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Branch Chair
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Authority: Craven District Council

Type of consultation: Planning Consultation

Full details of application/consultation: 2022/23669/FUL - Residential development with access, associated landscaping, green infrastructure, and other associated works

At land: Land Off Marton Road Gargrave

Type of response: Objection

Date of Submission: 18th March 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please note, CPRE North Yorkshire has now merged with CPRE East Yorkshire and contact details have been updated to reflect this, as set out above. All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for 36 new dwellings at land to the southwest of Gargrave, off Marton Road. The application was submitted to Craven District Council ('CDC' / 'the Council') on behalf of R N Wooler & Co. Ltd. ('the applicant').

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2021) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The Development Plan relevant to this application consists of:

- The Craven Local Plan (November 2019); and
- The Gargrave Neighbourhood Plan (July 2019).

The NPPF sets out at paragraph 219 that plans should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

The proposal subject to this application is for a residential development comprising 36 new dwellings (with 30% being affordable) in a range of tenures and scale, alongside site access, landscaping, green infrastructure and other associated works. The site is currently in agricultural usage and equates to circa 1.4Ha. The site is allocated in both the Local Plan (LP) and the Neighbourhood Plan (NP) therefore, residential use on the site has effectively been established in principle.

CPRENEY, however, have several concerns relating to the proposed development and the overall site, which the applicant should address prior to determination. In its current guise, despite being allocated, CPRENEY objects to the proposed development at this location.

The proposed site is located adjacent to Marton Road to the west of Walton Close. Policy SP10 of the LP sets out that the potential yield for this site is 44 and that development at this location would be supported subject to compliance with the development principles set out in the policy which relate to:

- Conserving the significance of heritage assets near the site and their settings;
- Incorporating Sustainable Drainage Systems (SuDS), where possible;
- Minimising visual impact on the character and appearance of the area, and include measures to

- minimise impacts on air quality, noise and light pollution;
- Access from Marton Road; and
- Compliance with local plan policies H2, INF3 and INF6 (which set out requirements for contributions towards affordable housing, education provision and sport, open space and recreation facilities) and all other relevant local plan policies.

Additionally, Policy G2 of the NP allocates the site setting out that *'A buffer or landscaping scheme should be provided to mitigate any adverse impacts on the Pennine Way, which runs within close proximity of the site.'*

This appears to have been provided on the plan but no clear detail as to what this will consist of or whether it is sufficient.

The NP explains that for all new housing development within the defined settlement boundary of Gargrave that ALL the criteria in Policy G1 must be satisfied alongside other development plan policies to be permitted. The Policy contains a list of 11 criteria. CPRENEY are particularly concerned with two of these points.

Point 2 requires *'Sites have good accessibility and where possible connect with relevant footpaths and cycle ways'* and Point 7 which requires *'They have suitable provision for vehicular access and do not impact adversely on highway safety on existing highway networks and particularly narrow lanes in the village centre'*. CPRENEY consider that the NPPF is clear, priority is to be given to vulnerable road users and that access should be safe and suitable in terms of highway safety. This is a high bar to pass. CPRENEY are aware that there are no footpaths adjacent to Marton Road at this location and very little street lighting. As such, it is likely that potential new residents are therefore likely to drive to the centre of the village to access shops. The lack of bus stops in this location currently makes that even more likely. With the revisions to the highway code, it is now statutory for primacy to be given to vulnerable road users on a highway with a 2m passing restriction in place. The road is relatively narrow at this juncture and CPRENEY are concerned that pedestrians will have nowhere to safely 'get out of the way' should they need to, especially with an increase in traffic from this proposed new estate. Furthermore, the risk to vulnerable users is heightened by the presence of the Milton House Nursing and Residential Care Home a few metres from the site entrance. Whilst the site is allocated in both plans, CPRENEY are concerned that the highway safety is a huge issue and access should be provided along Marton Road. It is acknowledged that the applicant is proposing a new footpath to link with Walton Close, but it is considered whilst pedestrian routes are always welcomed where appropriate, this will not solve the problem on Marton Road or serve the entire development as it is located to the south of the site. Therefore, CPRENEY feel that the proposed does not satisfy the NP essential criteria.

CPRENEY note that the applicant has not submitted a flood risk assessment (FRA) or dealt with surface water management. Whilst the site is located within Flood Zone 1 according to Environment Agency Mapping, if a site is over 1ha (which this is), an FRA should be completed with appropriate mitigation put in place as required. CPRENEY are aware that the drainage at Marton Road is already at capacity and therefore have concerns that further built development in this vicinity will exacerbate problems currently faced in high rainfall events. Despite being allocated site, a proposal must satisfy all relevant policies in the development plan. At the present time, the proposals do not satisfy national or local policies in relation to flood risk therefore should be refused.

Policy ENV4 of the LP requires all new developments to *'make a positive contribution towards achieving a net gain in biodiversity'*. This is in conformity with the NPPF which requires decisions to minimise impacts on and provide net gains for biodiversity (paragraph 174d). The applicant has submitted a preliminary ecological appraisal determining the current baseline. It is acknowledged that the applicant proposes to 'gap up' existing hedges to be retained, however, no calculations have been attempted to show a net gain. It is important that

developments do not count the 'existing' biodiversity as gain just because it is being retained. Whilst retention of hedgerows and trees are welcomed and encourage, a minimum of 10% net gain should be demonstrated over and above existing levels, in line with the requirements of the Environment Act 21. The Council should require this information prior to determination of the proposal.

Conclusion

CPRENEY welcomes the opportunity to comment on this planning application for new residential development at Gargrave. Despite the site being allocated in the Development Plan, CPRENEY feel that the proposed development in its current guise is contrary to several local and national planning policies as set out above and therefore, CPRENEY respectfully ask that this proposal be refused.

CPRENEY reserves the right to comment further should any additional information be submitted in support of the proposal.