

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

**03 DECEMBER 2024**

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

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the report**

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

**2.0 Executive Summary**

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

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

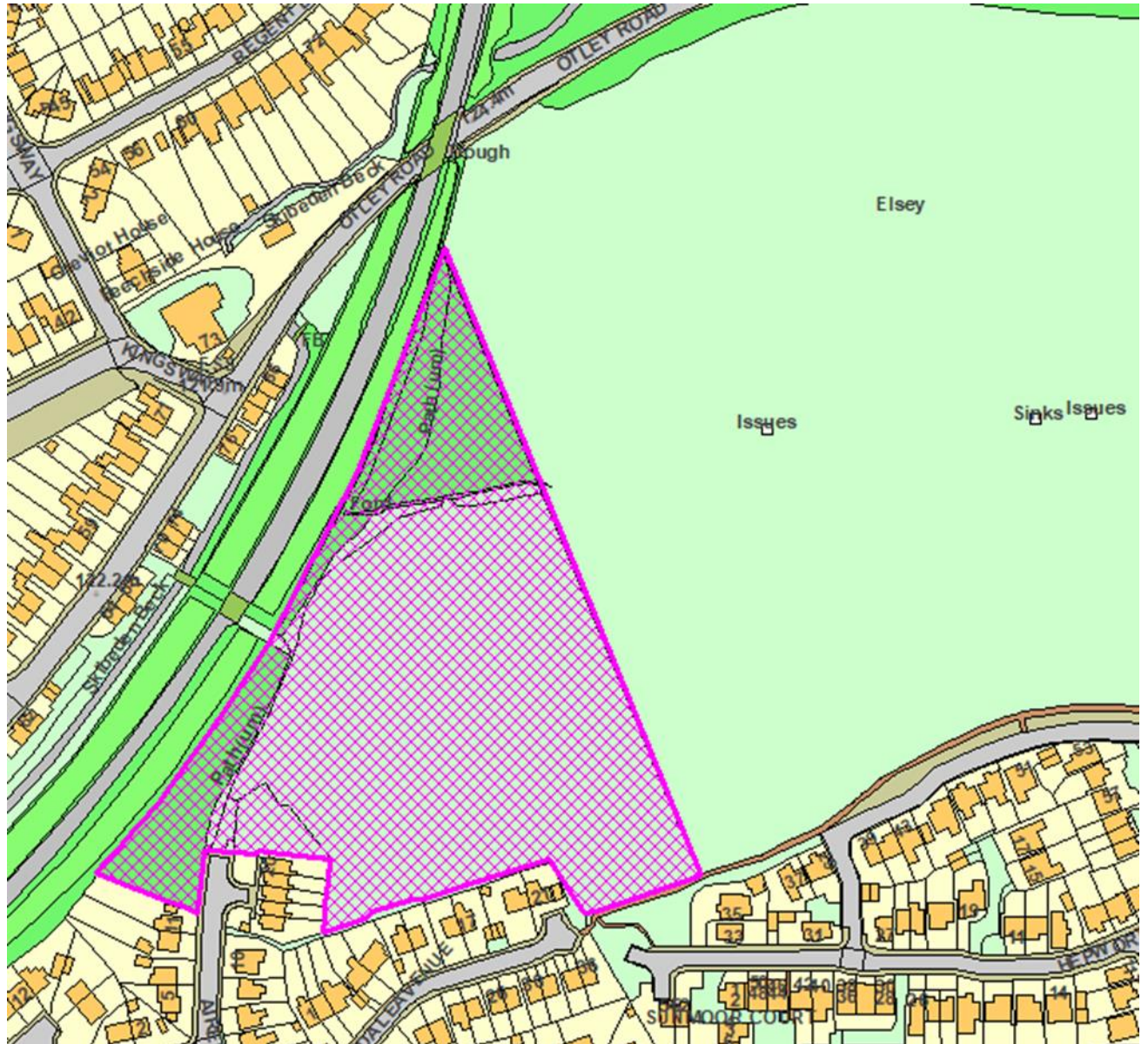
be acceptable. The proposed development will make a valuable contribution to meeting housing need, including the delivery of affordable housing. The impacts of the proposed development on the operation of the highway network, landscape character, and in all other respects that are material to the consideration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

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



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### 3.0 Preliminary Matters

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

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

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

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

**4.0 Site and Surroundings**

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

**5.0 Description of Development**

- 5.1 The application seeks planning permission for the construction of 53 dwellings to the south of Airedale Avenue, with access directly from that highway. The proposal also includes off-street parking and associated infrastructure.
- 5.2 The dwellings would consist of a mix of terraced, semi-detached, and detached dwellings ranging from 1-4 bedrooms, with associated parking areas. The housing mix is proposed as follows:

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

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

5.5 The application is accompanied by the following documents:

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

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

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

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Consideration

6.4 Relevant guidance for this application is:

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (PPG)  
National Design Guide  
Craven Good Design DPS 2022  
Craven Green Infrastructure SPD 2022  
Craven District Plan Approaching Housing Density and Mix 2017  
Craven Authority Monitoring Reports 2022-2023  
BRE Site Layout Planning for Daylight and Sunlight

## **7.0 Consultation Responses**

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

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

#### Highways

Concern ref access to the site.

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

Increased traffic congestion.

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

#### Amenity

Disruption during any development.

Dust, dirt and noise nuisance.

#### Visual

Loss of greenfield

#### Biodiversity

Harm to wildlife and existing trees.

#### Flooding/drainage

Concern over flooding

Foul sewage pipes not adopted by Craven and are substandard.

#### Other Matters raised in representations.

Infrastructure will not be able to cope.

Non-material considerations are raised in representations.

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

## 8.0 **Environmental Impact Assessment**

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

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

## 9.0 **Main Issues**

9.1 The main issues are:

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

## 10.0 **ASSESSMENT**

### **Principle of Development**



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

#### **Context of the previous resolution**

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

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

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

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

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

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

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

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

10.20 **Housing density and mix**

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

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

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

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

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

- 10.25 However, the latest Craven Plan Area Monitoring Report from April 2022 to March 2023 shows an over-provision of smaller 1 and 2-bed properties and larger 4-bedroom properties and an under-provision of 3-bedroom properties in the district.
- 10.26 As such the mix proposed seeks to address the over and under provision and is therefore considered appropriate based on the most up-to-date evidence before the Council on local housing needs. The proposal therefore satisfies the requirement of LP policy SP3 (a).
- 10.27 For these reasons, it is considered that the proposal is acceptable as it complies with Policy SP3 a) and b) of the LP regarding the provision of an appropriate housing mix and density.
- 10.28 **Affordable housing provision**
- 10.29 Local Plan Policy H2 seeks affordable housing of 30% on greenfield sites of developments with a combined gross floor area of more than 1000 sqm. The proposed combined gross floor area is above 1000 sqm and the proposal is for greater than 10 dwellings. Therefore, the requirement under Policy H2 of the Local Plan regarding affordable housing provision is triggered.
- 10.30 Details submitted indicate that the proposal would provide 30% on site affordable provision, equal to 16 affordable dwellings. This is compliant with the policy target of H2. The mix includes one, two and three-bed houses offered for rent and shared ownership. Provision of all affordable housing tenures will be controlled via a S106 agreement.
- 10.31 The affordable housing mix is acceptable, and the homes are well integrated throughout the site and designed so that they are indistinguishable from the market properties. The Council's Strategic Housing officer has reviewed the information and has confirmed that the proposal provides an appropriate mix and size of units within the site and therefore supports the proposal.
- 10.32 A legal agreement will be signed to secure the provision of affordable housing.
- Education provision**
- 10.33 Local Plan Policy INF6 seeks to ensure that there is a sufficient choice of school places to meet the needs of existing and new residents. If the proposal would result in a deficit of school places in the area, it will be required to provide developer contributions for education provision. In particular, the policy states that contributions will be sought from proposed developments on local plan-allocated sites.
- 10.34 The North Yorkshire Education Authority was consulted on the proposal, and they stated that no developer contributions will be required for education facilities at this time.
- 10.35 **Open Space provision**
- 10.36 Local Plan Policy INF3 seeks to promote health, well-being, and equality by safeguarding and improving sports, open space, and built sports facilities. The policy requires all new housing developments of 11 or more dwellings and on any site with a combined gross floor area of more than 1000 square metres to

include provision or contribution towards new or improved sports, open space, and built sports facilities.

- 10.37 Further, the policy states that new provisions or contributions towards improving existing spaces and facilities must cater for the needs arising from the development. Where a quantity deficiency exists, on-site provision of facilities will be expected where possible, whereas a quality deficiency will require a contribution to be made to address qualitative deficiency off-site.
- 10.38 Details submitted indicate that the proposal would provide an area of public open space in the northwest corner of the site.
- 10.39 NYC Open Space officer have reviewed the information and following amendments to the scheme confirms that the onsite provision is acceptable. Notwithstanding this, an off-site contribution would be required address deficiencies in the South Craven area.
- 10.40 It is considered that the proposal complies with Policy INF3 subject to the applicant entering a Section 106 Agreement to secure a contribution to off-site qualitative amenity green space in the locality.

#### **Visual impact and design**

- 10.41 Local Plan Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials.
- 10.42 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The National Design Guide also provides additional guidance on how well-designed places can be achieved in practice.
- 10.43 The applicant has worked with officers to create a well-designed layout with good connectivity, and tree planting with open and amenity space. Green corridors are proposed along the northern, western, and southern boundaries. The existing footpath is retained and upgraded running adjacent to but set back from the railway embankment to the countryside beyond the site. This will create an attractive open space for residents.
- 10.44 The provision of the proposed play area has good natural surveillance from adjacent dwellings to ensure that it is overlooked and feels safe to use.
- 10.45 The majority of the new dwellings would consist of terrace, semi-detached and detached dwellings arranged with both inward and outward-facing aspects to flanking estate roads. This approach would achieve both active frontages to the roadside and good natural surveillance.
- 10.46 The proposed dwellings would be two storeys in height, although taller 3-storey dwellings are also proposed. This approach reflects existing dwellings adjacent to the site. Notwithstanding this, it is considered that these larger dwellings due to the changes in topography would not result in these dwellings appearing as dominant or incongruous features in the wider context of the surrounding area.

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

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

10.72 **Sustainable design**

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

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

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

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

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

10.77 **Flooding & Drainage**

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

10.79 Local Plan Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources and protect surface and groundwater from potentially polluting development and activity.

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

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



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

- 10.92 Subject to the conditions proposed and the matters to be secured through a Section 106 agreement it is considered the impacts of the proposed development on ecology would be acceptable and that the proposal is compliant with the requirements of Policy ENV4 of the Local Plan.
- 10.93 **Highway safety**
- 10.94 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes and ensure proper provision and management for parking for vehicles. Local Plan policy INF7 seeks to promote sustainable transport modes to reduce the impact upon the highway network.
- 10.95 Paragraph 115 of the NPPF states that:
- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*
- 10.96 A Construction Management Plan (CMP) has been submitted in support of the application. The Highways Officer has assessed the CMP and confirms that it is acceptable.
- 10.97 As per the previous application improvements to the junction of Airedale Avenue and Hurrs Road have been agreed with the applicant resulting in improved visibility. The off-site highway works would be secured under a planning condition should planning permission be granted, and the said works would then be dealt with by the developer entering into an agreement with the local highway authority under section 278 of the Highways Act 1980
- 10.98 The Highways Officer has confirmed that the internal layout of the development is acceptable and accords with NYC design guide specification. Turning and parking provision is also acceptable with the provision of secure cycle facilities.
- 10.99 Concerns have been raised regarding the railway bridge immediately by the Hurrs Road/Shortbank Road. It is acknowledged that the development would increase traffic levels in the area. The Highways Officer has assessed the proposal with regards to impacts on the existing highway network and has not recommended refusal on the grounds that the development would result in 'severe residual cumulative impacts on the highway network 'as set out in paragraph 115 of the NPPF.
- 10.100 In consideration of NPPF guidance, it is known that new developments inevitably increase multi-modal trips onto the highway network, and this will inevitably result in increased traffic movements. Mitigation in the form of improved visibility at the Airedale Avenue/Hurrs Road junction is proposed. Ultimately a balance has to be established between the need for new development and the overall impact that new development can have on existing communities, the environment and the highway network. In summary, when assessed against NPPF, the Local Highway Authority considers there to be no defensible reason to refuse the application on highway and transportation grounds.
- 10.101 The issues of impacts on the road network, road safety and congestion, have been raised by objectors including Parish Councils and the Division Member.

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

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

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

## **11.0 PLANNING BALANCE AND CONCLUSION**

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

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

## **12.0 RECOMMENDATION**

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

### **Time Condition**

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

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

### **Approved Plan Condition**

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

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

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

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

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

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

### **Pre-commencement Condition**

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

Reason: To secure planning obligations.

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

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

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

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

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

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

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

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

**Informative**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;



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

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

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

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

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

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

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

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

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

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

- Junction improvement to Airedale Avenue and Hurrs Road to re-line and improve visibility prior to the first occupation.
- For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.
- An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to commencement of the approved junction improvement works.
- A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the approved junction improvement works.
- Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

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

**Informative**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Prior to Occupation conditions**

24 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and

kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

**Informative**

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

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

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

- 25 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land to The North Of Airedale Avenue, Skipton have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

**Informative**

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

**On-going Conditions**

- 26 No building or other obstruction including landscape features, shall be located over or within 5 (five) metres either side of the centre line of the public sewers i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

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

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

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

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

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

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

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

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

## Notes

- 1 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).
- 2 Adherence to approved plans/conditions
- Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.
- 3 The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work

should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

4 Charging Points

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

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

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

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

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

**Target Determination Date: 01 December 2024**

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