, however, does not mitigate against the use of slate especially at a location such as this site at an entrance to the village, a Service Village under the terms of Local Plan Policy GS2 and one of only nine in the 1,308 km² area of the Local Plan that offer a demonstrably wider range of retail, service and leisure businesses.
- 10.19. In order therefore to ensure the roof materials are appropriate to the locality and meet the duty imposed through the amendments introduced by the Levelling-up and Regeneration Act 2023, condition 6 should be reworded, still requiring the submission of roofing materials for approval. That would extend the scope of materials being considered to natural slate in keeping with the adjacent dwellings. Appropriate additional wording is proposed in relation to condition 1 concerning the approved drawings etc.
- 10.20. The approved stone is proposed to be referenced now in a new condition 14.

- 10.21. Condition 15 concerning the Ecological Mitigation & Enhancement is corrected and simplified as the time for submission for any alternative related plan has elapsed.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposed variations do not materially affect the reserved matters of this development, and it is considered that the application can be supported subject to conditions.

12.0 RECOMMENDATION

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

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

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

C01 Plan 1 dated October 20

P01 Revision I External Works & Landscaping dated 23.04.24

P02 Revision E Proposed Typical Street Scenes dated 20.09.24 as modified by the further conditions of this permission;

- b) the following Ingreen Architectural Solutions Ltd Plans & Elevations drawings (references commencing 191001 and dated 20.09.24 unless otherwise stated) and as modified by the further conditions of this permission;

P03 Revision F Plot 1 dated 14.11.24

P04 Revision E Plots 2 & 3

P05 Revision E Plot 6

P06 Revision E Plots 7 & 8

P07 Revision F Plots 9 & 20

P08 Revision E Plots 10, 16 & 24

P09 Revision E Plots 12, 13, 25 & 26

P10 Revision E Plots 11 & 22

P11 Revision F Plots 17,18 & 19

P12 Revision E Plot 23

P13 Revision E Plot 27

P14 Revision E Plots 31 & 32

P15 Revision E Plot 33

P16 Revision D Plots 4 & 5

P17 Revision D Plot 30

P18 Revision D Plots 14 & 15

P19 Revision D Plot 21

P20 Revision D Plot 28

P21 Revision D Plot 29

P22 Revision C Electricity Sub-Station

- c) Ingreen Architectural Solutions Ltd drawing KKIR-IAS-ZZ-00-DR-A-0004 revision P04 Site Plan Showing Materially dated 20.09.24 as modified by the further conditions of this permission;

- d) Eamonn Byrne landscape architects drawings dated 22.03.2022;

20002-LN-0-01 Revision 9 Planting Schedule
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 1 of 2)
 20002-PP-0-01 Revision 9 Planting Plan (Sheet 2 of 2)

- 2 Further to condition 1 above the development shall also be carried out in strict accordance with the following documents unless varied by alternative documents submitted under the further conditions of this permission:
- a) AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023.
 - b) Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023; Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130
Sheet 2 of 2 KM-BGP-00-00-DR-C-52-00131
 - c) Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024.
 - d) Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024.
- 3 The landscaping works shown on revision 9 of both drawings 20002-PP-0-01 and 20002-PP-0-02 shall be undertaken in accordance with the details specified on those drawings and revision 9 of the Planting schedule ref 20002-LN-0-01 and shall accord with the Biodiversity Management Plan. The development shall be carried out in accordance with the approved details.
- The planting, seeding and/or turfing shall be carried out in the first planting season following completion of the building works and any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later) shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season.
- 4 Further to condition 2 above, development shall be undertaken in strict accordance with the Eamonn Byrne Landscape Architects Landscape Maintenance & Management Plan ref 20002LMP revision 3 dated 20/05/2024, unless an alternative Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority before any external construction of the walls of the development hereby approved takes place. The details of the alternative Landscape Maintenance and Management Plan shall be in accordance with the approved landscape drawings, revision 9 of both 20002-PP-0-01 (sheet 1 of 2) and 20002-PP-0-02-REV9 (sheet 2 of 2) and the development carried out in accordance with the agreed details.
- 5 No dwelling shall be occupied until their associated parking facilities have been constructed in accordance with Site Plan ref 191001 P01 Rev I. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6 Before their first use in the construction of the development to which these reserved matters relate and notwithstanding the details specified on the drawings listed in condition 1 samples of the materials to be used in the external construction of the roofs shall be made available on site for inspection by and the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.
- 7 Ash Trees ref T24 and T26 (on the eastern boundary of the site as identified in the Arboricultural Assessment), shall notwithstanding reference in the statement to their

removal, be protected during construction and retained thereafter.

8 No occupation of a property shall take place unless the Biodiversity Enhancement Management Plan measures that relate to that property have been implemented in full.

9 No occupation of a dwelling shall occur until;

a) full details of the air source heat pumps have been submitted to and approved in writing by the Local Planning Authority,

b) the air source heat pump located in strict accordance with the details approved under part (a) of this condition and located as shown on drawing 191001 P01 revision I has been made operative, and,

c) low energy lighting and thermal envelope specifications have been provided for that dwelling in accordance with the recommendation included within the Dewpoint Energy Services Energy Statement issue 2.0 dated 18 November 2020. These measures will be retained and maintained thereafter.

Any air source heat pump shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time.

10 Prior to the first occupation of any of the dwellings hereby permitted, the approved boundary treatment shall be fully installed and/or planted. The boundary treatment shall be maintained in accordance with details that are submitted to and approved by the Local Planning Authority prior to their installation and retained at all times thereafter.

11 Further to condition 2 above, the tree protection measures detailed in Section 4 and Appendix 4 of the AWA Tree Consultants Arboricultural Method Statement reference AWA5632AMS dated October 2023 shall be implemented and maintained in accordance with those details at all times during the undertaking of the development hereby granted, unless any alternative Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. All construction works shall accord with the approved Arboricultural Method Statement at all times. No increased levels shall take place within root protection zones, except where required through the approved details for biodiversity enhancement measures.

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

Part 1, Class A (enlargements, improvements or other alterations);

Part 1, Class E (incidental buildings, enclosures, swimming, or other pools); and

Part 1, Class F (hard surfaces).

13 Further to condition 2 above, the development shall accord with the approved foul drainage scheme shown on Billingham George & Partners Proposed Drainage Plans revision T02 dated 05.01.2023 Sheet 1 of 2 KM-BGP-00-00-DR-C-52-00130 and Sheet 2 of 2' KM-BGP-00-00-DR-C-52-00131 with the discharge rate to the foul sewer from the pumping station not exceeding 4.75l/s, unless prior to the external construction of the walls of the development hereby approved an alternative foul water drainage has been submitted to and approved in writing by the Local Planning Authority (in consultation with Yorkshire Water). The scheme shall include evidence that the public sewer system has appropriate capacity to serve the

development. Development shall be carried out in strict accordance with the approved foul drainage scheme.

- 14 The stonework of the development shall be carried in strict accordance with details approved under application ZC24/02601/DISCON, unless an alternative natural stone sample and sample stonework panel has been provided for inspection by and the written approved of the Local Planning Authority. The approved sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.
- 15 Further to condition 2 above, Ecological Mitigation & Enhancement shall be implemented in accordance with the Vale Ecology Ecological Mitigation & Enhancement Plan reference 1020 revision 01 dated 26th March 2024 under the supervision of a suitably qualified Ecological Clerk of Works and a copy of the CEMP (Section 3) must be kept on site and made available to site managers and operatives.

Compliance must be made in particular with Table 1 Ecological Risk Assessment & Mitigation Input, ensuring the protection of habitats including grassland, hedgerows and trees and protected species. That will include up to date bat surveys of building B1, measures to protect previously identified bat roosts in trees T8 and T9 and to undertake precautionary measures in relation to works to other trees and artificial lighting during construction. Also, the precautionary measures set out in relation to nesting birds, badgers and hedgehogs must be implemented.

The measures set out in the BEMP, Section 4 (including enhancing biodiversity during the operational phase of the site, including tree and hedge planting and hedgerow restoration and for grassland enhancement, the provision of bird nesting and bat roosting features and invertebrate habitat) shall be implemented under the supervision of the Ecological Clerk of Works for a minimum period of 30 years. That will be initially the responsibility of the developer but ultimately with that responsibility transferred to the site management company. Progress shall be reported back to the Local Planning Authority in accordance with arrangements set out in the plan at paragraphs 4.9.1.2 and 4.9.1.4.

Reasons for Conditions:-

- 1 and 2 To secure the satisfactory implementation of the proposal and for the avoidance of doubt.
- 3 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 4 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and in accordance with Policies HP4 and NE3 of the Harrogate District Local Plan 2014-2035.
- 5 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and general amenity of the development.
- 6 In the interest of good design and in accordance with policies HP3 and GS6 of the Harrogate District Local Plan 2014-2035.
- 7 In the interest of the protection of important trees and the wider impact on the landscape and in accordance with Policy NE7 of the Harrogate District Local Plan 2014-2035.
- 8 In the interest of Biodiversity enhancement and to accord with policy NE3 of the Harrogate District Local Plan 2014-2035.

- 9 In the interest of sustainable design in accordance with Policy CC4 of the Harrogate District Local Plan 2014-2035.
- 10 In the interests of privacy and residential amenity in accordance with policy HP4 of the Harrogate District Local Plan 2014-2035.
- 11 In the interests of the protection of important retained trees and in accordance with Policy NE7 of the Harrogate Local Plan 2014-2035.
- 12 To enable the Local Planning Authority to exercise control over development in order to ensure there is no resultant detriment to the Nidderdale Area of Outstanding Natural Beauty together with ecological, environmental and biodiversity interests in accordance with policies NE3 and NE7 of the Harrogate District Local Plan 2014-2035.
- 13 In the interest of comprehensive assessment of foul water drainage and for the protection of amenity of the locality.
- 14 In the interest of good design and in accordance with policies HP3 and GS6 of the Harrogate District Local Plan 2014-2035.
- 15 In the interests of Biodiversity and in accordance with Policy NE3 of the Harrogate District Local Plan 2014-2035 and for the avoidance of doubt.

INFORMATIVES

- 1 The Section 73 permission under ZC24/01066/DVCMAJ, subsequent to an earlier such permission 22/04925/DVCMAJ, varied the terms of the conditions of reserved matters consent 20/04874/REMAJ. That reserved matters consent had granted the appearance, landscaping layout and scale of 33 dwellings under the terms of outline permission 17/04308/OUTMAJ, itself later varied by the Section 73 permission 22/04924/DVCMAJ.
- 2 This Section 73 permission together with outline permission 22/04924/DVCMAJ comprise the planning permission and must be read together.
- 3 If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water Services Limited (under Section 104 of the Water Industry Act 1991), their Developer Services Team should be contacted (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.
- 4 Yorkshire Water Services Limited advise that in terms of water supply a 3" upvc water main runs along the front of the site. Any planting of new trees or such like should not be carried out within 6 metres (3 metres from the centre of the main) to allow access for future maintenance and repair of the asset. The line of the main can be determined under their supervision, however as this main is plastic and hard to trace the line of the main with be approximate only. Please contact tech.support.engineer.north@yorkshirewater.co.uk to arrange a trace. If there are likely to be any changes in ground levels around the 3" main, then these changes will need to be addressed to confirm if the main will be affected. In the event the main will be affected by a change in ground level and in order to protect the main it may need diverting. Any diversion will be at the developers expense (under the provisions of Section 185, Water Industry Act 1991).
- 5 In respect of condition 9 "rating level" and "background sound level" are as defined in BS4142:2014+A1 2019 'Methods for rating and assessing industrial and commercial sound'

and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

03 DECEMBER 2024

ZA24/25923/FUL - PROPOSED CONSTRUCTION OF A COVERED, STEEL PORTAL FRAME AGRICULTURAL BUILDING AT SOUBER DAIRY, BANK NEWTON, SKIPTON, NORTH YORKSHIRE, BD23 3NT ON BEHALF OF MR TOM DODGSON.

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for a steel framed agricultural building at Souber Dairy, Bank Newton, Skipton, North Yorkshire, BD23 3NT.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 This application has been called in to be determined by Planning Committee due to concerns over the impacts upon the Highway.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed with Section 12 of this report.

- 2.1. This applicant seeks full planning permission for the construction of an agricultural building located to the North of the cluster of existing agricultural storage buildings and east of the farm holding.
- 2.2. The application site forms part of a farming enterprise and thus the principle of supporting existing farm business to continue to support the rural economy is acceptable.
- 2.3. The existing site is made up of concrete hardstanding site which is currently used as storage for feed. The building will be of standard agricultural design and materials and will be visually similar to others on the farm holding with the continued use being for the storage of feed.
- 2.4. Concerns have been raised by residents with regards to the impacts this development would have upon highway safety. This concern has been assessed within the report and it is not considered that the proposed development would create issues in relation

to highway safety. Comments have also been received regarding the continued growth of the farming enterprise.



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3.0 Preliminary Matters

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

3.2. No pre-application discussions were held prior to this application being submitted.

3.3. There are no previous planning applications relevant to the consideration of this application.

4.0 Site and Surroundings

4.1. The application site is an established family run dairy farm located at Bank Newton with a farm holding extending to 319 ha (790 acres). The farm has two sites, the original Crossgates Farm to the West of the Leeds Liverpool Canal, and the more recent development at Souber Dairy to the east of the canal. The farmstead and house are located to the southern edge of the village.

4.2. The proposed site is located to the north-east of the cluster of farm buildings at Souber Dairy.

4.3. The site is surrounded by grassland and is accessed via a narrow lane from Bank Newton to East Marton Road, crossing a Grade II Listed Canal Bridge before meeting the farm track. The track runs through the main farmyard which then runs to the southeast, directly adjacent to the north elevation of the barn.

4.4. The site is located outside of any main built-up area, in an area defined as open countryside under the terms of policies in the adopted Local Plan.

4.5. The Leeds Liverpool Canal runs approximately 149m southeast of the site.

4.6. The Pennine Way Trail runs approximately 350m south-east of the site.

4.7. The site falls within land with a Grade 4 Agricultural Land Classification. The site also lies within a SSSI Impact Risk Zone but is outside of the type of development which would not create any harm to the natural designations the area is designed to protect.

5.0 Description of Proposal

5.1. This application seeks full planning permission for the construction of a covered, steel portal frame agricultural building to house ensilaged forage to be fed to the homebred cattle.

5.2. The location of the proposed building is directly adjacent to the existing grass silage buildings to the Northeast of the existing farmyard.

5.3. The proposed building measurements would be approximately 54.86m in length and 16.76m in width, with an eaves height of 7.92m and a ridge height of 10.24m, with a gross internal floor space of 920m².

5.4. The proposed building will have a steel portal frame, with concrete lower walls and close boarded timber upper walls. The roof structure will be clad with fibre reinforced cement corrugated sheet roof panels in grey to match the existing complex.

5.5. The Sustainable Design and Construction Statement sets out that the building would be undertaken to meet and exceed where possible, the current building regulations.

The building will not be heated nor have permanent lighting and building will utilise existing concrete panels and all other materials will have been sustainability sourced.

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 (ADP) for this site is the Craven Local Plan 2012 to 2032 adopted November 2019.

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 2023 (NPPF)
 - National Planning Practice Guidance (NPPG)
 - National Design Guide 2021 (NDG)
 - Good Design in Craven SPD
 - Green Infrastructure and Biodiversity in Craven SPD
 - Gargrave Neighbourhood Plan 2019

7.0 Consultation Responses

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

7.2. Bank Newton Parish Council:

- Great expansion in the size of the operation will create new traffic movements creating danger for other road users
- Operation is on an industrial scale without a suitable access
- Residents are seriously compromised by the amount of traffic from Souber Dairy and Crossgates Farm
- There are no passing places on the road up to the farm, it is requested for a Section 278 agreement
- The listed canal bridge is in a parlous state, a weight and size limit may need to be considered
- A comprehensive traffic survey should be undertaken
- Transport Statement submitted does not present a complete picture of the existing conditions

- Tow Path adjacent to Souber Dairy has been closed due to being severely damaged by vehicles accessing the dairy farm
- Farm operators working until early hours in the morning, we suggest a cut off time.
- No screening has been proposed, a condition for planting would help
- The proposed shed will make a 25% increase in the feed storage capacity and give a total silage storage capacity of 3,139m².
- The development has a significant negative impact upon many others and their businesses.

7.3. **Divisional Member(s):** Concerns were raised with regards to the great increase in heavy farm vehicles though Gargrave and how the further expansion of this intensive Dairy Unit will impact the safety of the Highway.

7.4. **NYC Environmental Health Department (Craven):**

- I confirm I have no objections or EP comments to make

7.5. **NYC Highways:**

- Existing concrete pad in use already generates vehicle movement
- Traffic survey completed; evidence shows traffic volumes are low on the existing highway network.
- Brought in products already generate vehicle movements which will be replaced with home grown crop being used.
- A passing place would be beneficial and is to be constructed on the road leading up to the site

7.6. **Yorkshire Dales National Park (Pennine National Trails):**

- The proposed development site is in close proximity to the Pennine Way, the footpath passes 350m south-east of the proposed development
- The addition of the building would make the group of farm buildings more prominent
- Proposed further screening on site

7.7 **Local Representations**

11 (*eleven*) local representations have been received of which 10 (*ten*) are objecting and 1 (*one*) is neither objecting nor supporting the application. A summary of the comments is provided below, however, please see

<https://publicaccess.cravencdc.gov.uk/online-applications/> for full comments.

Objections:

Highways

- Proposal will lead to further increase in agricultural vehicles
- Unacceptable adverse impact upon Highway safety
- Increase danger to all users of the road (driving, walking cycling)
- Compromises the safety of existing residents - other

- No passing places
- Narrow roads make it difficult for walkers and cyclists
- Farm vehicles being driven at higher speeds than is safe for the road conditions
- Transporting silage is becoming a danger and general nuisance to other users of the highway

Other Material Considerations

- Proposal represents a significant expansion to an already large intensive farm
- Increase in noise pollution
- Current infrastructure can barely sustain the current situation
- Ongoing amenity issues for occupiers of neighbouring properties whose access is compromised

7.7. Neither objecting nor supporting:

- Concerns over the bridge at risk of collapsing
- Major work is required to strengthen it for this use

8.0 Environment Impact Assessment (EIA)

8.1. Given the location, scale and nature of the proposal, it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environment Statement is therefore required.

9.0 Main Issues

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

- Principle of Development
- Visual Appearance
- Highway Consideration
- Biodiversity
- Other matters

10.0 ASSESSMENT

Principle of Development

10.1. Local Plan Policy SP2 sets out the framework for supporting the local economy.

10.2. Local Plan Policy EC3 expands on this by stating that Craven's rural economy will be supported, so that it may grow and diversify in a sustainable way to provide long term economic, environmental and social benefits for local communities. With specific reference to sections (c) and (d) which state the following:

“(c) Helping existing and new rural businesses, including tourism related businesses to succeed, grow and expand, by working with them co-operatively and proactively, so that development proposals can be supported wherever possible;”

“(d) Enabling farm, forestry and other land-based businesses to build the new and replacement buildings and infrastructure they need to function efficiently, including dwellings where they are fully justified on functional and financial grounds;”

- 10.3. The proposal is for the construction of a steel frame agricultural building.
- 10.4. The location for the proposed building makes use of a small area (approximately 0.09ha) of existing concrete hardstanding which is currently used for the storage of feeds and therefore, there is no loss of land or change of use as the proposed use is also for storage of crops.
- 10.5. The requirement for the building has arising from changes brought in by the Environment agency to help protect the environment and people. The proposed building is to accommodate and safeguard the crops grown on and off site and reduce the risk of the gain becoming damaged or lost due to weather and moisture damage. The proposed building would, therefore, help the continued growth of economic development of the farming enterprise and the environment.
- 10.6. In conclusion, the proposed building on this site is acceptable in principle and would provide a safe and secure environment for the storing of gain which due to weather/moisture can be damaged resulting in negative economic impacts for the farming enterprise. The proposal, therefore, accords with policies EC3, SP2 and the NPPF.

Visual Appearance

- 10.7. Policy ENV3 of the Craven Local Plan states that good design will help to ensure that growth in Craven results in positive change, which benefits the local economy, environment and quality of life, including health and wellbeing with specific relation to the following section:

“(b) Designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials which should be locally sourced wherever possible;”

- 10.8. Policy G7 of the Gargrave neighbourhood Plan states that new development should enhance and reinforce the local distinctiveness of the area and should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 10.9. The application site is to the north of the existing farm buildings on site, a concrete pad is already in situ and has been utilised for the storage of crops covered with a plastic sheeting.
- 10.10. The existing concrete hardstanding has an overall length of 54.86m and width of 16.76m, the footprint of the proposed agricultural building will remain the same with a height of 10.24m to the ridge and 7.92m to the eaves. The total floor area will be 920m²,

equating to a total 'clamp' volume of 3,321m³. The scale of the agricultural building will be of a similar scale to others on site and would not appear incongruous to the area.

- 10.11. Turning to materials, it is proposed that the building will have a steel portal frame, clear span construction with concrete lower walls and close boarded timber upper walls, the roof structure will be clad with fibre reinforced cement corrugated sheet roof panels in grey to match the existing complex. The materials and design of the building are identical to the other agricultural buildings within the farm cluster. It is considered that the materials proposed would not have a negative visual impact upon the wider surrounding area due to the use of similar materials.
- 10.12. Whilst it is acknowledged that the farm buildings are visible from the Pennine Trail located 350m south-east of the site and appear prominent within the landscape, it is not considered that the addition of the agricultural building would be visually harmful due to the rural location and existing buildings on site. However, the applicant is proposing some screening around the farm holding in the form of soft landscaping to help mitigate any visual impacts when travelling along the Pennine Trail, this will be conditioned by an appropriate worded condition.
- 10.13. Comments were made stating that the proposal is a significant expansion to the existing farm enterprise. The proposal is for a single agricultural building on an existing farm holding and thus it is not considered to be a significant expansion of the existing farm holding.
- 10.14. In conclusion, the proposed development is considered acceptable in terms of visual appearance. The scale of the building is acceptable and would appear overbearing. The proposed materials are acceptable and overall, it is not considered that the building will have a significant negative visual impact and accords with the relevant Local Plan policies, the Gargrave NHP and the NPPF.

Highway Consideration

- 10.15. Local Plan Policy INF7 emphasises the provision of safe and accessible travel facilities; avoiding severe residual cumulative impacts of development relating to transport. With specific reference to sections (d) and (f), which state the following:

“(d) ensuring all developments that generate significant amounts of movement are supported by appropriate sustainable travel assessments, such as a Transport Statement, or Transport Assessment and a Travel Plan as reasonably required by the local highway authority, North Yorkshire County Council.”

“(f) ensuring that the residual cumulative impact of traffic generated by developments on the highway network is mitigated and where new development necessitates the provision of new or upgraded infrastructure, including safety measures and pedestrian and cycle connectivity:- this is to be developer funded.”

- 10.16. NPPF Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.17. The site is currently served by an existing access and egress point to and from Souber Dairy Farm and the application does not propose any new access arrangement.
- 10.18. The proposal will access the stretch of road from the entrance of the farm track to the main road leading through to Bank Newton, it's recognised that this section of road is a narrow single lane. To address concerns raised the applicant has agreed to the provision of a passing place, this will help improve highway safety for drivers, walkers and cyclists. The off-site works will be secured via a condition and a Section 278 legal agreement with the Highways Authority.
- 10.19. The proposed building will continue to store the whole crop wheat and maize that is currently stored on the hardstanding. It is important to note that the transportation of these crops currently exists, therefore, the proposed building would not result in an increase in vehicle movements beyond those currently experienced.
- 10.20. Concerns have also been raised over the volume of farm vehicles being driven on these roads causing an unacceptable adverse impact upon the highway safety of drivers, walkers and cyclists. The Highways Engineer acknowledges the concerns raised by residents regarding the volume of farm vehicles in the existing network and has undertaken their own Transport Survey. The evidence from the survey was that traffic volumes are low, and the development would not give rise to any severe highway impacts.
- 10.21. Regarding concerns about highway safety, evidence before the highways officer show only two recorded collisions within the last 5 years on the roads leading to the site.
- 10.22. Concerns have been raised by residents and members of the Parish Council over the potential further damage to the Grade II Listed Changeline Bridge adjacent to the entrance of the farm. Whilst it is evident that damage has occurred to the bridge, there is no evidence to show that this damage was created from vehicles going to and from Souber Dairy. Additionally, both NYC Highways and the Canal and River Trust have confirmed that there is a program in place to repair the damage to the bridge and adjacent tow path however, a date has not yet been confirmed.
- 10.23. For the aforementioned reasons, it is considered that the impact of the proposal upon the highway will be no greater than the existing situation at the site. Therefore, the proposal is acceptable in terms of highway safety and accords with Local Plan Policies and the aims and objectives of the NPPF.

Biodiversity

- 10.24. This application is considered to be exempt from the general Biodiversity Gain Condition due to being *de minimis* as the proposal does not impact a priority habitat as the existing area is concrete hardstanding.
- 10.25. Policy ENV4 of the Craven Local Plan states that proposals should provide some degree of gains in biodiversity. The Sustainable Design and Construction statement states that bird boxes will be installed on the northern elevation of the building therefore achieving a small level of biodiversity on site.

10.26. The Planning Statement submitted states that the business has committed to planting and laying various hedges around the farm holding through the Countryside Stewardship Capital Grant agreement. This will help to off-set the visual impact of the farm holding whilst increasing biodiversity on site. Policy G11 of the Gargrave Neighbourhood Plan states that views towards the Pennine Way are particular areas of landscape which should be protected from intrusive development. Whilst it is not considered this development will be intrusive to the area, the provision of screening will aid the visual impact.

Other matters

10.27. A Sustainable Design and Construction statement was submitted to support the application. Due to the type of development, there is limited scope for sustainability to be incorporated however, the development will be undertaken to meet, and exceed where possible, the current Building Regulations, the building does not require insulation, and materials will be sourced locally where possible.

10.28. Comments have been received that the proposal is contrary to Local Plan Policy EC1. Whilst Policy EC1 seeks to protect existing employment areas, the policy does recognise that some employment- generating uses require specific locations within which to operate and would fall outside of land traditionally identified for employment uses. Policy EC1 allows for this and as such the proposal is not considered contrary to Policy EC1.

10.29. Concerns have been raised regarding use of the farm for industrial scale operations. These concerns are acknowledged and due to changes in agricultural practices this can result in larger farm holdings something that is not unusual within the surrounding area. However, the existing use of the rest of the farm is not a matter for consideration with regards to this application for a storage building.

10.30. Whilst comments regarding the speed of farm vehicles and dangerous drivers through the village are acknowledged, it is not the responsibility of the applicant to resolve existing problems regarding the behaviour of highway users. As such, North Yorkshire Council is required to assess the proposal on its merits, and on the evidence before the Council including statutory consultee responses and local and national policies .

10.31. Comments raised regarding the increase in noise pollution, the councils Environmental Health officer has reviewed the proposal and has not raised any objections on the ground of noise pollution.

10.32. The application site falls within Flood Zone 1 and is therefore, at no major risk of flooding. Clean rainwater will be directed to the clean land drains away from the cattle housing and yard areas. The Sustainable Design and Construction Statement also states that the provision of rainwater harvesting is an option for the development to promote water saving which is encouraged through Policy G15 of the Gargrave Local Plan.

10.33. Local Plan Policy ENV12 supports proposals that will avoid obstruction, diversion or confinement of existing footpaths, bridleways, byways and cycle routes. The Pennine Way runs approximately 350m south-east of the site therefore, due to the separation distance, it is not considered that the site will impact the footpath.

- 10.34. Comments made regarding how the current infrastructure can barely sustain the current situation, there is no evidence before the Council to support this statement.
- 10.35. Comments regarding the development affecting the amenity of residents whose access is compromised are noted. However, the proposed development makes no alterations to the existing access from the site.
- 10.36. Comments relating to the refusal of the Marton Road application, it is important to note that these two applications are not comparable, and each application must be considered on its own merits.

11.0 PLANNING BALANCE AND CONCLUSION

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

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

- 11.2. It is considered that the principle of development is acceptable, and would provide economic benefits, therefore meets the requirements of policies EC3 and SP2.
- 11.3. The proposal is considered to be in keeping with the surrounding area with regards to scale, massing and materials and is considered not to have any unacceptable impact upon the amenity of neighbouring properties.
- 11.4. The proposal would not give rise to any increase in vehicle number above those currently in use nor would be any adverse highway impacts in terms of highway safety. The Highways Officer has not objected to the proposal.
- 11.5. The application is not required to meet the required 10% BNG however, a satisfactory level of biodiversity has been achieved.
- 11.6. The proposal has been considered against all other development management considerations that arise from the development. The report demonstrates that the proposal is satisfactory in these regards subject to conditions where necessary.
- 11.7. Given that the proposal accords with the requirements of the relevant Local Plan policies and the Gargrave NHP, the application is recommended for approval accordingly.

12.0 RECOMMENDATION

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

Time Condition

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

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

Approved Plans Condition

- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and documents listed below:

- o Drawing Name: "ELEVATION DRAWINGS". Received 11th April 2024.
- o Drawing Name: "LAND PLAN_133 ACRES WHOLECROP CEREALS". Received 11th April 2024.
- o Drawing Name: "LANE UTILISED BY APPLICANTS". Received 11th April 2024.
- o Drawing Name: "LOCATION PLAN". Received 11th April 2024.
- o Drawing Name: "SITE PLAN". Received 11th April 2024.
- o Document Name: "FLOOD MAP FOR PLANNING". Received 11th April 2024.
- o Document Name: "PLANNING STATEMENT". Received 11th April 2024.
- o Document Name: "SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT". Received 11th April 2024.
- o Document Name: "GOOGLE EARTH IMAGE" Received 18th April 2024.
- o Document Name: "FARM BUILDING QUESTIONNAIRE". Received 20th May 2024.
- o Document Name: "TRANSPORT STATEMENT". Received 18th July 2024.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan 2012-2032 and the National Planning Policy Framework.

During Building Works Condition

- 3 The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

- 4 A detailed scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority within three months of development first taking place.

The scheme shall include details of all soft landscaping, including surfaces, and type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to assist in screening the development and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan policies ENV3 and ENV4 and the National Planning Policy Framework.

5 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Passing place to be constructed at Bank Newton leading up to Souber Dairy, Agricultural Building Silage Bank Newton Skipton North Yorkshire BD23 3NT. This is to be implemented prior to any construction of the steel portal building.
- 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.

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 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

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

Target Determination Date: 29 November 2024

Case Officer: Isabella Shepherd
Isabella.Shepherd@northyorks.gov.uk

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

03 DECEMBER 2024

**ZA24/26255/FUL - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED
PARKING PROVISION, PUBLIC OPEN SPACE, SOFT AND HARD
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. LAND TO THE NORTH
OF AIREDALE AVENUE, ON BEHALF OF SKIPTON PROPERTIES LIMITED
SKIPTON**

Report of the Assistant Director Planning – Community Development Services

1.0	Purpose of the report
1.1	To determine a planning application for the construction of 53 dwellings with off-street parking, and associated infrastructure.
1.2	The application was previously reviewed by the former Craven Planning Committee Members in September 2020 (ref: 2019/20463/REG3). The site is Council-owned and would have been developed by the Council in partnership with a developer. Members made a resolution to approve the scheme, pending the signing of a legal agreement. However, no legal agreement was signed thus the resolution to approve fell away.
1.3	This application is brought to the Area Planning Committee because it is Council owned land and is considered to raise issues appropriate for the application to be considered by the Planning Committee.

2.0 Executive Summary

Recommendation: That planning permission be GRANTED subject to conditions listed below and a draft S106 agreement being agreed with terms as detailed in Table 1 to secure the affordable housing provision, off site highway works, off site open space provision, biodiversity net gain enhancements and long-term monitoring.

- 2.1 This application seeks full planning permission for the construction of 53 dwellings with off-street parking and associated infrastructure.
- 2.2 The application site is an allocated housing site in both the Local Plan (SK090) 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, amenity, wildlife, and biodiversity. Concerns have also been raised regarding highway capacity. These concerns have been assessed within the report and it is not considered that the proposed development would create issues in relation to highway safety and other objector concerns.
- 2.4 Officers have assessed the proposed development against the policies in the local plan and national planning policy and have found the submitted details to

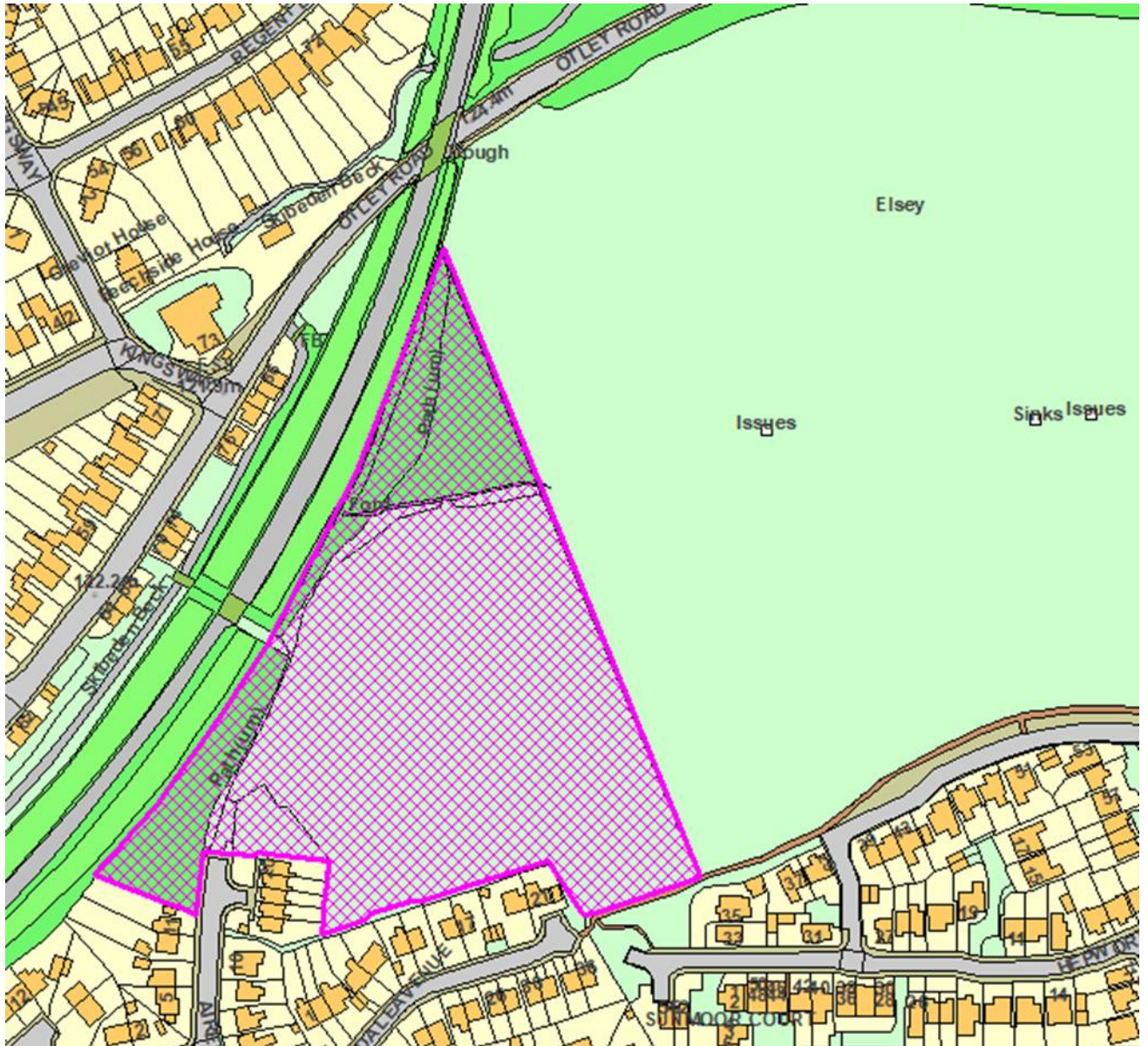
be acceptable. The proposed development will make a valuable contribution to meeting housing need, including the delivery of affordable housing. The impacts of the proposed development on the operation of the highway network, landscape character, and in all other respects that are material to the consideration of this proposal are considered to acceptable, subject to the proposed conditions set out below and completion of a S106 agreement, with terms as detailed in Table 1 below. The proposed development of the site is considered to comply with local and national planning policies.

- 2.5 Ordinarily the above heads of terms would be secured via s106 Agreement prior to the grant of planning permission. However, as NYC is the landowner it is not possible to secure these by way of s106 as the Council cannot enter into a contract with itself. It is therefore proposed to impose a Grampian condition to prevent the commencement of development until a scheme has been submitted which provides for the obligations as set out in Table 1 below.



N

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3.0 Preliminary Matters

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

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

3.3. 2019/20463/REG3: Development of site to form 53 residential dwellings with off-street parking and all associated works.

- 3.4 Officer note: The application was considered by the former Craven Planning Committee members on the 28th of September 2020 and subsequently a resolution was made to grant approval subject to the signing of a legal agreement.
- 3.5 Pre-application advice was undertaken by the applicant prior to the submission with relevant departments within the Council and was the precursor to the current application. In addition, pre-application advice was sought from external statutory consultees prior to the submission of the application.

4.0 Site and Surroundings

- 4.1 The application relates to a triangular-shaped parcel of land extending to approximately 2.48 hectares located to the southeast of Otley Road in the town of Skipton and forms one-half of an allocated site for residential development (ref: SK090) as designated in the Craven Local Plan 2012 – 2032.
- 4.2 The site was formerly used for agricultural land although this ceased several years ago. Trees run along the boundary with the railway line. The land to the east of the site consists of agricultural land designated for residential development (ref: SK089). To the southeast of the site is the residential development known as Elsey Croft with more established residential development located to the south, west and northwest of the site.
- 4.3 The site's ground levels fall northward, with the perimeter marked by a drystone wall. Running south to north in the far western section of the site is a non-designated footpath that goes under the railway bridge linking the site with Otley Road before turning northeast towards the adjacent agricultural fields.
- 4.3 The site also lies adjacent to a protected railway track.
- 4.4 The application site for the majority lies within Flood Zone 1 except the far NW boundary which lies within Flood Zone 2 as defined by the Environment Agency.

5.0 Description of Development

- 5.1 The application seeks planning permission for the construction of 53 dwellings to the south of Airedale Avenue, 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:

Market Housing	Affordable Housing
0 No. 1-bedroom	6 No. 1-bedroom
7 No. 2-bedroom	6 No. 2-bedroom
22 No. 3-bedroom	4 No. 3-bedroom
8 No. 4-bedroom	

- 5.3 The properties would be constructed using a mixture of natural stone under slate roofs. Stone window surrounds with details and quoins.
- 5.4 The site would be accessed directly off Airedale Avenue. On-site parking would consist of a mixture of driveways, garages, and frontage parking.

5.5 The application is accompanied by the following documents:

Arboricultural Implications Assessment
Arboricultural Method Statement
BNG METRIC
Biodiversity Net Gain Assessment
Design and Access Statement
Planning Statement
Flood Risk Assessment
Geo-Environmental Assessment
AMA Interim Travel Plan
AMA Transport Assessment
Construction Management Plan
Off-site improvements to Airedale Junction
Management of construction
Preliminary Ecological Assessment (PEA)
Landscape Visual Impact Assessment 1 & 2
Drainage strategy
Greenfield runoff calculations
Surface water calculations

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 the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

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

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

6.4 Relevant guidance for this application is:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)
National Design Guide
Craven Good Design DPS 2022
Craven Green Infrastructure SPD 2022
Craven District Plan Approaching Housing Density and Mix 2017
Craven Authority Monitoring Reports 2022-2023
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. Full details are on the website can be found at <https://publicaccess.cravendc.gov.uk/online-applications/>.
- 7.2 **Skipton Parish Council:** Following observations;-
- Highways
Insufficient information on how vehicles entering the site
Concern that the junction at the top of Airedale Avenue and Hurrs Road has poor visibility and existing vehicle numbers.
Concern over the intensification of the highway network
The footpath under the railway bridge to Otley Road should remain open.
- 7.4 **Historic England:** No requirement to comment.
- 7.5 **Natural England:** No objection.
- 7.6 **NYC Archaeologist Officer:** No objection.
- 7.7 **NYC Designing out Crime Officer:** Proposal accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 7.8 **NYC Ecologist Officer:** The Preliminary Ecological Appraisal confirms that the development would have no impact on statutory and non-statutory designated sites. There is no objection regarding the Biodiversity Net Gain provision as it would exceed the mandatory requirement. However, it is recommended that conditions be imposed requiring a Habitat Monitoring and Management Plan (HMMP) and a Construction Ecological Management Plan (CEcMP) and the use of a legal agreement to secure the BNG implementation, ongoing monitoring and management.
- 7.9 **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.
- 7.10 **NYC Lead Local Flood Authority:** No objection subject to the use of conditions regarding exceedance flow rates and drainage design details.
- 7.11 **NYC Environmental Protection:** No objection subject to conditions regarding construction hours and dust management.
- 7.12 **NYC Highways:** No objection but recommend conditions for road and footway layout, construction of adoptable roads and footways, visibility splays, parking, restriction on garage conversion, and off-site works.
- 7.14 **NYC Fire and Rescue:** No objection/observation to the proposed development. The YNYCA will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the YNYCA.

- 7.15 **NYC Open Space Officer:** Details show on-site provision for an equipped children's play area. However, an off-site contribution is triggered requiring a contribution of £113,676.00. Details securing the contribution will be set out in the Section 106 Agreement.
- 7.16 **NYC Strategic Housing:** Supportive of the scheme. Details relating to plots and tenure shall be set out in the S106 agreement.
- 7.17 **Network Rail:** No objection in principle to the development but advise the applicant of concern requirements and clarification.
- 7.18 **Yorkshire Water:** No objection subject to the use of conditions regarding the disposal of foul water.
- 7.19 **Yorkshire Dales National Park:** No objection but advise that any proposed illumination is considered at an early stage.
- 7.20 Local Representations
- 7.21 Twelve local presentations have been received which raised objections to the proposal. A summary of the comments is provided below, however, please see the website for full comments.

Highways

Concern ref access to the site.

The junction at the top of Airedale Avenue and Hurrs Road is not acceptable for more traffic.

Increased traffic congestion.

The railway bridge immediately by the Hurrs Road/Shortbank is problematic.

Amenity

Disruption during any development.

Dust, dirt and noise nuisance.

Visual

Loss of greenfield

Biodiversity

Harm to wildlife and existing trees.

Flooding/drainage

Concern over flooding

Foul sewage pipes not adopted by Craven and are substandard.

Other Matters raised in representations.

Infrastructure will not be able to cope.

Non-material considerations are raised in representations.

Suggest a pause in further green field developments to allow for improvements and enhancements to current infrastructure and services.
 Inconsiderate van drivers parking on double yellows on Newmarket Street leading to a dangerous approach towards the roundabout.
 Loss of water, electricity outages, and internet outages.
 Access under the railway bridge is not of any use.
 Access should be off Otley Road.
 Insensitive vehicle owners parking along Hurrs Road on both sides making it a single lane, with cars having to reverse up Hurrs Road.
 Due to the steepness of Hurrs Road can be hazardous in icy conditions.
 Drivers continue to ignore the priority of vehicles travelling up Hurrs Road at the Railway Bridge.
 Tailbacks at the Railway Bridge.
 Decisions should be taken at Skipton, not Northallerton.
 Suggest construction traffic access to the site via a temporary road off A6069 Otley Road.
 Previous appeal granted consent subject to the routing of HGV's.
 If the sale of this land does not go ahead that grazing can continue.

8.0 **Environmental Impact Assessment**

8.1 The development proposed falls within the description at 10 (b) of Schedule 2 to the above Regulations. In the opinion of the Local Planning Authority, having considered the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment in the context of the EIA Regulations for the following reasons:

8.2 The nature, scale and location of the proposal, the impacts of the development are unlikely to be significant in the context of the EIA Regulations. The Proposed Development is therefore not EIA

9.0 **Main Issues**

9.1 The main issues are:

- Principle of development
- Context of the previous resolution
- 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 Local Plan Policy SP1 of the Local Plan seeks to support the housing needs of Craven over the plan period.
- 10.2 Local Plan Policy SP4 of the Local Plan seeks to deliver a sustainable pattern of growth over the plan period. Criterion A states that the plan will direct most growth towards Skipton as the Tier 1 settlement (Principal Town Service Centre).
- 10.3 Local Plan Policy SP5 identifies this site as allocated for housing (ref: SK089/SK090) and that proposals for development would be supported subject to compliance with the development principles for the site. Other policies relating to density and mix of development and policies relating to securing affordable and open space are also of relevance. There are also various policies associated with the delivery of development and other key material considerations for a scheme of this nature which will be referred to where relevant in the remainder of this report.
- 10.4 Therefore, as the site has been identified for housing within the Local Plan ref: SK089 & SK090 with phase 2 (ref: SK089) coming forward at a later date with the allocated use of the site the proposal complies with the requirements of policies SP4 & SP5 of the Local Plan.
- 10.5 With regards to the phasing, policy SP5 and the specific site development principles for this and other allocated sites does not prevent a site allocation being developed in phases, for example due to land ownership issues. Therefore, as the site allocation SK089 & SK090 are in two separate ownerships and that there is no policy requirement set out in policy SP5 requiring the site to be developed as one, a phased approach to delivery and development of the site may be considered appropriate.
- 10.6 In conclusion, the proposed residential development on this site is acceptable in principle in accordance with policies SP1, SP4 and SP5 of the Local Plan, subject to meeting the requirements of all other relevant Local Plan policies.

Context of the previous resolution

- 10.6 The former Craven Planning members resolved to grant planning permission for this first phase of development subject to the signing of a legal agreement and imposed conditions. Unfortunately, the legal agreement due to the dissolution of the partnership was never signed and thus a planning decision was not issued.
- 10.7 The key differences between the previous proposal and the current scheme are the provision and position of the on-site open space and internal layout. The vehicle access, density, retention of the existing footpath, green buffers along the northwest and southern boundaries and provision of 30% affordable remains unchanged.
- 10.8 **Compliance with site requirements.**
- 10.9 As outlined above, there are a number of site requirements set out in policy SP5 which the development should aim to meet. The proposal satisfies all these set out below:
- 10.10 In relation to bullet point 1 the site requirements requires that a primary school be provided. The requirement for the primary school is on the separate phase 2

part of the allocated site (ref SK 089) and thus is not relevant to the consideration of this application. Notwithstanding this, the Council's Education officer has confirmed that a new primary school is no longer required for phase 2 of the allocated site. As such, this requirement is no longer relevant.

- 10.11 Bullet point 2 of the site requirements requires the developer to submit a Flood Risk Assessment and Drainage Strategy and to incorporate a Sustainable Drainage System. A Drainage Strategy has been submitted as well details showing that a Suds drainage system has been incorporated into the scheme for the development of phase 1 of the allocated site. The proposal is considered to meet bullet point 2 of the site requirements.
- 10.12 Bullet point 3 of the site requirements seeks to incorporate green infrastructure corridor along the northern and western boundary and a further green infrastructure corridor along the southern boundary. The proposal should also incorporate the existing footpath within the site. The proposed site plan seeks to enhance the green infrastructure network along the northern, western, and southern boundaries through new native tree/shrub and hedgerow planting. The proposal seeks to maintain and enhance the existing footpath through improved resurfacing of paths, improved planting, and visibility. The proposal is considered to meet bullet point 3 of the site requirements in incorporating green infrastructure along the identified boundaries.
- 10.13 Bullet point 4 of the site requirements seeks an assessment of the site's archaeological interests and if necessary, incorporate any mitigation measures. It has been confirmed that the site has been subject to a field evaluation in the form of a geophysical survey and targeted trial trenching. Based on this survey the Council's Archaeological Officer has confirmed that the site has low archaeological potential. It is therefore considered that no mitigation measures are required, and that the proposal is considered to meet bullet point 4 of the site requirements.
- 10.14 Bullet point 5 of the site requirements seeks to ensure that the development is carefully and sensitively designed to minimise visual impacts on the character and appearance of the area and include measures to minimise impacts on air quality, noise, and light pollution. The proposed development has been thoughtfully and sensitively designed to minimize visual and environmental impacts on the character and appearance of the surrounding area. Specifically, the site plan has been arranged to reflect the existing residential pattern to the south, with new dwellings that match the size and scale of neighbouring properties. A landscape buffer is incorporated along the western, northern, and southern perimeters to further mitigate visual impacts. The eastern boundary will be enhanced by the restoration and repair of an existing drystone wall, preserving the local aesthetic.
- 10.15 Regarding light pollution the proposal includes the use of downward facing, shielded lighting fitted with PIR sensors to prevent upward light emissions. Street lighting will be minimized in both intensity and quantity, ensuring minimal impact on the night environment. In alignment with Building Regulation Part E, which protects residents from excessive noise, the building layout strategically shields windows from traffic noise, ensuring a quieter living environment. The proposal promotes sustainable transportation, with new and improved footpaths and green infrastructure designed to encourage walking and cycling, thereby reducing car dependency for local trips. The dwellings themselves are planned with

sustainable design principles to lower emissions, contributing positively to air quality.

10.16 Bullet point 6 of the site requirements requires the developer to submit a Landscape Visual Impact Assessment (LVIA). A LVIA has been submitted. The proposal is considered to meet bullet point 6 of the site requirements.

10.17 Bullet point 7 of the site requirements requires a Biodiversity Appraisal and Biodiversity Mitigation Plan. A comprehensive Biodiversity Appraisal has been submitted. The assessment confirms that the development not only meets but exceeds the minimum mandatory requirement of a 10% biodiversity net gain across all relevant categories, including area-based, linear, and watercourse habitats. This outcome is achieved through careful on-site habitat creation and enhancement, demonstrating a strong commitment to environmental responsibility and ecological enhancement.

10.18 Bullet point 8 of the site requirements requires that the site access is gained from Wensleydale Avenue, Airedale Avenue and Elsey Croft. The proposed site plan shows the site access for this phase of development would be achieved off Airedale Avenue. The proposal is considered to meet bullet point 8.

10.19 Bullet point 9 of the site requirements identifies that the allocated (ref SK089/SK090) site would trigger a requirement towards a financial contribution towards the provision of highway improvements. In this instance, the development of this allocated site is being phased with the larger phase 2 allocation triggering the requirement for a contribution towards highway improvements. Therefore, for phase 1 the requirement for a contribution is not triggered.

10.20 **Housing density and mix**

10.21 Local Plan Policy expects new developments to meet a minimum net density of 32 dwellings per hectare unless there are local and/or site-specific circumstances resulting in lower densities.

10.22 It is acknowledged, this phase of the development would provide a lower net density than the suggested 32 dph due to the constraints of the site (e.g. topography, mains pipe, the provision of an attenuation tank and the retention of the existing green buffer along the north and west boundary has reduced the developable area of the site. It is considered that there is sufficient justification for the lower density and thus the proposal accords with the requirements of LP policy SP3 (b).

10.23 Local Plan Policy SP3 also requires the provision of a range of house types and sizes to reflect and respond to the identified needs of the district.

10.24 Regarding housing mix, the Strategic House Market Assessment 2017 (SHMA) recommendations and proposed mix are shown below.

Overall dwelling size mix	Overall %	Proposed
1 or 2 beds	39.4	36%
3 beds	43.7	49%
4 beds	16.9	15%
Total	100%	100%

- 10.25 However, the latest Craven Plan Area Monitoring Report from April 2022 to March 2023 shows an over-provision of smaller 1 and 2-bed properties and larger 4-bedroom properties and an under-provision of 3-bedroom properties in the district.
- 10.26 As such the mix proposed seeks to address the over and under provision and is therefore considered appropriate based on the most up-to-date evidence before the Council on local housing needs. The proposal therefore satisfies the requirement of LP policy SP3 (a).
- 10.27 For these reasons, it is considered that the proposal is acceptable as it complies with Policy SP3 a) and b) of the LP regarding the provision of an appropriate housing mix and density.
- 10.28 **Affordable housing provision**
- 10.29 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 regarding affordable housing provision is triggered.
- 10.30 Details submitted indicate that the proposal would provide 30% on site affordable provision, equal to 16 affordable dwellings. This is compliant with the policy target of H2. The mix includes one, two and three-bed houses offered for rent and shared ownership. Provision of all affordable housing tenures will be controlled via a S106 agreement.
- 10.31 The affordable housing mix is acceptable, and the homes are well integrated throughout the site and designed so that they are indistinguishable from the market properties. The Council's Strategic Housing officer has reviewed the information and has confirmed that the proposal provides an appropriate mix and size of units within the site and therefore supports the proposal.
- 10.32 A legal agreement will be signed to secure the provision of affordable housing.
- Education provision**
- 10.33 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.
- 10.34 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.
- 10.35 **Open Space provision**
- 10.36 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 developments 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 sports, open space, and built sports facilities.

- 10.37 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.
- 10.38 Details submitted indicate that the proposal would provide an area of public open space in the northwest corner of the site.
- 10.39 NYC Open Space officer have reviewed the information and following amendments to the scheme confirms that the onsite provision is acceptable. Notwithstanding this, an off-site contribution would be required address deficiencies in the South Craven area.
- 10.40 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 amenity green space in the locality.

Visual impact and design

- 10.41 Local Plan Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials.
- 10.42 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. The National Design Guide also provides additional guidance on how well-designed places can be achieved in practice.
- 10.43 The applicant has worked with officers to create a well-designed layout with good connectivity, and tree planting with open and amenity space. Green corridors are proposed along the northern, western, and southern boundaries. The existing footpath is retained and upgraded running adjacent to but set back from the railway embankment to the countryside beyond the site. This will create an attractive open space for residents.
- 10.44 The provision of the proposed play area has good natural surveillance from adjacent dwellings to ensure that it is overlooked and feels safe to use.
- 10.45 The majority of the new dwellings would consist of terrace, semi-detached and detached dwellings arranged with both inward and outward-facing aspects to flanking estate roads. This approach would achieve both active frontages to the roadside and good natural surveillance.
- 10.46 The proposed dwellings would be two storeys in height, although taller 3-storey dwellings are also proposed. This approach reflects existing dwellings adjacent to the site. Notwithstanding this, it is considered that these larger dwellings due to the changes in topography would not result in these dwellings appearing as dominant or incongruous features in the wider context of the surrounding area.

- 10.47 The application proposes a range of house types and constructed using natural stone under natural slate roofs. The variety of house types would provide interest across the scheme. The dwellings would be well spaced to allow for landscaping and set back from the road with front gardens and enclosed rear private amenity areas.
- 10.48 Parking is a mix of garages, frontage and side parking with visitor parking interspersed throughout the site. The proposed layout responds positively to the local area, reflecting the existing built form and ensuring space is provided for landscaping, green corridors and amenity space in accordance with LP policy ENV3.
- 10.49 Public open space would be created with an existing stream that runs parallel to the railway line being enhanced.
- 10.50 The Designing Out Crime Officer states that the design and layout of the proposal have taken into consideration the principles of crime prevention through environmental design.
- 10.51 In conclusion, it is considered the proposal development would respect the character and appearance of the area and thus accord with national and local planning policies in relation to good design developments.
- 10.52 **Landscaping and Trees**
- 10.53 Local Policy ENV3 advises that development should contribute to the character and/or setting of the settlement.
- 10.54 The submitted Landscape Plan provides a landscape strategy for the site. This includes areas of public open space within the site, green corridors along the site's northern, western, and southern edges, and a locally equipped children's play area. Several trees on the north corner will be removed due to the proposed drainage infrastructure. These will be compensated for through the extensive planting and landscaping scheme, including 104 new trees, native shrubs and hedgerows, amenity lawn areas, meadow and wet meadow grassland and gardens.
- 10.55 The Council's Arboricultural Officer has no objections subject to conditions.
- 10.56 The surfacing of the footpath will also be dealt with by condition.
- 10.57 A condition requiring a detailed landscaping scheme, incorporating the comments made on the proposed planting, will be included. It is also recommended that once the landscape scheme has been approved this detail is made the subject of a Tree Preservation Order to provide protection for the new trees and should any trees be removed in the future these can be replaced. The proposed scheme accords with Policy ENV3.
- 10.58 **Impact on amenity**
- 10.59 Local Plan 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.
- 10.60 **Existing residents**

- 10.61 The nearest dwelling to the application site has been identified as No. 20 Airedale Avenue located to the south of the site at a separation distance of approximately 13m between the side gable of No. 20 and the rear aspect of plot 52. When combining the separation distance with the orientation of these dwellings it is considered that the occupants of No. 20 would not experience any unacceptable loss of privacy or overshadowing. Nor would the development appear overbearing or dominant due to the topography of the land.
- 10.62 The next nearest group of dwellings to the site would be those on Wensleydale Avenue (no. 21 – 11). These dwellings would be located at separation distances ranging from approximately 28m to 22m with a green buffer running along the southern boundary with additional tree planting. As a result of the separation distances, green buffer, and changes in topography it is not considered that the proposal would have an adverse impact on the privacy or amenity of the occupants of these dwellings.
- 10.63 The submitted details demonstrate that adequate separation distances would be provided to ensure that the occupants of properties on Hepworth Way would not experience any unacceptable adverse impacts regarding loss of privacy or overshadowing. Nor would the proposed dwellings appear domineering.
- 10.64 The site is located in close proximity to Airedale Avenue and Wensleydale Avenue and as such the Council's Environmental Health Officer has requested conditions relating to noise and dust control to protect amenity of existing residents.
- 10.65 It is also acknowledged that during the construction stage, there will be some disturbance to existing residents near the site. However, the applicant has submitted a construction management plan which would control aspects of the development such as hours of operation, routing and timings of deliveries and dust management which may give rise to disturbance (a full list measures is provided in condition 10). It is therefore considered that this can be secured by an appropriately worded condition.
- 10.66 Future residents
- 10.67 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.
- 10.69 Each dwelling is provided with an acceptable level of private amenity space of an adequate size for the likely occupancy. Dwellings are positioned to ensure there will be no adverse amenity impacts through overlooking, loss of privacy, overbearing or loss of light.
- 10.70 Policy ENV3 (i) requires new dwellings to be designed to be accessible and usable for all individuals. The applicants have provided information to confirm the proposed dwellings meet this requirement.
- 10.71 In conclusion, it is considered the proposed development would respect the amenity of existing residents and would not harm the living conditions of future residents. The proposal therefore complies with the requirements of Policy ENV3 (e), (f) & (i) of the LP and the aims and objectives of the NPPF.

10.72 **Sustainable design**

10.73 Local Plan Policy ENV3 (f) of the Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, and carbon emissions and to minimise waste.

10.74 The applicant has submitted details outlining how the development will accord with the requirements of ENV3 (t) and Building Regulations. This includes the following:

high-quality insulation,
sustainable materials,
flexible open living areas,
energy efficient fittings,
electric vehicle charging points,
and solar panels.

10.75 As a result of the mitigation measures, all perspective dwellings would outperform the carbon emission levels set out in Part L of the Building Regulations by at least 10%.

10.76 In conclusion, it is considered that the proposed development would incorporate mitigation measures against climate change and therefore the proposal complies with the requirements of Policy ENV3 (t) of the LP and the aims and objectives of the NPPF.

10.77 **Flooding & Drainage**

10.78 Local Plan Policy ENV6 states that development will take place in areas of low flood risk where possible in areas with the lowest acceptable flood risk. Additionally, development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.

10.79 Local Plan 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.

10.80 The majority of the site is within Flood Zone 1. The northwest boundary of the site is in Flood Zone 2 and at risk of surface water flooding. However, this part of the site is part of the open space area and will not form part of the housing site. Therefore, the residential dwellings themselves are in an area which is at the lowest risk of flooding.

10.81 The drainage strategy for the proposal states that foul water will be disposed via the public sewer running through the site. The submitted drainage details also identify where drainage attenuation will be provided within the scheme to ensure sufficient surface water storage is provided on site. The level of capacity of onsite for the capture of surface water is based on modelling results of storm events. Accordingly, in the more frequent/normal rainfall events there will be additional capacity available for the development.

- 10.82 The Local Lead Flood Authority have no objections to the proposal subject to conditions to be attached to any permission granted.
- 10.83 It is acknowledged that Yorkshire Water did initially object to the proposal on the grounds that the suggested tree planting could impact on their ability to maintain the public sewer network. Amendments to the tree planting have addressed those concerns and as such Yorkshire water have not objected to the proposal subject to conditions.
- 10.84 In conclusion, the proposed drainage strategy and surface water management scheme the development has been located, designed and laid out to ensure that it is served by adequate sewerage and wastewater treatment infrastructure, and that there is no increasing the risk of flooding elsewhere. The proposal therefore complies with Policies ENV6 & ENV8 of the Craven Plan, and the aim and objectives of the NPPF.
- 10.85 **Biodiversity**
- 10.86 The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy ENV4 seeks to providing improvements in biodiversity.
- 10.87 Under the provision of the Environment Act 2021 developments are required to deliver a 10% biodiversity net gain and should be maintained for a minimum of 30 years.
- 10.88 The submitted Preliminary Ecological Appraisal (PBA 11th June 2024) found that the site consists of a single former agricultural field, consisting of neutral and modified grassland, mixed scrub, mixed trees, stream, and culvert. The most ecological valuable feature being the northwest boundary, comprising of a combination of shrubs, trees with a stream/culvert. This green blue corridor which buffers the railway line is to be retained with additional trees planted within this area which would benefit wildlife. In addition, the Preliminary Ecological Appraisal sets out that swift/sparrow bird and bat boxes and log-pile hibernaculum would also be provided as enhancements for these species.
- 10.89 The Council's Ecology Officer has reviewed the site and has not objected to the scheme on ecological grounds subject to conditions for the submission of a Construction Ecological Management Plan (CEcMP) and a Habitat Monitoring and Management Plan (HMMP). These would ensure that harm is avoided to species and retained habitats during construction and to provide mitigation for species (such as bird and bat boxes) and that these areas are suitably monitored.
- 10.90 The applicants have also submitted a Biodiversity Metric Calculation. This shows that through the creation and enhancement of habitats on site, the development is capable of achieving biodiversity net gain in excess of the minimum 10% mandatory requirements for all the area based, linear and watercourse categories.
- 10.91 The Council's Ecology officer has reviewed the details provided and has confirmed no objection to the proposal and are satisfied with the provision subject to a condition being imposed requiring details of how the BNG will be implemented, managed, and monitored for 30 years.

- 10.92 Subject to the conditions proposed and the matters to be secured through a Section 106 agreement it is considered the impacts of the proposed development on ecology would be acceptable and that the proposal is compliant with the requirements of Policy ENV4 of the Local Plan.
- 10.93 **Highway safety**
- 10.94 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. Local Plan policy INF7 seeks to promote sustainable transport modes to reduce the impact upon the highway network.
- 10.95 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'.*
- 10.96 A Construction Management Plan (CMP) has been submitted in support of the application. The Highways Officer has assessed the CMP and confirms that it is acceptable.
- 10.97 As per the previous application improvements to the junction of Airedale Avenue and Hurrs Road have been agreed with the applicant resulting in improved visibility. The off-site highway works would be secured under a planning condition should planning permission 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
- 10.98 The Highways Officer has confirmed that the internal layout of the development is acceptable and accords with NYC design guide specification. Turning and parking provision is also acceptable with the provision of secure cycle facilities.
- 10.99 Concerns have been raised regarding the railway bridge immediately by the Hurrs Road/Shortbank Road. It is acknowledged that the development would increase traffic levels in the area. The Highways Officer has assessed the proposal with regards to impacts on the existing highway network and has not recommended refusal on the grounds that the development would result in 'severe residual cumulative impacts on the highway network 'as set out in paragraph 115 of the NPPF.
- 10.100 In consideration of NPPF guidance, it is known that new developments inevitably increase multi-modal trips onto the highway network, and this will inevitably result in increased traffic movements. Mitigation in the form of improved visibility at the Airedale Avenue/Hurrs Road junction is proposed. Ultimately a balance has to be established between the need for new development and the overall impact that new development can have on existing communities, the environment and the highway network. In summary, when assessed against NPPF, the Local Highway Authority considers there to be no defensible reason to refuse the application on highway and transportation grounds.
- 10.101 The issues of impacts on the road network, road safety and congestion, have been raised by objectors including Parish Councils and the Division Member.

The Highway Authority has assessed all of the likely impacts in these regards and have found that they are acceptable, subject to the proposed highway conditions and off-site Highway works.

- 10.102 In conclusion, it is considered that the proposal accords with Local Plan policies INF4 and INF7 and paragraph 115 of the NPPF with regards to ensuring that development do not have an adverse impact on highway safety.
- 10.103 **Public Rights of Way**
- 10.104 Local Plan Policy ENV12 seeks to safeguard and improve the quality of footpaths.
- 10.105 An existing footpath crosses the site off Airedale Avenue and continues down towards the Railway Bridge and beyond with a spur continuing off to the far northern corner. The existing footpath will be maintained and upgraded to provide an improved recreational and amenity experience for users of the footpath as they move through the site.
- 10.106 In conclusion, the proposal complies with Policy ENV12 of the Craven Local Plan.
- 10.107 **Other Matters**
- 10.108 Some residents raise concerns that the additional pressure on surrounding services arising from residents at the application site would be unacceptable. No evidence has been provided to suggest that the existing services would be unable to cope should the proposal be approved.
- 10.109 Letters of objections have been received to the application regarding the loss of green field. The site is an allocated housing site in the Local Plan therefore the principle of residential development is acceptable.
- 10.110 Concerns were raised that the sewer was a private sewer. However, it has been confirmed that the sewer on site is a public sewer managed by Yorkshire Water.
- 10.111 The site is allocated for housing development, so the loss of agricultural land has already been taken into account as part of the Local Plan adoption process.
- 10.112 Concerns have been raised regarding the increase in traffic movements on the existing network. The Highways officer has considered the impacts of the proposed development on the adjacent and wider highway network and is satisfied that the impacts are acceptable. It is important to stress that the allocations of sites for housing in the LP was subject to examination by independent Inspectors prior to being approved. At the LP stage, the principle of developing the site from the existing highway network was considered and deemed acceptable.
- 10.113 **S106 Legal Agreement**
- 10.114 The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Trigger
Off Site Open Space provision.	Green Infrastructure £33,050.00 Sports Pitch Improvements £28,605.00 Sports Hall Improvements £8,787.00 Teenage and Youth Provision £43,234.00 Total = £113,676.00	33/33/33 split
On-Site Open Space Management	Open Space Management Plan to be submitted for written approval of the LPA, including setting up any Management Company	
Affordable Housing	16 dwellings 6 x 1 bed social rented properties – Plots 3-8 6x 2 bed social rented properties – Plots 21,22,50,51 4 x 3bed social rented properties -Plots 30, 31 Management fee	Prior to the occupation of the 25 market properties 10 affordable properties shall be provided. Prior to the occupation of the 35 market properties the remaining 6 affordable properties shall be provided (totalling 16)
Biodiversity Enhancements and long-term management	Overall Biodiversity Gain Plan for whole site area Habitat and Monitoring Plan showing a minimum of 30 years monitoring	Prior to commencement
S106 Monitoring	Band 3	£390.00

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The principle of the proposed development is established through the inclusion of the site as a Housing Allocation within the adopted Craven Local Plan.

- 11.2 The proposed development would have some impact on the character of the area, however, it is considered that the layout, landscaping, appearance and design of the scheme are compliant with the overarching policies of the Local Plan and national requirements and would not give rise to any unacceptable visual harm.
- 11.3 The impacts on the highway network are considered acceptable subject to conditions and off-site works.
- 11.4 Impacts on biodiversity, drainage and flood risk are all considered acceptable subject to conditions and requirements of the S106 legal agreement.
- 11.5 The proposed development would make a valuable contribution to meeting housing need in the district, including the delivery of affordable housing. There will also be a positive impact on the economy of the district during the construction phase.
- 11.6 Having regard to the overall planning balance, it is considered that the benefits of the proposal outweigh any identified harm. The proposed development is considered sustainable, and the recommendation is one of approval.

12.0 RECOMMENDATION

That planning permission be GRANTED subject to conditions listed below and a draft S106 agreement being agreed with terms as detailed in Table 1 to secure the affordable housing provision, off site highway works, off site open space provision, biodiversity net gain enhancements and long-term monitoring.

Time Condition

- 1 The development hereby permitted shall be begun on or before 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 Plan Condition

- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details set out below and as modified by the conditions of this consent:

AIRED-WBA-SI-XX-DR-A-10 10002-P1 -SITE LOCATION PLAN
 AIRED-WBA-SI-XX-DR-A-10_10006 P19 - SITE LAYOUT COLOURED
 AIRED-WBA-SI-XX-DR-A-10_10001 REV P19 (AMENDED) PROPOSED SITE LAYOUT
 AIRED-WBA-XX-XX-DR-A-10 10005-PROPOSED SITE SECTION AA COMP
 AIRED-WBA-XX-XX-DR-A-10 10100-P2 - LOXLE...LOXLEY 2B2SA PLANS ELEVATIONS
 AIRED-WBA-XX-XX-DR-A-10 10102-P1 - READ PLANS ELEVATIONS
 AIRED-WBA-XX-XX-DR-A-10 10104-P1 - READ-LOXLEY PLANS ELEVATIONS
 AIRED-WBA-XX-XX-DR-A-10 10106-P1 - ASHTO..ASHTON PLANS ELEVATIONS

AIREWBA-XX-XX-DR-A-10 10108-P1 - ASHTON-READ PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10110-P2 - ELLIO... ELLIOTT PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10112-P1 - COOPE..COOPER PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10114-P2 -3BSLA SEMIDETACHED PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10116-P2 -BOULDER PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10118-P1 -AVON PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10120-P1 - LARKI.. LARKIN PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10122-P1 - CROWTHER PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10 10124-P2 - 1B2SA TERRACE PLANS ELEVATIONS
AIREWBA-XX-XX-DR-A-10_10004 - PROPOSED STREET SCENES

(AMENDED) P06 (AMENDED) DRAINAGE STRATEGY
23072 PWA 00 XX DR C600 P01 (ADDITIONAL INFO) OFF SITE WHITE LINING

PS01 REV B (AMENDED) PLAY SPACE PROPOSALS
SHEET 1 OF 2 – LP01 REV F (AMENDED) LANDSCAPING PROPOSALS
SHEET 2 OF 2 – LP02 REV F (AMENDED) LANDSCAPING PROPOSALS

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

Pre-commencement Condition

- 3 No development to commence until a scheme has been submitted and approved which provides for on site affordable housing provision, off site open space contribution, on site open space management, biodiversity enhancements, management, and monitoring.

Reason: To secure planning obligations.

- 4. A Construction Ecological Management Plan must be submitted for the written approval of the Local Planning Authority, prior to the commencement of works. The CEMP must be based on the recommendation of the Preliminary Ecological Assessment Rev 1.3 dated 11.6.2024. It must be available onsite throughout the course of construction, to site managers and operatives to demonstrate protection of retained habitats (trees, hedgerows and ditches) and include precautionary measures to safeguard protected and priority species during the course of works (e.g. badgers and hedgehogs, bats and nesting birds during the course of works). The Plan must also include measures to control any invasive nonnative species.

Reason: To prevent harm to protected species and retained habitats during the course of the development and to provide opportunities for species to be able to continue to utilise the site following its redevelopment and in accordance with Policy ENV4 of the Craven Local Plan.

- 5 Before any materials are brought onto the site or any development is commenced, the developer shall implement the agreed specification for root protection area (RPA) fencing in line with the requirements of British Standard

BS 5837: 2012 Trees in Relation to Construction Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

Reason: To ensure protection of retained trees in accordance with Policies ENV3 and ENV4 of the Craven Local Plan.

- 6 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.

Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 7 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision including during the construction phase of the development, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to accord with Policy ENV6 of the Craven Local Plan

- 8 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 9 No development shall take place until a Habitat Management Plan (HMP) to protect and enhance: (a) the watercourse; and (b) the woodland to the northwest corner of the site, has been submitted to and approved in writing by the Local Planning Authority. The HMP shall include:

(i) Details of the siting, height, materials, design and finish (including colour treatment) of any fencing to be erected to the perimeter of the areas referred to in (a) and (b) to restrict access to those areas during construction.

(ii) A scheme to enhance the ecological diversity of the areas referred to in (a) and (b).

(iii) Details of the routing, layout, design and construction specification of footpaths crossing the areas referred to in (a) and (b) to provide pedestrian desire lines.

(iv) Details of light spillage towards the areas referred to in (a) and (b) and measures indicating how this will be minimised.

(v) A timetable for the implementation of (i) to (iv).

Development shall thereafter be carried out in full accordance with the HMP and the timetable contained therein.

Reason: To ensure that appropriate measures are put in place to mitigate the development's impact on ecologically sensitive areas of the site and to secure appropriate biodiversity enhancements as part of the development in accordance with the requirements of the National Planning Policy Framework.

- 10 No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel and chassis underside 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;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

- 11 Prior to any above ground works details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the proposed dwellings and surrounding buildings, and to preserve the character and appearance of the area in the interests of residential and visual amenity in accordance with the requirements Policy ENV3 of the Craven Local Plan.

- 12 Unless otherwise agreed in writing with the Local Planning Authority, full details shall be provided regarding the upgrade of the existing footpath link onto the A6069 (Otley Road) and the section of footpath to run along the northwest boundary to the fields beyond. The scheme shall include details of:

- (i) the route, size, layout, design and construction specification of the footpaths;
- (ii) any existing vegetation and/or boundary treatments to be removed or altered.

The footpath shall be constructed prior to first occupation and made available for use in accordance with the duly approved scheme and shall be retained as such thereafter.

Reason: To maximise opportunities for access between the site and shops, services and facilities in Skipton Town Centre by encouraging sustainable modes of travel, to promote modal shift and increased access by walking and to ensure

a safe and suitable means of pedestrian access in the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

13 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Junction improvement to Airedale Avenue and Hurrs Road to re-line and improve visibility prior to the first occupation.
- 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 commencement of the approved junction improvement works.
- 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 commencement of the approved junction improvement works.
- 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

Informative

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

14 Prior to occupation, a fully detailed scheme for the sound insulation of the residential buildings against externally generated noise shall be submitted to and approved in writing by the Local Planning Authority; the approved works shall be implemented prior to the occupation of the buildings and thereafter permanently retained.

The sound insulation works shall be engineered so the dB levels within the residential buildings adhere to BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (See Table 4, page 24) .

Reason: In order to ensure that no undue disturbance is caused to individual occupants by the transmission of airborne sound and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

15 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity in accordance with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

16 Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the rural area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

17 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site.

The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species and to accord with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

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

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity in accordance with Policy ENV3 of the Craven Local Plan Policy.

19 Prior to installation of solar panels, full details of specifications and timing of installation shall be submitted in writing for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To accord with Policy ENV3 of the Craven Local Plan.

20 If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site.

Reason: To safeguard the nature conservation interest and habitat value of the watercourse before any development takes place in accordance with the requirements of the National Planning Policy Framework.

21 Prior to the erection of boundary treatments, details of the height, design, materials and finish of all boundary treatments at the site (the siting of which is shown on the approved plan submitted with application showing siting of boundary wall and fencing shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the development is first occupied and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

22 Prior to the installation of any external lighting within the application site full details shall have been submitted to and approved in writing by the planning authority. Thereafter, all the external lighting shall be installed in full accordance with such details as may be so approved. Should any external light or lights within the application site be shown to cause unacceptable light levels or spillage, the planning authority shall be allowed to require the said light or lights to be either removed, relocated or realigned as appropriate, for the lifetime of the development.

Reason: In order to ensure that external light(s) do not adversely impact upon the interests of the character of the area and biodiversity and to accord with Policies ENV1 & ENV3 of the Craven Local Plan.

23 The development shall be carried out in accordance with the details shown on the submitted plan, "'Proposed Drainage Strategy' GLY0046 LP 01F 23072-PWA-00-XX-DR-C100 (revision P06) dated 03/10/24 that has/have been prepared by PWA," , unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policy ENV4 of the Craven Local Plan.

Prior to Occupation conditions

24 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.

Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 25 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land to The North Of Airedale Avenue, Skipton 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.

Informative

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at <https://www.northyorks.gov.uk/sites/default/files/2023-05/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards%20-%20accessible.pdf>

On-going Conditions

- 26 No building or other obstruction including landscape features, shall be located over or within 5 (five) metres either side of the centre line of the public sewers i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is 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.

Landscape features is defined as planting scrub, hedges, shrubs and trees. This however does not include habitat creation through grass or wildflower meadow.

Reason: To protect the infrastructure and to accord with Policy ENV8 of the Craven Local Plan.

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

- 28 No site preparation or construction site activities including associated deliveries or dispatches from the site shall take place except between the hours of 07:30 and 18:30 Monday to Friday and 08:00 and 13:00 Saturday and at no time on Sundays, Bank or Public Holidays.

In order to protect residential amenity in accordance with Local Plan Policy HP4.

- 29 Prior to the first occupation details of the trespass proof fence (adjacent to Network Rail's boundary minimum approx. 1.8m high) shall be submitted and approved by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: To ensure appropriate measures are put in place to safeguard existing network rail infrastructure adjacent to the site and to safeguard the future occupants of these dwellings in accordance with the requirements of the National Planning Policy Framework.

Notes

- 1 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).
- 2 Adherence to approved plans/conditions
- Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.
- 3 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).

4 Charging Points

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

5 No works must commence on site until a Section 106(s) agreement has been signed by all relevant parties which secures the establishment, managing and monitoring of the onsite elements of the proposed biodiversity net gain, as set out in Biodiversity Metric calculations, which must first be updated to reflect the most recent site layout.

6 All surface water should be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

7 Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier. All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

8 The applicant is reminded that any works close to the Network Rail boundary (including any excavation works) are covered by the Party Wall Act of 1996. Should any foundations, excavations or any part of the building(s) encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and, in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs while works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

Target Determination Date: 01 December 2024

Case Officer: Andrea Muscroft,
Andrea.Muscroft@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

03 December 2024

2020/22109/FUL - CONSTRUCTION OF ELEVEN DWELLINGS WITH LANDSCAPING, INFRASTRUCTURE, ASSOCIATED WORKS AND OFF-STREET PARKING ON ALLOCATED SITE ON LAND AT RICHARD THORNTON'S SCHOOL, BURTON IN LONSDALE, ON BEHALF OF PERMAHOME LIMITED

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a full planning application for the development set out above.
- 1.2. The application is brought back to planning committee because planning permission is sought in revised terms to those which members have previously resolved to grant, following the submission of a viability report and independent appraisal.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions and an s106 agreement, as listed below.

- 2.1. Planning permission is sought for 11 two-storey dwellings on part of an allocated housing site previously in educational use at the former Richard Thornton's Primary School, west of Burton-in-Lonsdale, now in the ownership of the applicant. As an allocated housing site, the proposal accords with the spatial strategy for the area and is acceptable in principle.
- 2.2. The main issues are the effect of the proposal on the character and appearance of the area and designated heritage assets, highways considerations, the living conditions of existing and future occupants, the policy required obligations and viability.
- 2.3. The proposal would result in low-level less than substantial harm to designated heritage assets. As a result, there would be a degree of conflict with Local Plan Policy ENV2. However, in accordance with the policy and the National Planning Policy Framework, the public benefits of the scheme are considered to outweigh the harm. The proposal would be acceptable in all other regards.
- 2.4. Evidence of viability has been independently appraised on behalf of the Council, concluding that the scheme would not be viable with affordable housing or off-site public open space obligations. The necessary exceptional circumstance required under Local Plan Policy H2, and the affordable housing SPD are considered to have been demonstrated. Whilst there would be conflict with Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD in the absence of offsite public open space contributions, in the overall planning balance, the benefits and material considerations indicate to officers that planning permission should nevertheless be granted, subject to an s106 viability review mechanism.



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3.0 Preliminary Matters

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

3.2. The following applications [adjacent to the site] are relevant.

2020/22036/LBC - Installation of traditional sash windows in the uncovered openings of the western elevation; blocking up of adjacent ground floor door. Replacement of skylight and ventilator with four conservation-style roof lights. Approved with conditions 7 January 2021.

2020/21669/CND - Application to discharge condition no. 3 (Tree Protection Measures) and no. 4 (Window and Door Details) of planning permission referenced 2019/20873/FUL granted 14 February 2020. Approved 10 July 2020.

2019/20873/FUL – Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. – Approved subject to conditions. Approved with conditions 14 February 2020.

2019/20874/LBC - Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Approved with conditions 14 February 2020.

4.0 Site and Surroundings

- 4.1. The site measures approximately 0.43 hectares and comprises land formerly occupied by the now demolished modern extensions of Richard Thornton’s School (the school) and its playground. The brownfield site forms part of Local Plan housing allocation site reference BU012.
- 4.2. The site is located within the Burton-in-Lonsdale Conservation Area, with the setting of the Castle Hill scheduled monument, the listed school, and a number of other listed buildings.
- 4.3. Access would be from an unadopted lane leading from an adopted junction with the A687, along which a footpath links the site with the village and the local services and facilities which it contains.

5.0 Description of Proposal

- 5.1. Full planning permission is sought for eleven two-storey dwellings with landscaping, infrastructure, and associated works. The dwellings would be constructed in a mixture of stone and render forming a crescent around an area of onsite open space.

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:
 - Craven Local Plan 2012 to 2032, adopted 12 November 2019
 - Minerals & Waste Joint Plan 2015 – 2030, adopted 2022

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for the area. However, it is at an early stage of preparation and has not yet been consulted upon. Therefore, it attracts no weight in this case.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
 - National Planning Policy Framework (the Framework)
 - National Planning Practice Guidance (the PPG)
 - Burton-in-Lonsdale Conservation Area Appraisal (the BiLCA)
 - Craven Landscape Appraisal 2002 (the CLA)
 - Craven Good Design SPD 2022 (the Design SPD)
 - Craven Flood Risk and Water Management SPD 2022 (the FRWM SPD)

- Craven Affordable Housing SPD 2022 (the Affordable Housing SPD)
- Craven Green Infrastructure and Biodiversity SPD 2022 (the GIB SPD)

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and summarised below:
- 7.2. **Parish Council:** The matter was discussed at a Parish Council meeting and the Councillors agreed with what is proposed [in relation to the revised access arrangements it was resolved to approve at the 13 March 2023 meeting of the former Council's planning committee].
- 7.3. **Historic England:** No comment.
- 7.4. **Lead Local Flood Authority (LLFA):** The site has incorporated the use of SuDS. We confirm the proposal meets the minimum required operational standards and confirm that we have no objections on the hydraulic design of the system. We recommend that a pre-commencement condition is applied to any permission granted, requiring the details of maintenance to be submitted and approved. The applicant should be made aware of the risk if the requirements of the LLFA in relation to long term maintenance cannot be met at the discharge of condition stage.
- 7.5. **NYC Environmental Health:** There are no known contaminated land implications. Conditions recommended to cover hours of operation, control of dust, contaminant free importation of any topsoil, and to require electric vehicle charging points to each dwelling.
- 7.6. **NYC Highways:** [Former NYCC as Local Highway Authority] Following an onsite meeting and ongoing discussions, the County Council's development management highway engineer has confirmed that there are no objections to the proposed deletion of the junction widening works, subject to revised conditions to require a simple priority junction within the site and the completion of an s278 agreement to require improvements to the existing junction.
- 7.7. **NYC Public Rights of Way:** There is a Public Right of Way (PROW) adjoining the application site boundary. Advice given in relation to the need to keep the PROW free of obstruction and for a Temporary Closure Order if required.
- 7.8. **NYC Sports Development:** In accordance with Local Plan Policy INF3, the proposal for 11 dwellings calls for an offsite contribution of £39,006 towards projects identified in consultation with ward members and the Parish Council.
- 7.9. **NYC Housing:** The applicant has submitted a viability appraisal which shows no affordable homes are viable on this part of the allocated site. Strategic Housing accept these findings. However, we would like to see a mechanism included in any permission that will allow us to revisit the issue of viability at a later date. We can then re-evaluate the finances on the scheme, which may allow for affordable housing to be delivered on-site.
- 7.10. **United Utilities:** Outfalls of the cellular soakaway and treated foul water should be shown. The LLFA should be consulted, and maintenance and management of drainage should be required. Recommend conditions to require separate foul and surface water drainage systems in accordance with national standards.

Local Representations

- 7.11. During consideration of the application, 14 local representations have been received in objection to the proposal. A summary of the comments is provided below. Please see the website for full comments.

7.12. Objections:

- Harm to highway safety, inadequate parking provision and congestion.
- Harm to nearby heritage assets.
- Harm to living conditions of neighbours.
- Harm to ecology.
- Lack of drainage details.
- Reduction in affordable housing units.

8.0 **Environment Impact Assessment (EIA)**

8.1. The development proposed does not fall within Schedule 1 of the Environmental Impact Assessment Regulations 2017 (as amended), but it falls within Schedule 2 Category 10(b) Urban Development Projects. However, it does not exceed applicable thresholds (ii) or (iii) because the proposal is for less than 150 dwellings and the site is less than 5 hectares, respectively. Therefore, no screening or Environmental Statement is required.

9.0 **Main Issues**

9.1 The main issues are:

- Principle of development
- Highways considerations
- Landscape and character and appearance
- Heritage considerations
- Living conditions of neighbours
- Planning obligations and viability
- S106 Agreement
- Other Matters

10.0 **ASSESSMENT**

Principle of development

- 10.1. The proposal is for housing on a site allocated for housing (Local Plan Site Ref: BU012), under Local Plan Policies SP4 D) Spatial Strategy and Housing Growth and SP11 Strategy for Tier 4A and 4B Villages with Basic Services and Bisected Villages with Basic Services. The proposal is therefore acceptable in principle.
- 10.2. By way of background, the former Craven District Council (the former Council) resolved to grant planning permission on 25 October 2021, subject to conditions and an s106 legal agreement to address off-site highway mitigation works (junction improvements), affordable housing (2 units), and off-site public open space contributions (£39,005). However, due to land ownership uncertainties in relation to the junction improvements the legal agreement could not be completed, and the development therefore stalled.
- 10.3. Following negotiations to remove this blockage to delivery revised plans were submitted, deleting the junction improvements in lieu of amended access arrangements. The former Council again resolved to grant planning permission on 13 March 2023, subject to conditions and an s106 legal agreement (2 affordable units and £39,005 public open space contributions). The s106 agreement was drafted, but due to viability concerns was not signed.

Highways considerations

- 10.4. Local Plan policies ENV3, ENV7, INF4, and INF7, together and amongst other things, require new development provides safe and convenient access for all and adequate parking provision. Framework Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.5. Following discussions with the local highway authority (LHA) and the Parish Council, revised access arrangements were submitted deleting the offsite highway improvements works in lieu of a simple priority access from the unadopted lane. Officers acknowledge the concerns of objectors in relation to two-way passing of traffic on the unadopted lane. Nevertheless, widening of the junction would not have led to the dualling of the unadopted road which would remain single-track beyond the site entrance. Recommended conditions include that the existing School access from the unadopted lane should be gated. With this condition, vehicular movements on the vast majority of the unadopted lane would not be increased to any unacceptable degree. In determining whether the proposal is acceptable having regard to vehicular and pedestrian safety and the potential for queuing on the A687, there are a number of factors officers and the local Highway Authority have considered.
- 10.6. Firstly, the existing footway does not extend any further west along public right of way No 05.9/8/1 and there is therefore little to be gained by widening the junction in this regard, nor is it necessary to make the development acceptable in terms of accommodating pedestrian flows. Furthermore, widening the junction would increase the distance for pedestrians crossing to access the footway beyond at the front of the school.
- 10.7. Secondly, due to the curve of the A687 forward visibility in both directions is good and widening of the junction is not necessary to further improve it.
- 10.8. Thirdly, the junction is located within an existing 20mph restriction and so traffic speeds are low, and traffic flows are not significant.
- 10.9. Fourthly, some queuing distance is available for traffic entering the unadopted lane from the east and the A687 carriageway is wide, thus allowing for right turning traffic entering to wait off the live running eastbound lane.
- 10.10. Finally, the use of planning conditions could require a simple priority junction road lining scheme within the application site, so as to ensure that traffic exiting the development would give way to vehicles entering the site, thus reducing the potential for queuing.
- 10.11. Officers have met with the LHA's development management highways officers and have examined the existing junction, the site history, and the revised proposal, all in detail. The LHA confirms that having regard to the above considerations and circumstances there are no highway safety objections subject to the recommended planning conditions. In addition to a priority junction road lining scheme within the site, the LHA recommend the use of a Grampian condition to require a scheme for improvements to the existing junction (under an s278 agreement). Because these improvement works would be within the adopted highway, there is no foreseeable reason this would not be achievable. The LHA have advised that such the scheme should include resurfacing and relining of the junction, which is pitted and worn, and ensure adequate drainage. A condition is recommended to address maintenance and management of the proposed unadopted internal access road.
- 10.12. Taking all the above factors into account and having regard to the relatively small scale of the scheme and the former F1(a) lawful Education use, even during AM and PM peak flows from the development it is not considered that the proposal would result in queueing that would lead to severe residual cumulative impacts on the highway network. Having regard to the existing junction width, geometry, and forward visibility, the proposal would not result in unacceptable highway safety impacts. Parking provision would be satisfactory, and the

LHA have no objection in this regard. Officers therefore consider that the proposed junction widening works initially proposed are not necessary to make the development acceptable in planning terms, and that the proposal to improve the existing junction would not lead to conflict with the above policies or the Framework. The former Council accepted this position and resolved to grant planning permission for the amended access arrangements in 2023.

Landscape and character and appearance

- 10.13. Local Plan Policy ENV1 Countryside and Landscape expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area. Proposals should also have regard to the relevant Landscape Character Appraisal/Assessment, and specifically to the different landscape character types that are present in the plan area. According to the Craven Landscape Appraisal (the CLA), the main built-up area of Burton-in-Lonsdale is excluded. The site is located to the west of it, within the Rolling Drumlin Field Pasture Landscape Character type identified in the CLA.
- 10.14. The site is well visually contained with strong existing boundaries and landscaping defining the curtilage of the school. As such, the proposal would not be harmful in the wider landscape. The proposal is for two storey dwellings that would be appropriate to their context, reflecting the broad principles of Local Plan Policy ENV3 Good Design and the Design SPD. The precise details of all external materials and finishes are matters capable of being address by a suitably worded planning condition, to include roofing material and a sample panel of stonework. Conditions would also be capable of addressing tree protection, and to require a landscaping scheme.

Heritage considerations

- 10.15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when considering whether to grant planning permission for development which affects the setting of a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
- 10.16. The site is located within the Burton-in-Lonsdale Conservation Area (the Conservation Area) and within the setting of the Grade II listed Richard Thorntons School (the school), to the northwest of the Castle Hill motte and bailey castle scheduled monument (the Castle). All of these heritage assets derive their significance, in part, from their countryside setting within which the development would be located.
- 10.17. In the local area opposite the Castle are the Grade II listed Thornton Cottage and Tranquil Vale, both two storey cottages, and the Grade II listed Barn to Castle Hill Farm (formerly listed as Barn and Stable to Hill House). Whilst there are also other listed buildings to the southeast, including the Grade II listed Hill House and the Grade II* listed Church of All Saints, these listed buildings are some distance away from the site and/or on the opposite side of the site and castle. As a result, there is limited intervisibility between them. Therefore, it is not considered there would be any undue harm to their setting.
- 10.18. Having regard to the listing description, the significance of the school is derived from its architectural interest and historic importance, having been erected and endowed by Richard Thornton Esq. The list description for the Castle states that it is a fine example, originating from the 12th or 13th century, going out of use in the period 1322-1369. Therefore, its significance also derives from its historic importance. From the Conservation Appraisal, its significance derives from the village being a planned medieval settlement with a considerable number of surviving historic buildings and the Castle.

- 10.19. The site is visually contained and, as it is situated behind the school, the site is well screened in views from the A687. Modern later additions to the listed school have already been demolished under application references 2019/20873/FUL and 2019/20874/LBC, resulting in improvements to its immediate setting. The omission of road widening works as set out above would have the benefit of reducing the urbanising effect of the highway aspects of the proposal on of this part of the Conservation Area on approach to the village and prevent harm to mature trees at the junction which make a positive contribution.
- 10.20. Nine of the proposed dwellings would be sited in a crescent around a central green and two would be sited on the site of the former modern extensions, following the design principles of the site allocation. The proposal would not result in the loss of or substantial harm to any of designated heritage asset. However, the dwellings would be clearly visible from the adjacent unadopted lane and public right of way, and the addition of 11 dwellings in the curtilage of the school would inevitably have an urbanising effect. Furthermore, removal of a section of historic boundary walling to create the access would be required, albeit this would be limited in accordance with the site allocation design principles for the site. Together, this would result in harm to the significance of the school by way of harm to its setting and to the character and appearance of the Conservation Area. The proposal would also be visible in views from the Castle and its wider countryside setting, resulting in harm to its significance by way of harm to its setting. Both individually and cumulatively, this harm is considered to be at the lower end of the less than substantial scale.
- 10.21. Nevertheless, as Framework paragraph 205 makes clear 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. A result, there would be degree of conflict with Local Plan Policy ENV2 and the Framework which, together and among other things, seeks to conserve the setting of heritage assets. Under paragraph b) of Policy ENV2 harm to designated heritage assets will only be permitted where this is outweighed by the public benefits of the proposal. This is returned to below under the planning balance.

Living conditions of neighbours

- 10.22. Local Plan Policy ENV3 e) and ENV3 f) require that development should protect the amenity of existing residents and create an acceptable level of amenity for future occupants. Framework paragraph 135 f) states that decisions should ensure development creates places with a high standard of amenity for existing and future users. All dwelling would have an acceptable level of private outdoor amenity space with front and rear gardens and enjoy satisfactory levels of natural light and daylight and have a good outlook. Whilst the concerns of neighbours in relation to the potential for overlooking, loss of privacy, and noise and disturbance during construction are recognised, it is not considered that the proposal would result in any unacceptable loss of privacy. The dwellings would not have an overbearing impact in view of the good degree of separation between them and the site boundary with neighbouring dwellings to the west.
- 10.23. Conditions to require prior approval of boundary treatment and landscaping would together satisfactorily serve to mitigate to an acceptable level the potential for loss of privacy. Disturbance is inevitable during construction of a housing scheme. However, the recommended condition to require a Construction Management Plan to include, among other things, hours of construction would be capable of ensuring that the proposal would not create unacceptable impacts during construction. Overall, the proposal would not unduly harm the living conditions of existing or future occupants, or therefore conflict with Local Plan Policy ENV3 or the Framework in this regard.

Planning obligations and viability

- 10.24. The former Council resolved to grant planning permission for the proposal on 13 March 2023, subject to conditions and an s106 legal agreement to address affordable housing (2 units) and off-site public open space (a contribution of £39,005) policy requirements. The s106 agreement was drafted but it was not signed due to viability concerns. Subsequently, the applicant submitted a viability report, asserting that the scheme would not be viable with these obligations.
- 10.25. Local Plan Policy H2 d) states that development proposals which seek to provide a lower level of affordable housing contributions, either on or off site, will not be acceptable *unless* it can be clearly demonstrated that exceptional circumstances exist which justify it. The Affordable Housing SPD reaffirms this approach.
- 10.26. Framework Paragraph 58 states [emphasis added]:
- “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*
- 10.27. The PPG further advises (Paragraph: 007 Reference ID: 10-007-20190509):
- “Such circumstances could include, for example....where a recession or similar significant economic changes have occurred since the plan was brought into force.”*
- 10.28. Paragraph: 008 Reference ID: 10-008-20190509 includes:
- “Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then....”*
- 10.29. The PPG further advises that complexity and variance is inherent in viability assessment. To improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner and presented in accordance with national planning guidance.
- 10.30. The applicant’s evidence was prepared by an MRICS Senior Surveyor. In accordance with Policy H2 d) and the Affordable Housing SPD, the submitted report has been appraised on behalf of the Council by a Senior Associate Director of BNP Paribas Real Estate (BNPRE), who is also MRICS, and specialises in UK development viability and affordable housing.
- 10.31. The application was submitted and initially considered during the outbreak of the Novel Coronavirus (Covid-19) declared by the World Health Organisation as a “Global Pandemic” on 1 March 2020, and the emergence of new strains of the virus. More recently, war in Ukraine and the Middle East and global commodities inflation, interest rate rises, and supply chain issues may all have impacted on viability. The applicant and their Viability Assessment state that since submission, construction and labour costs have risen at a rate which ‘far exceeds any rise in Gross Development Value’ (GDV), and a costs plan is provided in support of this case (Appendix 2 of the Viability Assessment).

- 10.32. The Framework confirms the basic principle that in order to ensure viability and deliverability, it is necessary to ensure a competitive return to a willing developer and a willing landowner. The Council's independent BNPRE appraisal incorporates a costs review and confirms (within 0.1%) the figures within the applicant's costs plan. The appraisal finds that the proposed scheme would deliver a profit of circa 5.9% as a percentage of GDV. The normally accepted competitive return is at least a level 17.5%, which the proposal would deliver significantly below. Therefore, BNPRE conclude that the proposal would *not* be economically viable with any affordable housing or open space contributions. In the absence of evidence to the contrary, officers would advise that members should attach significant weight to these findings. As such, officers are of the view that in so doing, the exceptional circumstances required under Local Plan Policy H2 d) and the Affordable Housing SPD to justify a lower level of contributions have been demonstrated. The Council's Strategic Housing consultee agrees with these findings.
- 10.33. However, the proposal is for development of only part of the allocated housing site. Application reference 2019/20873/FUL (in the history above) for a residential care and education facility (Use Class C2) was approved on 14 February 2020 on the remainder of the allocated housing site. Details required under the sole pre-commencement condition were subsequently approved on 10 July 2020 (under 2020/21669/CND above - tree protection measures) and the modern part of the former school was demolished (under 2019/20874/LBC above). Therefore, the permission remains extant. If implemented, it would be likely to deliver a profit for the land promoter. Furthermore, the site is understood to be in the ownership of the applicant.
- 10.34. However, it would be wrong to conflate a proposal for development falling within Use Class C2 with the current proposal for housing (Use Class C3), in terms of affordable housing or public open space obligations. Moreover, planning permission 2019/20873/FUL for the residential care and education facility, on which any such obligations required ought to have fallen if applicable, was not subject to any s106 legal agreement.
- 10.35. Nevertheless, paragraph 2.5.23 of the Affordable Housing SPD states that the Council may consider, as a means of maximising affordable housing provision, whether overage mechanisms and/or phase-by-phase viability reviews would be warranted, as recommended by PPG Paragraph: 009 Reference ID: 10-009-20190509. The potential remains for the applicant to come forward with alternative proposals for housing on the balance of the allocated housing site. In that event, at a future point in time, the outcome of the viability appraisal might be different, and a larger housing development might become viable with some affordable housing and/or public open space contributions. The Council's Strategic Housing Consultee therefore asks for a review mechanism to be considered.
- 10.36. In view of the above, it would not be unreasonable to consider a requirement for a review mechanism. The applicant has agreed to the inclusion of a review mechanism and it is therefore recommended that a review mechanism be required by way of an s106 legal agreement to address any future phases of housing delivery.
- 10.37. Whilst the concerns of objectors in relation to affordable housing are recognised, for the above reasons it is considered that the proposal would not be economically viable with affordable housing and/or public open space obligations. The evidence of viability is a material consideration to which officers would advise members should give significant weight, in the absence of evidence to the contrary. Because exceptional circumstances have been demonstrated, and subject to a review mechanism, the proposal would not conflict with the requirements of Local Plan Policy HC2 or the Affordable Housing SPD.
- 10.38. Whilst there would be conflict with Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD, the proposal would not be economically viable with off-site open space contributions. Attaching weight to the submitted evidence and viability appraisal, in the

opinion of officers such contributions should not therefore be required. The policy conflict with INF3 is returned to below under the planning balance.

S106 Legal Agreement

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

Category/Type	Contribution	Amount & Trigger
Viability review mechanism in the event that housing is brought forward and delivered on the balance of the allocated housing site.	Affordable housing and/or off-site public open space contributions.	Subject to viability review.
Monitoring	S106 Monitoring	£500 index linked, prior to commencement of development, subject to viability review.

10.40. Other Matters

Biodiversity

10.41. The application is supported by a Preliminary Ecological Appraisal (PEA). Following ecological survey work and an impact assessment, the PEA found no conclusive evidence of protected species on or around the site that would be negatively affected by the proposal. Conditions are recommended in accordance with the mitigation measures set out in the PEA, including the provision of bird and bat roost features and tree protection measures. Although submission of the proposal predates implementation of the statutory framework requiring a 10% Biodiversity Net Gain (BNG) and is therefore exempt from mandatory BNG, subject to the recommended landscaping conditions the proposal would deliver a net gain in biodiversity and therefore meet the requirements of Local Plan Policy ENV4 and the Framework in this regard.

Drainage

10.42. Local Plan Policy ENV6 states that growth in the Craven area will help to avoid and alleviate flood risk by development taking place in areas of low flood risk, wherever possible with the lowest flood risk, taking account of the development's vulnerability to flooding and by applying the necessary sequential and exception tests. Amongst other things, the policy also requires that development incorporates sustainable drainage systems (SUDS) or other appropriate means of water management, and adequate provision for foul and surface water disposal.

10.43. The proposal is located in Flood Zone 1 with a low probability of flooding and so would not be at undue flood risk. The development would be served by private SUDS drainage systems and the Lead Local Flood Authority has no objection to the hydraulic design. The proposal would not unduly increase flood risk elsewhere. However, should planning permission be forthcoming, planning conditions would be required to require precise details, including management and maintenance measures.

Sustainable design and construction

- 10.44. In accordance with Local Plan Policy ENV3 t), the proposal would be capable of incorporating solar photovoltaic panels as a viable option, and the applicant is agreeable to a planning condition in this regard to agree their precise details. A condition previously resolved to be imposed requiring carbon emissions be below that set under Building Regulations Approved Document L would not be reasonable, in the absence of a specific policy basis.

EV Charging and broadband infrastructure

- 10.45. The Councils Environmental Health consultee recommends the use of planning conditions to require EV charging points for each dwelling. However, conditions of earlier resolutions to grant permission for the scheme requiring 2 EV charging points and super-fast broadband to all dwellings are no longer necessary. Building Regulations Approved Document S requires all dwellings with an allocated parking space to be equipped with EV charging points (not 2 as was previously resolved). Approved document R requires gigabit-ready/connected physical Infrastructure. Respectively, the regulations address these requirements.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is for housing on an allocated site, in accordance with the spatial strategy for the area, as set out under Local Plan Policies SP4 and SP11. The proposal is therefore acceptable in principle.
- 11.2. However, the proposal would result in low-level less than substantial harm to the character and appearance of the Conservation Area, and the school and the Castle by way of harm to their setting. The proposal would therefore conflict with Local Plan Policy ENV2. In accordance with Framework paragraph 205, great weight should be given to the conservation of these assets irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to their significance. The Castle is a scheduled monument and therefore an asset of the highest national significance. In accordance with Framework Paragraph 205, greater weight should be given to its conservation.
- 11.3. Framework paragraph 208 requires that where a proposed development 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, where appropriate, securing its optimum viable use. The proposal would deliver social and economic benefits by providing 11 new homes in an accessible location on the edge of Burton-in-Lonsdale. The development would make a modest contribution to meeting housing requirements and choice in the Craven area on an allocated site, whilst supporting local services and businesses. Furthermore, the allocation within the Local Plan weighs in favour of the proposal as it forms an integral part of the Council's housing supply for the Craven area. Further still, there would be environmental benefits through the redevelopment of a derelict brownfield site.
- 11.4. In terms of the heritage balance required by Framework paragraph 208, officers consider that considerable weight should be attached to these social, environmental, and economic benefits, such that the public benefits of the scheme should be considered to outweigh the less than substantial harm to the Conservation Area and the significance of designated heritage assets by way of harm to their setting.
- 11.5. In terms of the overall planning balance, the Council's independent appraisal of the submitted viability evidence concludes that the proposal would not be viable with affordable housing obligations. In the absence of evidence to the contrary, officers advise that

significant weight should be attached to these independent conclusions, with which the Council's housing consultee concurs.

- 11.6. If members were to agree and find that the required exceptional circumstances have been demonstrated, approval of the application without affordable housing contributions would not conflict with Local Plan Policy H2 d) or the Affordable Housing SPD. However, officers would advise that any approval should be subject to an s106 agreement to review viability, should housing proposals be brought forward on a phased basis on the remainder of the housing allocation at a future date.
- 11.7. There would be conflict with Local Plan Policy INF3 and the GIB SPD due to a lack of the policy required offsite public open space contributions towards improvements in the locality, there being no caveat for exceptional circumstances to be demonstrated within them. However, an area of onsite public open space would be provided and the site benefits from direct access to a public right of way. Together, in officers' opinion these factors reduce the weight that might be given to this policy conflict. Furthermore, the evidence of viability suggests that the proposal would not be economically viable with these contributions. Officers advise that in the absence of evidence to the contrary, significant weight should be given to the evidence of viability and the conclusions of the Council's independent appraisal in this regard, and that this obligation should not be sought.
- 11.8. The proposal would not result in unacceptable harm to the character and appearance of the area or landscape, highway or pedestrian safety, the living conditions of existing or future occupants, ecology or flood risk and drainage considerations, and it would deliver a net gain in biodiversity subject to the recommended conditions. Subject to conditions, the proposal would also make provision for sustainable construction. These are all ordinary planning requirements of development plan policy and the Framework and are therefore neutral factors in the planning balance.
- 11.9. As set out above, in its favour the proposal would deliver social, environmental, and economic benefits, in the delivery of housing on an allocated brownfield site which forms part of the Craven area's housing land supply. In the overall planning balance, these benefits are considered to clearly outweigh the weight attached to the identified conflict with Local Plan Policies ENV2 and INF3. The proposal complies with the development plan overall and the material considerations indicate that planning permission should be granted. Approval is therefore recommended subject to the conditions listed below and a review mechanism as set out above.

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 to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plan Condition

2. This permission relates to the following plans and documents:

Location Plan, Drawing No 022004 05 Rev J
 Site layout, Drawing No 02 Rev K
 Elevations, Drawing No 03 Rev A
 First Floor Plan, Drawing No 04 Rev A
 Roof Plan
 Design and Access Statement
 Heritage Statement
 Tree Report (except as it may relate to junction widening works)
 Public Right of Way Statement

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District Local Plan 2012 - 2032 and the National Planning Policy Framework.

Pre-Commencement

3. 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 development hereby approved 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/any reinstatement 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; and
 - 6) details of the measures to be taken for the protection of trees; and 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.

4. 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.

5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No development shall commence until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

During Building Works Conditions

7. No development above ground level shall take place until details of existing and finished site levels, including the finished floor and ridge levels of the buildings to be erected, and finished external site surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement of above ground works for the avoidance of doubt and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

8. No development above ground level shall take place until full details of the materials to be used on the external surfaces of the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:
- a) A sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the buildings. The sample panel shall demonstrate the type, texture, size, colour, bond, and method of pointing for the stonework.

- b) The type, texture, size, and colour of the slates to be used on the external surfaces of the building's roof.
- c) The type, texture, finish, colour treatment and extent of the external rendering of the approved houses.
- d) Details of all windows casements and external doors including materials and colouring.

The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

Pre-Occupation Conditions

- 9. Prior to occupation of any dwelling hereby approved details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

- 10. Prior to occupation of any dwelling hereby approved, a scheme for the improvement of the existing junction with the A687 shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include resurfacing and re-lining works, and measures to ensure that the junction is adequately drained. Thereafter, the scheme shall have been implemented prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

- 11. Prior to occupation of any dwelling hereby approved, a scheme for the provision of a simple priority junction within the housing site where it meets the unadopted lane shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall have been completed prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

- 12. Prior to occupation of any dwelling hereby approved, the existing school access shall be gated in accordance with details which shall first have been agreed in writing by the Local Planning Authority. Thereafter, the gate shall be kept locked at all times, other than when required to provide emergency access to the site.

Reason: In order to ensure that the access is not used other than for emergencies in the interests of highway safety.

- 13. Prior to occupation of any dwelling hereby approved, the access, parking, manoeuvring, and turning areas for all users at Land at Richard Thornton's School, Burton In Lonsdale, Carnforth, Lancaster, LA6 3JZ shall have been constructed in accordance with details which shall have been 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.

14. Prior to occupation of any dwelling hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - 2) location, type, and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs)
 - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - 5) types and dimensions of all boundary treatments
 - 6) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed, or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site, including tree protection measures, shall be submitted to, and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

16. Prior to occupation of any dwelling hereby approved, a site plan showing the proposed locations of Solar PV Panels and samples of the materials to be used in the construction of the solar panel array shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter.

Reason: To promote sustainability through renewable energy in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

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, details of which shall first have been agreed in writing by the Local Planning Authority, 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. None of the dwellings hereby permitted shall be occupied until works for the treatment and disposal of sewage have been provided to serve the development hereby permitted, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include full management and maintenance arrangements which shall thereafter be adhered to for the lifetime of the development.

In order to prevent pollution and protect the water environment in accordance with Local Plan Policy ENV8.

19. None of the dwellings hereby permitted shall be occupied until details for the management and maintenance of the internal access road have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the management and maintenance arrangements shall be adhered to for the lifetime of the development.

In the interests of highway safety, in accordance with Local Plan Policy INF7.

Ongoing Conditions

20. In the event of the solar PV equipment hereby approved or as may be approved under the above conditions ceasing to produce electricity, they shall be permanently removed from the relevant building within 3 months of the date they become redundant, and the roof covering shall be restored to match the remainder of the roof.

Reason: In the interest of the visual amenity in accordance with Policy ENV3 and ENV9 of the Craven Local Plan and the National Planning Policy Framework.

21. Foul and surface water shall be drained on separate systems.

Reason: To ensures satisfactory drainage in the interests of protecting the water environment and to manage the risk of flooding and pollution.

Target Determination Date: 08.11.2024

Case Officer: Daniel Child, daniel.child@northyorks.gov.uk

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