

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

03 June 2024

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

Report of the Head of Development Management – Community Development Services

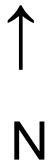
1.0 Purpose of the report

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

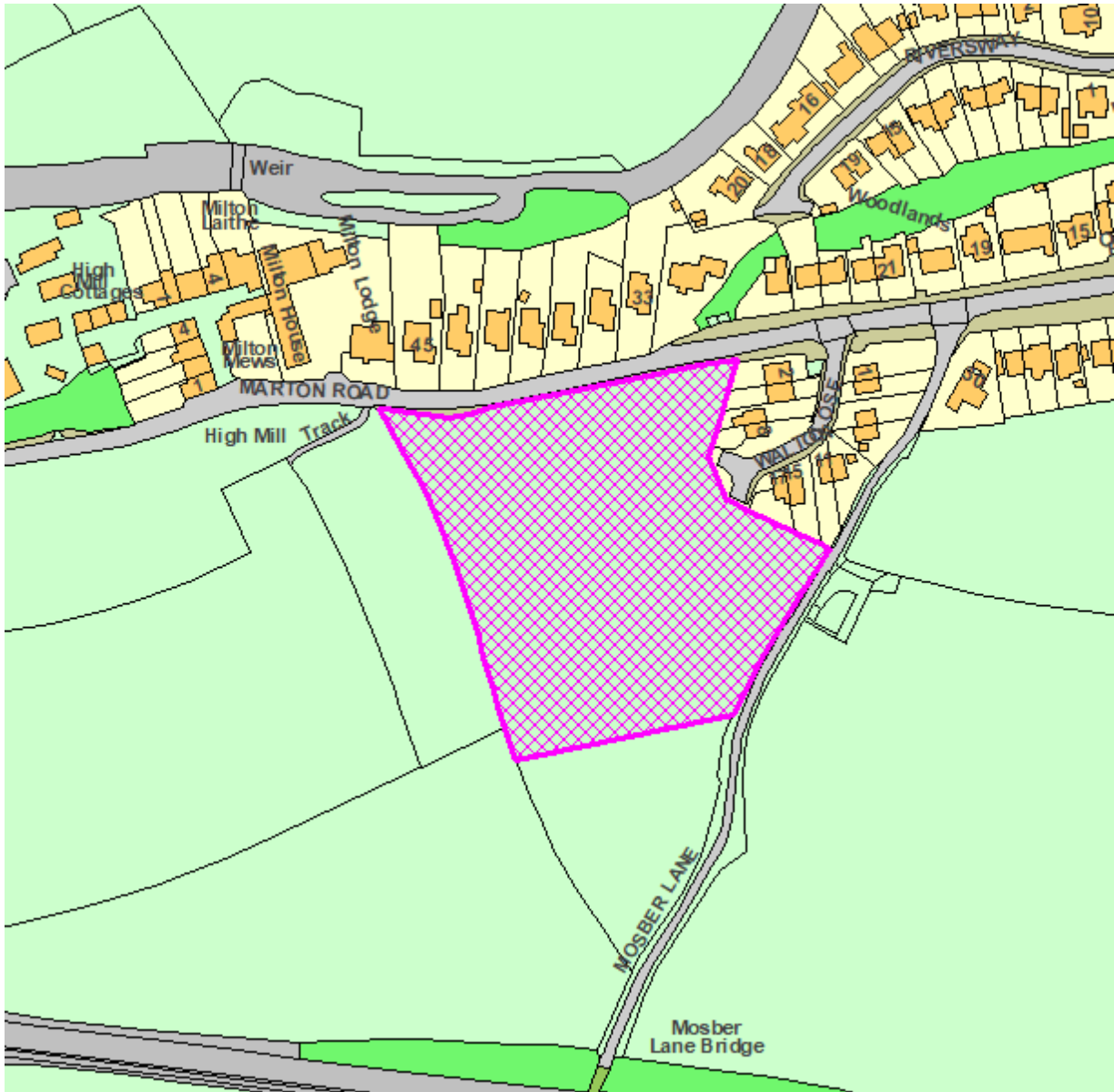
2.0 SUMMARY

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

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



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3.0 **Preliminary Matters**

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

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

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

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

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

4.0 Site and Surroundings

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

5.0 Description of Proposal

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

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

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

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

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

7.0 Consultation Responses

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

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

Design

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

Highways

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

Sewer/drainage

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

Other Matters

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

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

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

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

Local Representations

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

Principle of development

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

Visual impact

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

Highways

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

Amenity

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

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

Biodiversity

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

Flooding/drainage

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

Other Matters raised in representations

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

Non-material considerations raised in representations

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

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

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

Biodiversity
 Highway safety
 Other matters

10.0 ASSESSMENT

Principle of Development

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

Context of previous refusal

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

Housing mix and density

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

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

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

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

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

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

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

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

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

Affordable housing provision

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

Education provision

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

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

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

Open Space provision

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

Visual impact and design

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

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

Impact on amenity

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

Existing residents

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

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

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

Future residents

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

Sustainable design

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

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

Flooding & Drainage

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

Biodiversity

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

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

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

Highway safety

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

10.67 Local Plan Policy ENV12 seeks to safeguard and improve the quality, extent and accessibility of local footpaths, bridleways, byways and cycle routes and the network they form.

10.68 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 115 of the NPPF states that:

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

10.69 Paragraph 116 of the NPPF also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to 'give priority first to pedestrian and cycle movements' and to 'create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles'.

10.70 The Craven Local Plan is supportive of development proposals that provide adequate car parking provision. In this instance, the proposal would provide 38 dwellings with associated car parking spaces and some with attached/integral garages. The NYCC interim parking guidance specifies that dwellings with 4 or more bedrooms require 3 car parking spaces per dwelling in rural areas.

10.71 The proposal allows for 78 car parking spaces associated with specific dwellings, plus 2 visitor spaces to the north of the site. The guidance states that for the house types put forward in this rural area, 79 car parking spaces should be provided. The amount of car parking spaces put forward is therefore marginally more than the recommended minimal parking provision and is therefore considered to be acceptable. Additionally, the car parking spaces are all off-street spaces which helps to reduce the impact upon the highway network.

10.72 In accordance with the requirements of Policy INF7, the applicant's agent submitted a Transport Statement to consider existing sustainable transport available in and around the site and the impact of the proposed development.

10.73 The Transport Statement identifies several features relating to sustainable transport modes including a 2km walking isochrone, a map showing public rights of way (PROWs), a 5km cycling isochrone, a cycle route map and a bus stop location map.

10.74 The walking catchment isochrone shows that the majority of Gargrave is accessible by walking which, when read in conjunction with the PROW map, the 5km cycling catchment plan, and the cycle route map shows that the site is well connected to sustainable transport methods through walking and cycling, including through established highways, footways, and public rights of way.

10.75 The Highway Authority was consulted on the proposal and stated that the proposed visibility of 2.4m x 43m is acceptable. The general layout is satisfactory as are arrangements for turning, parking and access. The drainage strategy proposals are acceptable though technical approval will need to be sought as per NYCC procedures for manholes greater in diameter than 1250mm.

10.76 Several objections have been received quoting bad highway access to and from the site including the lack of provision of footpaths to the site, the road being too narrow, insufficient parking provision, the requirement for traffic calming measures, and

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

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

Other Matters

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

S106 Legal Agreement

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

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

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

11.0 PLANNING BALANCE AND CONCLUSION

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

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

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

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

12.0 RECOMMENDATION

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

Recommended Conditions**Time Conditions**

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

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

Approved Plans

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

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

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

Pre-commencement condition

- 3 Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

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

- 7 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;

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

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

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

Reason: to safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

During Building works

- 9 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 08:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to occupation

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

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

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

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

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

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

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

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

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

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

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

Notes

- 1 Statement of Positive Engagement:

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

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

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

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

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

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

Target Determination Date: 26 December 2023

Case Officer: Mr Sam Binney, Sam.Binney1@northyorks.gov.uk