

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

03 June 2024

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

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the report

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

2.0 SUMMARY

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

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

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

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

4.0 Site and Surroundings

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

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

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

5.0 Description of Proposal

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

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

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

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

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

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

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

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

7.0 Consultation Responses

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

Local Representations

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

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

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

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

- 9.1 The key considerations in the assessment of this application are:
- Principle of development
 - Fallback position
 - Housing Mix and density
 - Visual impact and design/impact on heritage assets
 - Impact on amenity
 - Sustainable design
 - Highway considerations
 - Biodiversity
 - Flood risk
 - Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1 The site is part of an open parcel of land within the Main Built-Up Area of Cowling but near other residential properties.
- 10.2 Cowling is a Tier 4a settlement as a result, policy SP4 applies. Policy SP4 is supportive of sustainable growth within the Craven Area over the plan period. The higher the tier the more growth the settlement is expected to receive.
- 10.3 Criterion H of policy SP4 supports the additional housing growth on non-allocated land for housing within the Main Built-Up Area of Tiers 1-4a provided the proposal accords with all other relevant local plan policies.
- 10.4 As the proposal is on non-allocated land within the Main Built-Up Area of a Tier 4a settlement, it is considered that the principle of development is acceptable. Furthermore, the principle of residential development was deemed permissible under the requirements of the current local plan with the grant of planning permission 2021/22856/FUL.

Fallback position

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

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

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

Housing Mix and Density

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

Visual impact and design/impact on heritage assets

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

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

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

Heritage balance

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

Impact on amenity

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

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

Existing residents

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

Future residents

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

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

Sustainable design

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

Highway considerations

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

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

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

Biodiversity

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

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

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

Flood Risk

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

Other matters

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

11.0 PLANNING BALANCE AND CONCLUSION

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

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

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

12.0 RECOMMENDATION

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

Recommended Conditions:

Time condition

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

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

Approved Plans

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

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

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

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

Pre-commencement condition

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

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

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

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

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

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

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

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

During Building Work

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

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

- a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on-site and;
- samples of the proposed roof slates have been made available for inspection.
- External finish of proposed windows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the

affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either:

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

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

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

Prior to first use

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

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

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

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

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

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

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

The report shall:-

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

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

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

Ongoing conditions

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

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

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

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

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

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

Informative

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

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

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

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

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

Target Determination Date: 02 May 2024

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