

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

**06 August 2024**

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

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

**1.0 Purpose of the report**

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

**2.0 SUMMARY**

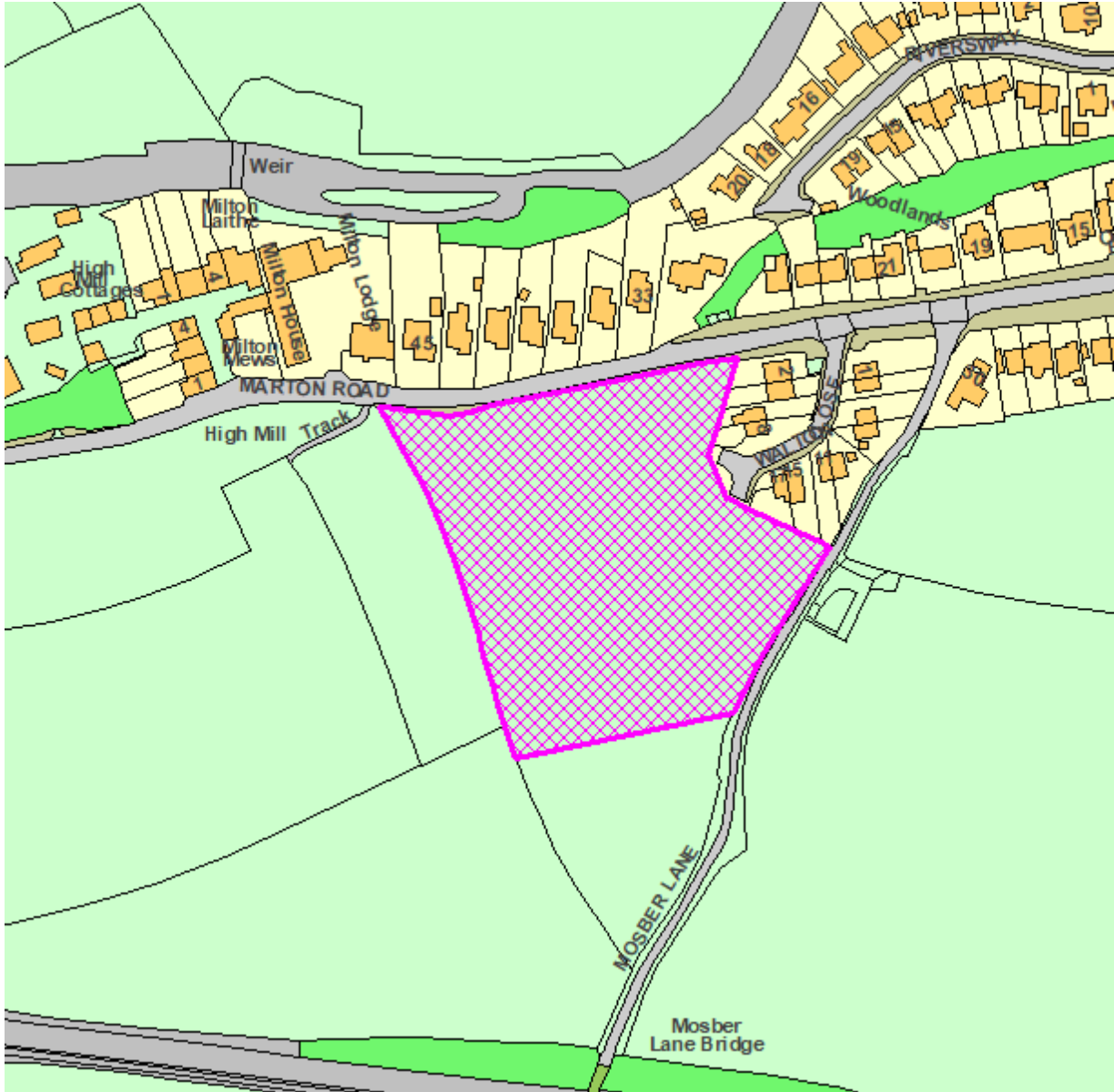
**RECOMMENDATION:** That planning permission be GRANTED subject to conditions listed below and completion of an S106 agreement with terms as detailed in Table 1 to secure the affordable housing provision and open space contributions.

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



N

© Crown Copyright and Database Rights (2024) Ordnance Survey AC0000825864.



### **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:

3.3 2022/23669/FUL: Residential development with access, associated landscaping, green infrastructure, and other associated works. Refused 09th January 2023. The application was refused by the former Craven District Council on 9th January 2023 for the following reasons:

*1. The proposed development fails to provide a suitable density and mix of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the NPPF which advocates the efficient and effective use of land.*

*2. The proposed development would result in a poorly designed residential development which would have a significant and detrimental visual impact upon the surrounding area. The proposal is therefore contrary to Local Plan Policy ENV 3 (Good Design), Good Design in Craven SPD, and paragraph 130 of the NPPF.*

*3. The proposed development has provided insufficient information regarding flooding and drainage and therefore the proposal cannot be guaranteed to comply with Local Plan Policies ENV6 and ENV8, Flood Risk & Water Management SPD, and Section 14 of the NPPF.*

### **4.0 Site and Surroundings**

4.1 The application site is a parcel of open agricultural land. The site is located directly to the west of Walton Close and to the south of (and accessed directly from) Marton Road, Gargrave. Surrounding the site are residential properties to the east and north, with open agricultural fields to the west and a public right of way to the south connecting Marton Road from the northeast to Scaleber Hill and East Marton beyond.

4.2 The application site is adjacent to, but outside of, the Main Built-Up Area of Gargrave.

### **5.0 Description of Proposal**

5.1 The application seeks planning permission for the construction of 38 dwellings to the south of Marton Road, with access directly from that highway. The proposal also includes off-street parking and associated infrastructure.

5.2 The dwellings would consist of a mix of terraced, semi-detached, and detached dwellings ranging from 1-4 bedrooms, with associated parking areas. The housing mix is proposed as follows:

3 No. 1-bedroom  
12 No. 2-bedroom  
17 No. 3-bedroom  
6 No. 4-bedroom

- 5.3 The properties would be constructed using sandstone coursed walling and quoins, with a natural slate roof, timber windows, composite doors and black aluminium rainwater goods.
- 5.4 The site would be accessed directly off Marton Lane via a new junction. On-site parking would consist of a mixture of driveways, garages and frontage parking.
- 5.5 The application is accompanied by the following documents:
- Transport Statement
  - AMR Travel Plan.
  - HWA Drainage Strategy
  - Ecological Appraisal
  - Landscape Visual Appraisal
  - Design and Access Statement
  - Lighting Assessment

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

The Craven Local Plan 2012-2032 (adopted 2019) (Local Plan).  
Gargrave Neighbourhood Plan made 8th July 2019 (GHNP)

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- Craven Good Design DPS 2022
- Craven Green Infrastructure SPD 2022
- Craven Settlement Monitoring Report 1st April 2024.
- Craven District Plan Approaching Housing Density and Mix 2017
- Craven Authority Monitoring Reports 2021-2022
- BRE Site Layout Planning for Daylight and Sunlight

## **7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below.
- 7.2 **Gargrave Parish Council:** Updated comments objecting to the proposal for the following reasons:

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

#### Design

Fails to meet suitable density and housing mix.

Poor designed development

Inadequate green spaces.

#### Highways

Concern over highway and pedestrian safety and request remedial action or works to be carried out.

Insufficient parking.

Concern over lack of specified traffic calming measures.

Concern over the increase in traffic numbers

#### Sewer/drainage

Concern over flooding caused by the development.

Concern that the combined sewer has insufficient capacity.

Concern over flood mitigation measures not being sufficient.

#### Other Matters

Sawmill site would be a better development as it is a brownfield site.

Request for a condition for a noise study for future residents from railway line.

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

- 7.3 *Officer's Note:* A condition has been attached following consultation with the Council's Environmental Health Officer to address noise concerns.
- 7.4 **NYC Lead Local Flood Authority:** No objection to the scheme but recommend a compliance condition for surface water management including flow rate restriction to 3.5 litres per second.
- 7.5 **NYC Education Authority:** Based upon the proposed number of dwellings no developer contributions would be sought for education facilities at this time but should the density of the site change this would need to be recalculated.
- 7.6 **NYC Strategic Housing:** The site is a greenfield site so should provide 30% of homes as affordable units so would anticipate 11 affordable units for this site which has been reflected in the submitted plans which show them spread throughout the site. In support of this application subject to entering into a Section 106 Agreement.
- 7.7 **NYC Sport Officer:** As there is no adequate on-site open space provision, a contribution will be required through a Section 106 Agreement for off-site provision. As the proposal is for 38 dwellings, the offsite contribution required is £138,354.
- 7.8 **NYC Police (DOCO):** "The design and layout for this proposal has taken into consideration the principles of crime prevention through environmental design".
- 7.9 **NYC Heritage Consultant:** No objection subject to conditions for materials and landscaping, house design and confirmation of boundary treatment and gate piers at the site entrance.
- 7.10 **NYC Environmental Protection:** No objection but recommend conditions regarding a noise mitigation report, construction noise, and dust management.

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

7.12 **NYC Highways:** No objection. The proposed visibility of 2.4m x 43m is acceptable. The required turning and parking including garage spaces and secure bike facilities meet NYC standards. Drainage proposals are acceptable from a Highways perspective.

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

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

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

7.13 **NYC Public Rights of Way Officer:** No objection but state that if the adjacent PROW is physically affected permanently or temporarily a formal Order will be required and the PROW must be protected and kept clear of any obstruction until an alternative route has been provided where necessary.

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

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

7.16 **Yorkshire Water:** No objection subject to conditions regarding separate drainage systems for foul and surface water, no piped discharge of surface water until a satisfactory outfall has been created, and a buffer from the public sewer.

#### Local Representations

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

7.18 Principle of development

- o Overdevelopment.
- o No need for additional housing.
- o Should not have been included in Local Plan.
- o Conflicts with the NPPF.
- o Conflicts with Gargrave Neighbourhood Plan.

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

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

- o Conflicts with Craven's declared Climate Emergency.
- o Concern housing mix does not meet local need.
- o Lack of single storey dwellings for older people.
- o Would suggest a brownfield site instead.

#### Visual impact

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

#### Highways

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

#### Amenity

- o Proposal will impact on local services and amenities.
- o Loss of privacy to neighbouring properties.
- o Loss of light to neighbouring properties.
- o Access for disabled is limited.
- o No accessible playground.
- o Light pollution from site.

#### Biodiversity

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

## Flooding/drainage

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

## Other Matters raised in representations

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

## Non-material considerations raised in representations

- o Only about developer making money
- o Loss of view.
- o Should not allow developer to submit revised documents.
- o Query why some documents unavailable.
- o Local Plan did not follow due process.

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

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

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

## **9.0 Main Issues**

9.1 The main issues are:

- Principle of development
- Context of the previous refusal
- Housing mix and density
- Affordable housing provision
- Education provision
- Open Space provision
- Visual impact and design
- Impact on amenity
- Sustainable design
- Flooding & Drainage
- Biodiversity
- Highway safety
- Public Rights of Way
- Other matters



## **10.0 ASSESSMENT**

### Principle of Development

- 10.1 Policy SP1 of the Local Plan seeks to support the housing needs of Craven over the plan period.
- 10.2 Policy SP4 of the Local Plan seeks to deliver a sustainable pattern of growth over the plan period. Criterion C states that the plan will direct a proportionate level of growth to Gargrave to underpin its role as a Tier 3 settlement.
- 10.3 Policy SP10 lists 3 allocated sites within Gargrave for housing including this application site reference GA031. The policy states that proposals for development on any of the 3 listed sites will be supported subject to compliance with the development principles for each site. For the application site these are that the siting and design of development on the site conserves the significance of nearby heritage assets, that the proposal will incorporate SuDS, that the proposal should be sensitively designed to minimise visual impact upon the surrounding area, that access is to be gained from Marton Road, and that the site must accord with Local Plan Policies H2 (Affordable Housing), INF3 (Sport, Open Space and Recreation Facilities) and INF6 (Education Provision).
- 10.4 Policy G1 of the Gargrave Neighbourhood Plan is in favour of new housing within the settlement boundary of the Plan subject to various criteria including (but not limited to) good accessibility, the site not being at risk of flooding, suitable provision for vehicular access, and are of a good design quality. Policy G2 of the Gargrave neighbourhood plan also identifies this site for new housing development ref: G2/2.
- 10.5 In conclusion, the proposed residential development on this site is acceptable in principle in accordance with policies SP1, SP4 and SP10 of the Local Plan, and Policy G2 of the GNP subject to meeting the requirements of all other relevant Local Plan policies.

### Context of previous refusal

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

### Housing mix and density

- 10.8 Local Plan Policy SP3 states that new housing developments will ensure that land is used effectively and efficiently to address local housing needs. In typical greenfield developments, the appropriate housing density should be approximately 32 dwellings per hectare. GHP G3 also seeks to ensure that new developments provide an appropriate range of tenures, types, and size of dwellings.
- 10.9 The site area for the proposal is approximately 1.38 hectares. At the approximate 32 dwellings per hectare calculation, the site should be expected to yield 44.16 dwellings. The policy allows for some flexibility to housing mix and density to ensure scheme viability, to take account of local variations in housing need, to promote better balanced mixed communities or to achieve other local plan objectives.

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

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

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

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

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

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

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

10.15 For these reasons, it is considered that the proposal is acceptable as it complies with Policy SP3 of the LP and G3 of the GHNP for providing an appropriate housing mix and density.

#### Affordable housing provision

10.16 Local Plan policy H2 seeks affordable housing of 30% on greenfield sites of developments with a combined gross floor area of more than 1000 sqm. The proposed combined gross floor area is above 1000 sqm and the proposal is for greater than 10 dwellings. Therefore, the requirement under Policy H2 of the Local Plan with regard to affordable housing provision is triggered. GHNP policy G3 also seeks to ensure that developments over 11 units provide affordable housing.

10.17 The proposal would provide 11 on-site affordable housing units. Members raised concerns that the provision did not meet the required 30% as set out in Policy H2. However, following discussions with the Council's Strategic Housing officer he has confirmed that whilst 30% provision would equate to 11.4 dwellings, the method of calculation in this instance is to round it down to the nearest whole number thus the provision of 11 affordable units is policy compliant. For these reasons, it is considered that the proposal is acceptable and would be secured via a Section 106 Agreement.

- 10.18 Comments concerning the allocation of the affordable units are acknowledged, however, it will be for the Council's strategic housing officer to determine the tenure split and triggers regarding the affordable provision on site. The proposal therefore accords with Policy H2 of the LP and G3 of the GHNP.

Education provision

- 10.19 Local Plan Policy INF6 seeks to ensure that there is a sufficient choice of school places to meet the needs of existing and new residents. If the proposal would result in a deficit of school places in the area, it will be required to provide developer contributions for education provision. In particular, the policy states that contributions will be sought from proposed developments on local plan-allocated sites.
- 10.20 The North Yorkshire Education Authority was consulted on the proposal, and they stated that no developer contributions will be required for education facilities at this time.

Open Space provision

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

Visual impact and design

- 10.25 Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials. Policy G7 of the GHNP also seeks to ensure that developments are of a high-quality design.
- 10.26 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.27 The site is currently an open agricultural field. The prevailing character of the surrounding dwellings to the east and north is a combination of detached and semi-detached dwellings. The application scheme will be similar to this insofar as it includes the provision of 20 semi-detached dwellings, and 12 detached dwellings.

The remaining 6 dwellings will be delivered as terraced dwellings consisting of 2 rows of 3 dwellings.

- 10.28 The design of the dwellings includes sandstone coursed walling and quoins, natural slate roofs, timber windows, composite doors and black aluminium rainwater goods as specified on the submitted plans and supporting documentation. These details are generally consistent with the materials present in the locality and is considered acceptable.
- 10.29 Objections have stated that the proposal could be considered overdevelopment, but this has been more in relation to the scale of the proposed houses as 4-bedroom properties, as well as the number of houses approved in Gargrave covering the Plan period. Objections have also raised concerns regarding the impact of the proposal upon the designated Gargrave Conservation Area. The Gargrave Conservation Area is located in excess of 160m to the east of the site at its nearest point. There are intervening houses for much of this distance plus due to the intervening topography, landscaping, separation distance and public footpath. It is therefore considered that the proposal would not have an adverse impact on the character and appearance of the conservation area.
- 10.30 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building, or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework also makes clear that great weight should be given to the conservation of designated heritage assets and their setting.
- 10.31 Regarding Milton House a Grade II listed building located to the north-west of the site and is set back from the highway with buildings to the east and west. It is recognised that the development of this field would result in some harm to the setting of the listed building, although the overall harm would be less than substantial given the separation distances. In contrast due to the separation distance between the application site and the moated site (schedule monument) located to the east the proposal would have no impact on this designated heritage asset.
- 10.32 In such, instances where harm to heritage assets, in this case the aforementioned listed building, is less than substantial, the Framework states it should be weighed against the public benefits of the proposal. The public benefits would arise from the provision of housing including affordable, to meet the districts housing need. There would also be economic, sustainable and biodiversity benefits arising from the proposal. It is therefore considered that the benefits outweigh the identified harm to the heritage asset.
- 10.30 Based upon the case officer site visit, and that the site would deliver 38 dwellings rather than the 44 specified by policy it is not considered that the proposal would result in an overdevelopment of the site. Furthermore, there is no mechanism within the local plan or elsewhere which would allow a planning application to be refused based on any 'over-provision' of housing in a particular settlement.
- 10.31 The site can be seen from several public viewpoints including Marton Road to the north, Walton Close to the west and from section of the PROW to the south, some of which is directly adjacent to the application site boundary. The view from Walton Close and the PROW will be partially restricted due to a combination of existing housing and landscaping at the site boundaries.

- 10.32 The clearest view of the site will be from Marton Road, in particular from the north-west corner across the entrance to the site toward Walton Close due to the lack of existing landscaping and the uphill sloping topography of the site making the site more prominent from this angle. The development would be seen in the context of the adjacent housing from this viewpoint.
- 10.33 The frontages of the properties when viewed from the site access at Marton Road will be relatively open with landscaped areas breaking up the car parking spaces to the frontages.
- 10.34 The landscaping proposed to the frontages would be subject to a planning condition. It is considered however that the proposed landscaping would be effective in reducing the impact of the parking spaces to the frontages of the properties. The largest parking area would be to the frontages of plots 30-34 inclusive totalling 10 spaces. However, there is landscaping identified which would break this up into sections of 4 and 6 spaces respectively. Additionally, due to the slight kink in the road and the proposed landscaping buffer, these parking spaces would not be visually dominant from Marton Road.
- 10.35 Further to the above, a consultation was undertaken with the Designing Out Crime Officer with NY Police who stated that the design and layout of the proposal has taken into consideration the principles of crime prevention through environmental design. This is considered appropriate and is in accordance with GNHP Policy G8.
- 10.36 For the aforementioned reasons, it is considered that the proposed residential development would be consistent with Craven Local Plan Policies ENV2 & ENV3, Policy G7 of the Gargrave Neighbourhood Plan, and the aims and objectives of the NPPF of securing high-quality development.

#### Impact on amenity

- 10.37 Policy ENV3 seeks to ensure that development protects the amenity of existing residents and provides a good standard of amenity for future occupants of land and buildings. GNHP Policy G7 also seeks to ensure that new developments do not have an adverse impact on existing residents. Amongst other things, Framework paragraph 135 requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### Existing residents

- 10.38 The proposed dwellings would be sited on a parcel of agricultural land in relatively close proximity to neighbouring properties on the opposite side of Marton Road and those on Walton Close. However, due to the proposed drainage attenuation tanks, public open space, and relatively dense landscaping buffer to the northern boundary the separation distance from the proposed dwellings to those on Marton Road is significant and restricted and would therefore have a minimal amenity impact upon those occupiers.
- 10.39 However, the proposed dwellings will be much closer to the existing properties on Walton Close. In particular plots 8 and 9 in close proximity to No 6 and 8 Walton Close, and plots 19 and 20 upon No. 15 and 17 Walton Close. However, due to the orientation and intervening landscaping, the impact is not considered to be unacceptable regarding loss of privacy nor would the dwellings appear overbearing when viewed from these properties. Similarly, these dwellings would not give rise to any unacceptable overshadowing to the occupants of these existing dwellings.

- 10.40 The proposed dwellings will have a mix of openings on either 2, 3 or all 4 elevations. The rear elevations are considered to be acceptable in regard to their impact upon amenity through overlooking as there is sufficient separation distance between the openings and neighbouring properties to the rear or they face across agricultural land or the PROW. Openings to the front elevations similarly are not considered unacceptable as they typically do not overlook private amenity areas but rather open garden areas, driveways and the proposed highway. Of the 38 dwellings proposed, 25 of the dwellings are proposing openings to one or both of their side elevations. They all face blank side elevations or other properties or face toward landscaping to the site boundaries (plots 9, 18 and 19). It is therefore considered that the development would not give rise to any adverse amenity issues.
- 10.41 Similarly, due to the separation distance of the proposed properties from one another and from those existing dwellings outside of the application site the impact of overshadowing will be minimal and, for a limited number of dwellings within the site only, will overshadow secondary, ground floor windows only and is therefore acceptable.
- 10.42 Comments have also raised concern over light pollution from the site post development. It is accepted that there would be some low level of light. However, the majority of this light will be contained within the site. Any light that will emanate from the site will be seen within the context of the surrounding built form to the north and east. It is considered therefore that the proposal is acceptable in regard to light pollution.

#### Future residents

- 10.43 The amenity of the potential future occupiers of the proposed dwellings also needs to be a consideration. In this instance, the proposed level of accommodation and outside amenity space is considered sufficient to meet the needs of any future occupants.
- 10.44 Additionally, concern has been raised regarding the accessibility within the site. There is a requirement under Part M of the Building Regulations (Access to and use of buildings - volume 1) that all new residential dwellings are accessible for all. The proposal as submitted is compliant with this Part and this requirement would be enforced under the separate Building Regulation legislation.
- 10.45 The proposal also includes the connection of a footpath link from the site through to Walton Close and for off-site highway works to form a footpath along Marton Road connecting Walton Close to Walton Avenue which would allow a connection to the centre of Gargrave by following the river footpath. The proposal would therefore be compliant with accessibility and in accordance with policies G1 and G13 of the Gargrave Neighbourhood Plan.
- 10.46 For the aforementioned reasons, the proposal would result in a minimal impact upon the amenity of neighbouring occupiers and would provide an acceptable level of accommodation for future residents. The proposal is therefore considered to be compliant with Local Plan policy ENV3 and paragraph 135(f) of the NPPF and the proposal is therefore acceptable.

#### Sustainable design

- 10.47 Policy ENV3 of the Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, carbon emissions and to minimise waste. GHNP Policy G7 also seeks to ensure that

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

- 10.48 The applicant has submitted a sustainable design and construction statement to demonstrate the measures that have been built into the design. This includes the use of:

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

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

#### Flooding & Drainage

- 10.50 Policy ENV6 states that development will take place in areas of low flood risk where possible in areas with the lowest acceptable flood risk. Additionally, development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal. GHNP G15 also seeks to ensure that new developments are designed to maximise the retention of surface water on the development and to minimise runoff.
- 10.51 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources and protect surface and groundwater from potentially polluting development and activity.
- 10.52 Concerns have been raised over the potential increase in flooding in the area. However, the site is within flood zone 1 so has a low probability of increasing the risk of flooding within the site or causing an increase in flooding off the site.
- 10.53 Regarding surface water the Lead Local Flood Authority have reviewed the proposed surface water management details which includes the provision of an attenuation tank. The Local Lead Flood Authority have confirmed that they have no objection to the development subject to the imposition of a compliance condition to ensure that the attenuation detailing is provided and the development is carried out in accordance with the submitted details.
- 10.54 Concerns have been raised stating that the public sewer is at capacity. Yorkshire Water have reviewed the submission and not objected to the proposed drainage scheme on the grounds that the existing network is unable to accommodate the

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

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

#### Biodiversity

- 10.56 Policy ENV4 of the Local Plan states that growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Additionally, where possible, development will make a positive contribution towards achieving a net gain in biodiversity. Further, the policy aims to avoid the loss of, and encourage the recovery and enhancement of ecological networks, habitats and species populations. GHNP policy G7 also seeks to ensure that landscaping schemes enhance the local biodiversity.
- 10.57 Paragraph 180 of NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.58 The proposal would result in the increase of hard surfaces and the loss of an area of agricultural land. Policy ENV4 states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 10.59 The applicant's agent submitted an ecological appraisal prepared on their behalf by Smeeden Foreman. The appraisal consisted of a desk-based study as well as a walkover survey at the site to establish the proximity to statutory and non-statutory designated sites, the proximity to existing records of protected species, and site habitat appraisal and potential to support protected species.
- 10.60 The assessment concludes that there are no statutory designated sites with 2km of the site (including Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR), Ramsar Sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC), National Nature Reserves (NNR), Areas of Outstanding Natural Beauty (AONB) and National Parks). 2 non-statutory designated sites have been identified within 2km however the proposal will have no adverse impact upon those sites due to the distance from the application site, the scale of the proposal and the intervening land uses.
- 10.61 The habitats are considered to be of limited conservation value comprising predominantly of grassland. The boundary hedgerows are considered to be of higher value as a priority habitat under the UK Biodiversity Action Plan (UK BAP) and present opportunities for breeding, roosting bird species, and small mammals as well as foraging potential for bats. The identified important hedgerows are largely retained with opportunities for enhancement where gaps exist.
- 10.62 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13, of the Town and Country Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.



- 10.63 However, this application is considered exempt from this condition due to the application being submitted before the implementation of the mandatory 10% BNG provision.
- 10.64 Notwithstanding this, as outlined above Policy ENV4 requires biodiversity enhancements. To deliver a net gain in biodiversity the proposal recommends retaining and where possible enhancing the existing soft landscaping including the boundary hedgerows; additional tree and hedgerow planting, seeding open space areas, and use of protective fencing during construction. Additionally, it is recommended to have a sympathetic lighting scheme incorporated into the development, as well as the installation of bird/bat nesting/roosting boxes and gaps in fencing and walls for hedgehogs.
- 10.65 The new measures outlined above would introduce new habitats and would result in an improvement in quality of the biodiversity currently on the site.
- 10.66 Subject to the conditioning and implementation of the recommended mitigation and enhancement measures, the proposal is acceptable in accordance with Policy ENV4 of the Local Plan and GHNP policy G7.

#### Highway safety

- 10.67 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes and ensure proper provision and management for parking for vehicles.
- 10.68 Local Plan policy INF7 seeks to promote sustainable transport modes to reduce the impact upon the highway network and to minimise the release of greenhouse gases. Additionally, the policy seeks to promote the design of safe and convenient access to transport facilities. GHNP G1 seeks to ensure that developments have suitable provisions for vehicular access and that they do not adversely impact on highway safety.
- 10.69 In particular, the policy will achieve this through maintaining a pattern of growth which reflects the spatial strategy and settlement hierarchy in Policy SP4, ensuring developments maximise opportunities to travel by non-car modes of transport, ensuring developments that generate significant amounts of movement are supported by sustainable transport assessments, providing safe, suitable and convenient access for all modes of transport and all people, and ensuring the residual cumulative impact of traffic generated by development on the highway network is mitigated.
- 10.70 Local Plan Policy ENV12 seeks to safeguard and improve the quality, extent and accessibility of local footpaths, bridleways, byways and cycle routes and the network they form.
- 10.71 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 115 of the NPPF states that:

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

- 10.72 Paragraph 116 of the NPPF also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to 'give priority first to pedestrian and cycle movements' and to 'create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles'.
- 10.73 The Local Plan is supportive of development proposals that provide adequate car parking provision. In this instance, the proposal would provide 38 dwellings with associated car parking spaces totalling 78 spaces plus visitor spaces to the north of the site. The NYC Highways Officer has not raised any objections regarding the provision of on-site vehicle parking. It is also relevant that no highway issues were found to be harmful in the 2024 planning application for the Sawmill.
- 10.74 Concerns have been raised regarding the existing junction from Marton Road at the Masons Arm to the East of the site. It is acknowledged that the development would increase traffic levels in the area, however, there is no evidence that the development would harm highway safety concerning this existing junction. The Transport Statement considers the impacts of the proposal on the existing network including the junction and the Highways Officer have reviewed this information and has raised no concerns concerning highway safety regarding this junction.
- 10.75 Under the requirements of Policy INF7, the applicant's agent submitted a Transport Statement to consider existing sustainable transport available in and around the site and the impact of the proposed development.
- 10.76 The Transport Statement identifies several features relating to sustainable transport modes including a 2km walking isochrone, a map showing public rights of way (PROWs), a 5km cycling isochrone, a cycle route map and a bus stop location map.
- 10.77 The walking catchment isochrone shows that the majority of Gargrave is accessible by walking which, when read in conjunction with the PROW map, the 5km cycling catchment plan, and the cycle route map shows that the site is well connected to sustainable transport methods through walking and cycling, including through established highways, footways, and public rights of way.
- 10.78 The Highway Authority was consulted on the proposal and stated that the proposed visibility of 2.4m x 43m at the site entrance is acceptable. The general layout is satisfactory as are arrangements for turning, parking and access. The drainage strategy proposals are acceptable though technical approval will need to be sought as per NYCC procedures for manholes greater in diameter than 1250mm. Additionally, following a further re-consultation following the committee referral additional conditions have been recommended from NYC Highways. These include the delivery of off-site highway works including a footway from Walton Close to Walton Avenue, submission and approval of road and footways, and construction of roads and footways.
- 10.79 Regarding the proposed footpath, it is lawful for planning permission to be granted over land not belonging to the applicant, provided that the owners of the land are notified. The applicant must serve a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served. The National Planning Practice Guidance ('PPG') states:

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

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

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

10.81 For the above purposes, Ownership is defined as:

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

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

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

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

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

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

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

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

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

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

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

#### Public Rights of Way

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

#### Other Matters

- 10.92 Comments have been received stating that insufficient information has been provided. However, it is the officer's opinion that sufficient information has been received to determine the application. Additionally, comments have mentioned that the density of the development should not increase. The proposal is for 38 dwellings and would only increase if an amendment is submitted. However, this would require the submission of a formal application and appropriate consultation will be undertaken where appropriate.
- 10.93 Concerns have been raised regarding a conflict between the Gargrave Neighbourhood Plan and the adopted Craven Local Plan 2012-2032. In particular, the objectives of the GHNP for example the protection of protected areas (National Cycle Route and the Pennine Way) from development. The proposal is not considered contrary to these objectives as the proposed development would not restrict users of either the NCR or the Pennine Way as they travel through the area. In addition, in accordance with the design principles of G2/2 the proposal would provide a green buffer to help minimise any adverse impacts on the Pennine Way. Similarly, residents have raised concerns that the proposal fails to meet other objectives set out within the GHNP around infrastructure and walking cycling, however, for reasons set out above the proposal is not considered contrary to these objectives.
- 10.94 Concerns have been raised regarding the impact on the listed bridge crossing the River Aire at Church Street to the east of the site. The Highways officer acknowledges the concerns and has taken these into account when commenting on the proposal but considers that the increase in traffic will not have an adverse impact on the bridge.

- 10.95 Comments have raised concerns that the homes will be too expensive and that there is a need for more affordable homes. The housing mix is in line with planning policy. The house prices have not been confirmed as it is up to the developer how much they wish to sell the houses for, and the price of the houses is not a material consideration. The amount of affordable housing is considered to be appropriate.
- 10.96 Concerns have been lodged regarding the lack of consultation with local residents. Developers are encouraged to engage with the local community and parish in advance of submitting applications, but it is not a requirement for them to do so. Regarding consultation and publication of the proposal, there have been direct neighbour notification letters to properties surrounding the site, site notices posted at the site boundary as well as press notices in the local newspaper. This is beyond the minimum requirement for notification, so the appropriate procedure has been followed.
- 10.97 An objector has stated that the Local Plan did not follow due process. The Local Plan is based upon a robust evidence base and has been fully examined and considered to be a sound plan at the adoption stage. Notwithstanding that this is not a material planning consideration for this proposal.
- 10.98 Objectors have raised concerns that the proposal conflicts with the Council's Climate Emergency. North Yorkshire Council's Climate Change Strategy 2023-2030 states that climate change should be embedded into every service including policy and decision-making in an effort to become net zero. These measures have been fully considered through the submission of the development proposal through biodiversity, landscaping, preserving habitats, encouraging the use of public transport, footpaths and cycle routes, and through sustainable design and construction. These elements are incorporated throughout the site and are also covered both through Local Plan policies SD2, ENV3(t), ENV4, and ENV9 and the GHNP.
- 10.99 The agent has confirmed that the land beyond the application site is not in the ownership of the applicant.

S106 Legal Agreement

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

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
POS Delivery and Maintenance	Delivery of qualitative provision.	£138,354.00 to be agreed with the Open Space Officer
Affordable Housing	11 dwellings	11 dwellings on-site plus monitoring fee
S106 Monitoring	Band 3	£390.00

- 10.102 It is considered that the above S106 Heads of Terms is necessary, directly related to the development and fairly and reasonably related to the scale of the development

and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

## **11.0 PLANNING BALANCE AND CONCLUSION**

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

## **12.0 RECOMMENDATION**

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

## **Recommended Conditions**

### **Time Condition**

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

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

### **Approved Plans**

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

Drawing No. 12 Rev C "Proposed Site Levels" received 03rd October 2023.

Drawing No. 8591-BOW-A0-ZZ-DR-A-0001 Rev P1 "Site Location Plan" received 03rd October 2023.

Drawing No. 8591-BOW-A0-ZZ-DR-A-0002 Rev P1 "Topographical Site Survey" received 03rd October 2023.

Drawing No. 8591-BOW-A0-ZZ-DR-A-0006 Rev P2 "Proposed Street Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-A0-ZZ-DR-A-0104 Rev P4 "Proposed Site Layout - 38 Houses" received 21st December 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0120 "Type A+B - Plots 2-3 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0121 "Type A+B - Plots 4-7 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0122 "Type B - Plots 19+20 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0123 "Type B + C - Plots 32-34 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0124 Rev P2 "Type D - Plot 10, 11, 13, 14, 30 + 31 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0125 Rev P2 "Type E - Plots 1 + 35 Floor Plans + Elevations" received 03rd October 2023.

Drawing No. 8591-OW-ZZ-ZZ-DR-A-0126 Rev P1 "Type F - Plots 8 + 9 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-0127 Rev P1 "Type F - Plots 15 + 16 Floor Plans + Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0128 Rev P1 "Type F - Plots 21, 22 + 23 Floor Plans + Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0129 Rev P2 "Type F - Plots 36 + 37 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0130 Rev P2 "Type G - Plot 12 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0131 Rev P1 "Type G - Plots 27, 28 + 38 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0132 Rev P2 "Type H - Plots 17, 18, 24 + 25 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0133 Rev P2 "Type I - Plots 26 + 29 Floor Plans and Elevations" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0134 "Single Garage" received 03rd October 2023.

Drawing No. 8591-BOW-ZZ-ZZ-DR-A-0135 "Double Garage" received 03rd October 2023.

Sustainable Design and Construction Statement received 03rd October 2023.

Phase I Preliminary Contamination Risk Assessment received 03rd October 2023.

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

### **Prior to Commencement of Development**

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

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

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

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

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

Reason: In the interest of public health and to accord with Policy ENV8 of the Craven Local Plan

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

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



- 7 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
1. details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  3. the parking of contractors' site operatives and visitor's vehicles;
  4. areas for storage of plant and materials used in constructing the development clear of the highway;
  5. details of site working hours;
  6. details of the measures to be taken for the protection of trees; and
  7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

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

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

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

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

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

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

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

- 11 No building or other obstruction including landscape features shall be located over or within 3 metres on either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority.

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

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

#### **During Building Works**

- 12 The Development shall be built in accordance with the following submitted designs;
- o Drainage Strategy, Hutchinson Whitlam Associates, Reference 20082595/MO/PH, Revision D, Dated August 2023.
  - o Exceedance Flow Plan, Hutchinson Whitlam Associates, Reference 20082595-SK03, Revision D, Dated 08/23.
  - o Proposed Drainage Layout (Whole Site), Hutchinson Whitlam Associates, Reference 20082595-10, Revision E, Dated 28/07/23.
  - o Proposed Site Levels, Hutchinson Whitlam Associates, Reference 20082595-12, Revision D, Dated 31/07/23.
  - o Causeway Hydraulic Calculations, Hutchinson Whitlam Associates, Dated 01/08/23.

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

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

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

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

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

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

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

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

- 16 A report specifying the measures to be taken to protect the development from noise from the railway shall be submitted to and approved in writing by the LPA The report shall,
- a) Determine the existing noise climate
  - b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development.
  - c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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

### **Prior to Occupation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Ongoing Conditions**

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

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

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

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

### **Notes**

- 1 Statement of Positive Engagement:

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

- 2 Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

3 Charging Points

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

4 Broadband Connectivity

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

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

5 The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

6 The Design & Access Statement states that the affordable dwellings in this application need to comply with Secured By Design (SBD). The applicant is advised to contact the Designing out Crime Officer to discuss the SBD process and accreditation or visit the website [www.securedbydesign.com](http://www.securedbydesign.com)

7 Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

**Target Determination Date: 26 December 2023**

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