

CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 15th January 2018

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REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 32/2016/17097

Proposal: Conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and residential development of 67 dwellings within grounds (including conversion of listed lodge building to dwellinghouse)

Site Address: Malsis Hall, Colne Road, Glusburn BD20 8DS

On behalf of: Malsis Ltd

Date Registered: 22nd July 2016

Expiry Date: 21st October 2016

Case Officer: Mr Matthew Taylor

UPDATE TO MEMBERS:

At their meeting on 20th November 2017, members of the Planning Committee resolved to grant permission for application 32/2016/17097 subject to the completion of a S106 agreement and 26 conditions (including an amendment to condition 22 relating to the landscaping of the site).

Following that resolution, and as the planning permission is yet to be issued pending the completion of a S106 agreement, the applicant has indicated that they wish to make the following alterations to the scheme:

1. An amendment to the phasing plan in order to allow the development to be delivered in two (rather than three) separate phases.
2. Amendments to the elevational treatments of three house types including alterations to the chimney design of house type B, the fenestration of house type F and the configuration of house type H.

The changes under point 1 are required in order to allow the care home, sports facilities and 34 of the dwellings (equating to 51% of the total) to be brought forward simultaneously under a single phase for logistical/operational reasons and because the build timetable under the current phasing plan would delay the commencement of any housing construction until approximately autumn 2021 due to the need for multiple phases of seeding and bedding in for the sports pitches before they could be brought into use.

The changes proposed under point 2 involve minor alterations to the elevations of approved house types B and F, and to the configuration of house type H due to the evolution of these house types since the initial submission of the application in June 2016.

The changes to the phasing plan will continue to ensure that the works to restore the listed building and the provision of the sports pitches are front loaded alongside the delivery of half of the proposed dwellings, but will also allow the applicant to co-ordinate construction operations in the north-western area of the site and avoid the potential for disturbance to future occupiers of the care home by constructing the adjacent housing at the same time. It is not considered that the proposed changes to the approved house types would have any materially greater effects in comparison to those already permitted.

Accordingly, it is recommended that members of the Planning Committee resolve to approve the proposed alterations to the scheme as described above in accordance with the resolution and updated conditions set out below.

A copy of the report which was referred to the Planning Committee on 20th November 2017 is included below. The report has been updated to reflect the abovementioned changes, as has the wording of conditions (including condition 22 which members resolved to alter at the November meeting).

The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval. It also follows a committee resolution on 20th November 2017 for the same site and, accordingly, relates to a matter previously considered by the Planning Committee.

1. Site Description

- 1.1 The application relates to the *circa* 13 hectare site of Malsis Hall – a grade II listed building set in spacious grounds off the A6068 (Colne Road), Glusburn. The site falls outside the Development Limits shown on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore within Open Countryside. The hall, a former school which closed in December 2014 and is presently vacant, is located to the western end of the site and comprises a split-level two/three storey building on elevated ground fronting a walled garden and open fields to the east/southeast. The list description for the hall reads as follows:
- “Mansion, built 1866 for James Lund, now a school with later additions. Ashlar with slate roof. Two storeys with a taller belvedere, irregularly composed into 12 bays on the entrance facade (1:3:1:3:1:3) which has a porte cochere. The south facade has 7 bays of which the last breaks forward. The detail is Italianate: pilaster strips at angles, rusticated below and panelled above, carry an entablature and a pierced arcaded parapet. The windows are mostly of 2-lights with cornices on consoles, round-headed to first floor but segmental below. The skyline is enlivened with urns and the belvedere tower, which is roughly central and has similar detail. Later additions include a War Memorial chapel with stained glass windows by John Piper. Interior not inspected.”
- 1.2 The original components of the hall are covered by a pitched roof to the eastern end, with a flat-roofed four-storey tower protruding to the northeast corner. A series of later (20th century) flat-roofed, two storey additions are attached to the northern and western elevations of the hall, with that to the north connecting the hall with a single storey chapel and the larger extension to the west side extending in a south-westerly direction to straddle the fields to the south. These modern additions are finished in a combination of brown and buff brick and floor-to-ceiling glazing.
- 1.3 There are a number of other buildings surrounding the hall. These include a single storey chapel to the northeast corner; a single storey timber outbuilding and two-storey stone house to the east; two, two-storey stone cottages to the west of the hall connected by an arched entrance; two single storey buildings on lower-lying ground to the northwest of the hall and a modern, portal-framed gym building to the edge of a former playing field on a lower plateau to the northwest. None of these buildings are listed, nor are they referred to in the list description.
- 1.4 The main entrance to the site is off Colne Road to the southeast corner. A single storey lodge building following a staggered, L-shaped layout lies to the north side of the access. This building is part of a separate listing to the hall (grade II) and two ornate stone gate posts to either side of the junction are also grade II listed. The list descriptions for these elements are as follows:
- “Lodge, circa 1866 (date of Malsis Hall) (qv). Ashlar with slate roof. Simple single-storey L-shaped building in the Italianate style. Plinth and modillion cornice, with rusticated pilaster strips at corners. The gables are treated as open pediments. Coupled round-headed windows with moulded archivolt, sashed with no glazing bars. Round-headed doorway. Two chimneys.”
 - “Gatepiers and railings forming a short screen, circa 1866, in front of Lodge to Malsis Hall (qv). Four square stone piers with alternating rustication, crowned by caps with segmental pediments of each side and (in the case of the 2 inner piers only) by carved floral sprays, joined by dwarf walls surmounted by simple railings.”

- 1.5 From its entrance on Colne Road a driveway runs in a westerly direction through the grounds of the hall up to the main building. This driveway is lined by trees on both sides, with a raised embankment to the south side intervening between a triangular clearing to the southeast corner, a central pond and a series of overgrown sports pitches and tennis courts to the southwest fronting the hall. Land to the north of the driveway is generally flat but set at a lower level, with a gentler slope to the northeast and central areas of the site (the latter including an overgrown cricket pitch and timber dugout) which steepens significantly to the northwest corner where a wooded banking intervenes between the hall and the open fields beyond. A second entrance to the site is located to the southwest of the hall off Car Head Lane, though this has been used as a secondary access for the hall.
- 1.6 The perimeters of the site are heavily screened by surrounding woodland – both within and outside the site – from vantage points on Binns Lane to the north and Carr Head Lane to the south and west. There is an area Tree Preservation Order (TPO) covering the whole of the site (TPO reference 209 2013 A1). Views from Colne Road vary with the south-eastern parcel densely screened by trees to the periphery of the site, but more open views of the hall being available through roadside trees from the A6068. The former sports pitched to the east/southeast and northeast of the hall are now overgrown and, aside from the hardstanding tennis courts enclosed by weld-mesh fencing to the front of the hall, the remnants of these sports pitches have now blended into the landscape.
- 1.7 The watercourse of Glusbrun Beck meanders around the northern and western perimeters of the site. A group of terraced dwellings are located on the cul-de-sac of The Old Corn Mill on the opposite side of the beck beyond the northeast tip of the site. Aside from these properties, the closest buildings include the Dog and Gun Public House and a collection of five private dwellings on the opposite side of Colne Road close to the main entrance and a group of five dwellings on Carr Head Lane to the west. Land bounding the site to the north and west comprises open agricultural fields.

2. Proposal

- 2.1 The application seeks full planning permission for: (i) the conversion, restoration and extension of Malsis Hall and associated outbuildings to create a 51 bedroom trauma care facility (use class C2); (ii) the upgrading and re-opening of the former sports facilities for community use; (iii) a residential development of 67 dwellings within the grounds of the hall (including the conversion of the listed lodge at the site entrance to a single dwelling). Each of these components would be delivered in accordance with a phased approach as follows:

Phase 1 (conversion and extension of Malsis Hall; sports facilities and 34 dwellings to NW development parcel):

Care home conversion:

- 2.2 A programme of refurbishment including works of demolition, extension and restoration to Malsis Hall and adjacent outbuildings are proposed to facilitate its conversion to a 51 bed residential care facility (use class C2). The accommodation would be split across 39 bedrooms within the hall and 12 'step down' apartments within the house and cottage to the east and west of the hall respectively. The classification of this use is the same as the previous residential school, so there would be no change in the established planning use class of the buildings.
- 2.3 The purpose of the care facility is to provide rehabilitation and nursing care for individual who have mental ill-health due to psychological trauma. This could include people who have suffered from abuse or have been involved in a traumatic event (e.g. veterans). The applicant has indicated that the care facility will generate approximately 112 full-time equivalent jobs with 24 hour, 7 day a week care to be provided by staff working in two, 12-hour shifts changing over at 8am and 8pm. Other non-care related staff (e.g. medical practitioners, managers, administration, catering and cleaning staff) would have working hours of 8.30am to 5pm Monday – Friday.
- 2.4 It is proposed to demolish the modern, flat-roofed extensions to the north and west of the hall in their entirety. It is also proposed to demolish one of the cottages to the west of the hall which is attached to these extensions (though its west and north facing walls would be retained), and the detached gym and stable buildings to the west/northeast of the hall. The existing chapel to the northeast of the hall would be retained as a communal meeting/activity space with a small, flat-roofed single storey

extension added to the rear. The second cottage to the west (including the arch which links it to the reconstructed façade) would be retained and converted to 8 apartments which will provide a care pathway for residents to be integrated back into the community. The house to the east of the hall would be converted through minor external alterations to the fenestration to provide a further 4 apartments.

2.5 Following the demolition of the existing extensions, two new blocks would be constructed to the west side of the hall. The main blocks would form a continuous 'r' shaped wing detached from the hall and incorporating the façade of one of the existing cottages. The blocks would be connected to the hall via a narrow, elongated corridor providing a glazed single storey link extending from the hall's southwest corner. Both blocks would be two storeys in height and would have flat roofs with shallow parapets to their perimeter. The extensions would be finished in a rustic buff brick and would incorporate tall floor-to-ceiling glazing laid out in a regimented pattern with aluminium window frames.

2.6 Externally, existing hardstanding areas would be reconfigured to provide a total of 40 car parking spaces for the care facility. The existing walled garden to the east of the hall would be retained and turning areas provided for service vehicles. New footpaths would be provided to allow circulations around the hall.

Sports facilities:

2.7 The scheme includes the introduction of three football pitches on the open areas of the site to the north and south of the access drive approaching the hall which were previously marked out for cricket, football, rugby and tennis in connection with the former school. The size of the proposed pitches would allow two of these to be used by multiple age groups in a different orientation. As a result, the scheme would deliver the following:

- One senior 11 v 11 football pitch.
- One U13-U14 11 v 11 football pitch.
- One U11-U12 9 v 9 mini football pitch
- Two U9-U10 7 v 7 mini football pitches.
- Two U7-U8 5 v 5 mini football pitches.

2.8 The laying out of the football pitches would be achieved with minimal regrading works (a maximum of *circa* 1m level change) to the land south of the drive. The land to the north of the drive (a former cricket pitch) is already flat and would require very little regrading.

2.9 The second phase of development also includes the refurbishment of an existing timber outbuilding located to the east of the hall (and immediately south of the house) to provide a changing facility for sports users and the provision of a dedicated 32 space car park to the west of the hall with access off Car Head Lane.

Residential development – 34 houses to NW parcel:

2.10 A total of 67 dwellings would be created on the site. These would comprise 66 new build houses and the conversion of the existing grade II listed lodge at the site entrance to a detached, four-bed dwelling. The dwellings would be laid out in three pockets to the northwest, southeast and northeast corners of the site. Each parcel would be served by a separate cul-de-sac branching off the main access drive.

2.11 The parcel to the northwest corner comprises a total of 34 dwellings, including 7 x 3 bed affordable houses to be offered for affordable rent. The dwellings would be located on lower-lying land to the northwest of the hall and would be separated by a steep, wooded banking. A new buffer of trees is to be planted along the north and east sides of the estate road serving the north-western parcel which would branch off the main access drive before reaching the care home.

Phase 2 (residential development to NE and SE parcels):

- 2.12 The second phase of housing would include the conversion of the existing grade II listed lodge at the site entrance to a detached, four-bed dwelling and the erection of new houses in two pockets to the southeast (17 units), northeast (16 units) corners of the site. Each parcel would be served by a separate cul-de-sac branching off the main access drive. Additional landscaping would be planted to the rear of the lodge to provide separation with the new dwellings.
- 2.13 All housing would be two storeys in height and would provide a combination of detached, semi-detached and terraced types, including 8 apartments laid out in two adjacent blocks to the south-eastern parcel. The development would deliver the following mix of housing: 21 x 2 beds; 18 x 3 beds; 25 x 4 beds; and 3 x 5 beds. Externally, the dwellings would be finished in stone and slate roofs. Smaller house types would have flat facades characterised by regimented and consistent window patterns, with features including protruding gables, chamfered bay windows, canopies and integral garages used to break up the elevations of larger house types. The proposed apartments would be laid out in two separate blocks and would have the appearance of a row of terraced houses.
- 2.14 Alterations to the grade II listed lodge to facilitate its conversion include the addition of shallow, single-storey lean-tos to its rear elevation (northeast and northwest corners) to create a fourth bedroom and sunroom. The extensions would be finished in matching materials. All existing window and door apertures would be re-used.
- 2.15 The majority of dwellings would benefit from in-curtilage parking and would incorporate driveways providing two off-road car parking spaces. A number of plots would also benefit from detached and/or integral garage provision. Where this is not the case (in respect of the 8 apartments to the southeast parcel), a parking courtyard to the rear of the buildings would provide 12 spaces for these units.
- 2.16 The second phase of development also includes the provision of a play area to the north of the access drive, intervening between the playing fields and the north-eastern development parcel. The play space would cover an area of approximately 1200 square metres and would comprise a mix of equipped and informal play apparatus designed in a naturalistic style to blend with the surrounding woodland.
- Other:**
- 2.17 A separate application for listed building consent (reference 32/2016/17098) relating to works associated with the conversion of listed buildings on the site has been submitted in tandem with the planning application and is being considered separately to the application for planning permission.

Access:

- 2.18 The main point of access to the site would be via the current entrance from Colne Road adjacent to the listed lodge. This access (and the current driveway approaching the hall) would serve all the proposed dwellings and the public areas of the care facility. The retained access from Carr Head Lane would serve a small (7 space) staff car park to the rear of the hall and a 32 space car park which would provide parking for the community sports pitches. Access between the entrance on Carr Head Lane and the remaining elements of the development would be restricted by a combination of gates and bollards to prevent vehicle passage.

3. Planning History

- 3.1 32/2016/17098 – Listed building consent for conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and conversion of listed lodge building to dwellinghouse – Pending consideration.
- 3.2 32/2014/14460 (land to east of hall) – Re-submission of application 32/2013/13633 for residential development – Resolution to approve subject to 106 agreement, decision pending.
- 3.3 32/2014/14387 (land west of hall) – Re-submission of previous planning application 66/2013/13634 for residential development – Approved subject to S106 agreement to secure enabling development

where the proceeds from the development were to be re-invested in school through the repair of the listed buildings.

- 3.4 32/2013/13634 (land west of hall) – Residential development – Refused for the following reason:
- The proposed residential development is not acceptable due to its isolated and unsustainable location remote of the main settlement of Glusburn. As a consequence the proposals fail to comply with the National Planning Policy Framework. Furthermore, the Council consider that the principle of allowing ‘enabling development’ in order to provide funding for repairs to the listed Malsis Hall, was not justified therefore an exception to approve this development contrary to ordinary planning policy could not be made.
- 3.5 32/2013/13633 (land to east of hall) – Residential development - outline with access only for up to 41 dwellings – Refused for the following reason:
- The proposed residential development is not acceptable as it would cause harm to the setting and significance of the Grade II Listed Buildings of Malsis Hall, the Lodge to Malsis Hall and the Gatepiers and railings to Malsis Hall. It is considered that the significance of these heritage assets would be unacceptably impacted upon as their historic parkland setting would be unacceptably reduced in scale and altered in appearance by the introduction of the proposed housing. As a consequence the proposals fail to comply with the National Planning Policy Framework and the best practice set out in PPS5: Planning for the Historic Environment Practice Guide. Furthermore, the Council consider that the principle of allowing ‘enabling development’, in order to provide funding for repairs to the listed Malsis Hall, was not justified and therefore an exception to approve this development contrary to ordinary planning policy could not be made.
- 3.6 66/2000/1184 – Construction of new pre-preparatory school, formation of new parking/drop off area - Approved April 2001.
- 3.7 66/2000/842 – Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house - Approved April 2001.
- 3.8 66/2000/841 - Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house - Application withdrawn.

4. Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the ‘CDLP’).
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan (ELP) is in the pre-publication stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.
- 4.3 National Policy:
- National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
- 4.4 CDLP:
- ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
T2 – Road Hierarchy
SRC2 – Provision of Recreation Space in New Housing Developments

4.5 ELP:

SP1 – Meeting Housing Need
SP8 – Strategy for Glusburn/Crosshills
H2 – Affordable Housing

4.6 Other Documents:

Craven Playing Pitch Strategy – Version 1.0 (February 2016)

5. **Parish/Town Council Comments**

5.1 *Glusburn and Cross Hills Parish Council* – Comments 22.10.17 as follows:

- “No adverse comments. The Parish Council fully support this development.”

5.2 *Cowling Parish Council* – Object. Comments 30.08.16 in relation to 86 dwelling scheme as follows (no further comments received on amended plans):

- “The site is the grounds of a listed Hall, to build so many houses within the curtilage will be detrimental to its overall appearance. This “stately home with grounds” status will be lost forever.
- The large scale development of this site will create a mini-town, standing away from the main village of Glusburn within a greenfield area. The site still would be best served as a school or outdoor centre and should remain as such. It should not become a small township in a rural setting.
- The road infrastructure through Crosshills and Glusburn is already at saturation point during the morning and evening peak hours. Adding potentially 300 cars to this is unacceptable.
- The proposed houses are all crammed against the woodland by the river channel. This will have biodiversity effects and will possibly require tree felling. This would be unacceptable in the grounds of a listed Hall. This strip of woodland is probably part of a long narrow stretch of ancient woodland extending from Cowling to Glusburn along the river channel area. This needs to be investigated by the planning committee.
- The proximity of houses to a rehabilitation unit, of which details are scant as to what classification of patients will be housed, is unacceptable. They could be violent types which is not acceptable to be close to family homes.”

6. **Consultations**

6.1 *Coal Authority* – No objections. Comments as follows:

- The site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority’s Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

6.2 *CDC Environmental Health (EHO)* – No objections. Comments as follows:

- The applicant has submitted a Phase 1 contaminated land assessment. In light of this report, a condition should be imposed requiring a precautionary approach to deal with any unexpected contamination encountered.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; (ii) requiring a dust management plan; (iii) requiring the submission of an external lighting scheme.

- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.
- Regard should be had for the safe removal of any potential asbestos containing material present on site. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.
- No comments concerning water supply.

6.3 *Environment Agency* – No objections. Comments as follows:

- Provided the proposed development is in accordance with the submitted revised FRA, with all development located in Flood Zone 1, then the EA have no objections.
- All surface water drainage details must be agreed with North Yorkshire County Council in their role as Lead Local Flood Authority before development commences.

6.4 *Historic England* – Updated comments received 31.10.17:

- The site of the former Malsis School has multi-period significance, from the potential archaeological remains of the medieval hall to the two phases of the Victorian mansion and its ancillary buildings to the alterations made during its school use which spanned the greater part of its existence and includes the Second World War memorial chapel with its John Piper stained glass windows. The Grade II listed and the curtilage listed buildings, many of which are of high aesthetic value, are set within an unregistered but almost complete historic landscape setting of high aesthetic value. In addition to aesthetic value, the site also has high historic, evidential and communal value.
- Historic England welcomes the re-occupation and repair of Malsis Hall and the removal of certain less significant 20th century additions. We very much welcome the retention of the Chapel with its stained glass windows. We are broadly content with the conversion and extension of the Hall as a care facility, subject to your Council seeking advice from its historic building advisor regarding the detailed treatment of the interior of the Hall.
- Amendments have taken place and the sports provision is now acceptable on heritage grounds, subject to the pitches remaining without lighting. The position of the play park has also been improved.
- Although some of the housing has been removed, the proposed housing would still irreversibly harm the aesthetic value of the site and its ability to be 'read' and appreciated as an expression of the wealth and prosperity of its owner, both of which are key aspects of its significance. We consider this harm would be very great. If the previous resolution to approve Application 32/2014/14460 remains valid, Historic England would be willing to accept the same quantum of development on the same site, subject to appropriate landscaping, tree protection, archaeological provisions and controls on lighting. The housing proposal remains considerably greater than this. We would certainly wish at least to see the four house plots to the east of the proposed play park removed and the play park moved eastwards into their place. The housing at the western end of the site also remains harmful, especially in view of the long access road required (the reasons for which we understand).
- On account of the amount of housing still proposed we continue to object on heritage grounds to the application. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131 to 135. If having considered the harm to the significance of the heritage assets and the public benefits of the housing proposal your Council is minded to grant consent, we consider this would need to be subject to appropriate conditions concerning landscaping, tree protection, archaeological provisions and controls on the lighting of the site.
- In determining this application you should bear in mind the statutory duty of section 66(1) of

the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6.5 *Heritage Advisor (consultant to CDC) – Comments 27.03.17 and 21.10.17 as follows:*

Listed building and care facility:

- Given the on-going deterioration of the condition of the building, exacerbated by its vacancy which encourages vandalism and theft, I suggested that it is important to secure early consents for work so that repairs and improvements can be undertaken at an early stage and prevent further decay and damage. This may mean that the principle of some works can be agreed through the existing applications but that details can be agreed at a later stage through appropriate conditions.
- The extent of demolition is acceptable where it relates to the 20th C school buildings as they have no heritage significance and their clearance will better reveal the historic buildings.
- I can see no justification for the proposed demolition (and partial rebuilding) of the “Bell House” (the SE service wing). An internal inspection illustrated that it has undergone some changes but also that it has an early staircase and a highly unusual roof structure of crossed trusses to enable use of the first floor.
- I consider that the stables at the lower level at the west of the ensemble have high heritage significance and should be retained, repaired and re-used (possibly as outbuildings).
- The proposals for demolishing the first floor 20th C additions around the belvedere tower and the making good of the roofs of the retained single storey buildings should be clarified.
- One of the annotations on the proposed drawings is “new window following demolition of existing dining hall, surrounds to match existing using modern materials”. However, I recommend that any surrounds/making good should be in matching natural materials (i.e. natural stone and painted timber). Inevitably, many decisions about details of making good can only be agreed after demolition when the extent and condition of surviving historic fabric is known but a condition should require a methodology and details to be agreed before implementation.
- I noted that some windows were in advanced states of decay and that some have already been altered. Original windows are important historic fabric and in normal circumstances window replacement needs to be justified by undertaking a comprehensive survey of the condition of all windows. However, given the specific design of the existing windows and the proposed use, I suggest that comprehensive replacement might be acceptable, provided that the new windows are on an exact like-for-like basis (albeit with slim-line double glazing) and some of the original windows on the rear had vertical glazing bars.
- The design of the service buildings needs to be altered to ensure that attention is paid to the existing openings in order that their heritage significance is not harmed by the proposals.
- The restoration of all heritage assets should be assured through the production of a Conservation Management Plan for the site which will set out convincing proposals and a timetable for all heritage assets.

Residential development within setting:

- Whilst the reduction in the proposed number of dwellings and the consequent retention of an area of open land will certainly reduce the harm to the parkland landscape and its role as a setting for the hall (and lodge and railings), a very large area of the open parkland is still proposed for development.
- The proposed housing will inevitably be clearly seen when approaching the hall both along the principal access drive and along Colne Road and so I consider that the proposed housing will, as a consequence, intrude visually on the setting of the hall.
- Great weight should be given to the conservation of the open character of the parkland landscape and to the wider setting of Malsis Hall and the other heritage assets and that any proposal which extends the area of residential development beyond that which has already

been resolved for development would cause substantial harm to the parkland landscape and the setting of the hall. I therefore recommend that any proposal which extends the area of residential development beyond that which has already been resolved for development should be refused.

6.6 *Lead Local Flood Authority* – No objections. Comments 24.08.17 as follows:

- No objection following clarification of drainage strategy. Recommend a condition to deal with surface water drainage.

6.7 *Natural England* – Comments as follows:

- No comments to make. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.8 *North Yorkshire Police* – No objections. Recommend that a condition is attached to any permission granted requiring the applicant to provide details of what crime prevention measures are to be incorporated into the development.

6.9 *NYCC Archaeologist* – Updated comments 06.11.17 as follows:

- I have received a copy of an archaeological trial trenching report relating to this application. The trial trenching was a focussed exercise to determine the significance of archaeological remains associated with the demolished Malsis Hall (opposite the Dog and Gunn Inn). Although the trial trenching identified a number of features associated with the hall these were not well preserved and had been heavily robbed of stonework and damaged by landscaping. There was no evidence from the trial trenching to suggest a medieval establishment of the hall. Although the remains are still of interest they are not of such significance as to preclude development providing that appropriate mitigation is put in place to make a fuller record prior to construction.
- In previous correspondence I have expressed concern that the applicant has not considered the general archaeological potential of the area in a broader sense. This is an extensive greenfield site adjacent to a watercourse. As with any greenfield area there is potential for undocumented archaeological remains, particularly those from the Prehistoric to Roman periods. I have previously recommend that archaeological field evaluation takes place on the proposed housing areas along the Glusburn Beck in order to assess the archaeological potential.
- Although I recommend that further evaluation takes place to assess the archaeological potential in greenfield areas it is fair to say that the types of archaeological deposit expected would not normally be of such significance as to form a development constraint. There is of course the possibility of unexpected archaeological remains of exceptional quality and this would have to be borne as a risk. I understand that the 'greenfield' element of the application will be a late phase of development and the local authority will have to make a balanced judgement regarding the timing of archaeological fieldwork and the desirability of bringing the listed buildings back into use. If the evaluation is not carried out at this time then I recommend that it is carried forward as a planning condition. I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal in the area of Malsis Hall. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 6.10 *NYCC Education* – Requested a financial contribution of £292,314 for primary education facilities in connection with an 86 dwelling development (no response sent in connection with amended plans). No contribution is sought for secondary school facilities.
- 6.11 *NYCC Highways* - No objections. Comments as follows:
- The design standard for the site is DMRB and considering the extant use of the site the required visibility splay is 60 m east, 100m west by 2.4 metres. This visibility is available on A6068. Some adjustments may be required at access on Carr Head Lane (e.g. removal of Leylandi trees).
 - It is understood that the roads within the development will not be offered to the highway authority for adoption. However, for safety traffic islands should be provided in the middle of the A6068 immediately west of the site access [see dwg 1267-F01E] and just west of Carr Head Lane / A6068 junction [see dwg 1267-F01D for the latter]. This area has been a "high risk site" in the past; traffic islands will make turning right safer and generally improve vehicle manoeuvres and speeds.
 - In addition, raised kerbs, drop crossings, tactile paving, poles and 1 bus shelter should be provided at the adjacent bus stops. Additional paths should also be provided to allow pedestrians shorter routes and routes avoiding the vehicular access.
 - Conditions are recommended with respect to: (i) the construction of roads and footways for the dwellings; (ii) the construction of the site accesses; (iii) the provision of visibility splays; (iv) off-site highway improvements and their delivery prior to first occupation of the development; (v) construction traffic routing and parking to form part of a construction management plan; (vi) the submission of a travel plan.
- 6.12 *Sport England*: No objections. Comments 31.10.17 as follows:
- It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.
 - Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England'
 - The amended scheme now includes retaining an additional area of playing field to the north annotated as 3 and 4 on the amended site master plan. As part of the assessment of this consultation, Sport England has sought the views of the Football Association (The FA). The FA is supportive of the revised scheme subject to conditions concerning the design, construction, quality and maintenance of the sports pitches and the design and layout of the change room and equipment storage.
 - Although there is a loss of playing field, Sport England is mindful of a number of characteristics that related to the proposal. The amended plans which are subject to this consultation now result in less playing field being lost through the retention of the playing field to the north. The proposal is acceptable to the FA who offer their support. Accordingly, Sport England does not object to the application subject to the imposition of conditions or a legal agreement concerning (i) a community use agreement; (ii) a detailed design for the sports pitches; (iii) details of the design and layout of the changing room; (iv) a maintenance scheme for the sports pitches.
- 6.13 *Sports Development Officer CDC* – No objections. Comments as follows:
- The playing fields and proposed site layout and play area proposal will meet the children, youth and adult play and recreation needs generated by the 67units.
 - The Play Area proposal (updated 06/10/17 version) shows a concept design for the play area, now located to the north of the main hall access drive. It is screened from the drive and residential houses to the east and adequate boundary treatment of existing trees to the north

of the play area, stream and wildflower area to the west. The proposal is for un-fenced space. Formal footpath access points are located along the southern side of the play area, which leads to the main hall drive and connects to the proposed new residential areas. The officer raises the potential safety issue of not having gates at entry points due to close proximity of the main drive and new access drive to the residential units to the east. This matter can be picked up at detailed design and specification stage if deemed necessary.

- The concept design shows an equipped play space of 300m² (centre) and a natural play spaces (west and east) of path 500m² with a total space of 1206m². The total amount of space meets the Children's equipped play area and Informal play area amount (1206m²). The Equipped play area size is slightly under policy requirements 300m² compared to 452m² required but there is some natural play items located in the natural play zone to the east, which brings the proposal up to the required amount. Subject to a detailed design, the officer considers that the proposed play area fully meets SRC2 policy requirements.
- The officer fully supports the design intent of the proposal and considers it will meet the Council's adopted policy on green play priority in the Open Space Assessment and Strategy (2016).

6.14 *Strategic Housing (CDC)* – No objections. Comments as follows:

- The applicants have submitted a revised application for 67 units. The applicants have previously undertaken a viability appraisal on a previous application, for 70 units, for which it was agreed that a 16% affordable housing contribution was viable.
- The viability appraisal is still relevant for this application and as a result 16% affordable housing is still required for the new scheme of 67 units. The revised application provides for 11 affordable homes which is in line with the 16% provision required.
- The units to be provided are as follows: (i) Plots 13, 14, 15, 16 - 2 bed apartments to be provided as affordable sale units; (ii) Plots 28, 29, 30 - 3 bed house to be provided as rented; (iii) Plots 31, 32, 41, 42 - 2 bed house to be provided as rented. This is acceptable to Strategic Housing.

6.15 *Yorkshire Gardens Trust* – Object. Comments as follows:

- Malsis Hall (grade II listed) is considered to be a historically important house in Craven with much of its landscape garden surviving despite the Hall being used as a school from 1920-2014. Thus the Hall's parkland setting enhances and greatly contributes to its significance, and in particular the long carriage drive approach to the Hall from the easterly lodge is a significant historic feature of this designed landscape.
- Though we of course would wish to support proposals that would lead to the restoration of the historic buildings on this site, we consider that the proposed extent of new development is totally unacceptable and would greatly harm the setting of both Malsis Hall and its Lodge.
- We consider that these current proposals would have a much greater detrimental impact on the historic landscape than those proposed in 2013 (32/2013/1363 & 32/2013/1364) due to the large increase in the number of proposed new dwellings and their siting on the major section of the parkland to the north of the main carriage drive. We note that those proposals of 2013 were refused as they would cause harm to the setting and significance of Malsis Hall, its Lodge and Gate Piers.
- We thus suggest these new proposals would cause much additional severe harm to the setting and significance of Malsis Hall, its Lodge and Gate Piers in comparison with those of 2013. Thus we strongly object to this planning application, which we consider to be contrary to the National Planning Policy Framework.

6.16 *Yorkshire Water* – No objections. Comments as follows:

- On the Statutory Sewer Map there is a 300 mm diameter combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. However, YW is satisfied with the proposed sewer diversion and the proposed building stand-off from the public sewer centre line.

- The submitted drawing shows surface water proposed to be drained to watercourse. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.
- Conditions should be attached to any permission granted requiring: (i) separate systems for the disposal of foul and surface water; (ii) no piped discharge of surface water from the site should take place until works to provide a satisfactory outfall for surface water have completed.

7. **Representations**

7.1 The appropriate neighbouring properties were notified of the original application for 86 dwellings by letter. In addition, as the proposal represents a departure from the provisions of the CDLP, is for major development and affects the character of a listed building, notices have also been posted at the site and in the local press.

7.2 An additional round of publicity and re-consultation took place in July 2017 in respect of amended plans showing a development of 70 dwellings and allowed a further 21 days for comments. A total of 30 representations have been received in connection with the application. Of these, 20 are in objection and 10 are in support. The points in the representations are summarised as follows:

Principle of development:

- It is not appropriate to locate a mental healthcare facility in close proximity to housing and sports facilities which would be used by children and the general public. These uses are not compatible with one another and are contrary to health and safety. It would be preferable to convert the hall to a country hotel.
- A restriction should be placed on the future use of the care facility to prevent it being used for purposes which may increase local security risks or reduce property values.

Officer note: As Malsis hall was previously occupied as a residential school it has an established C2 use. Accordingly, although the development involves the extension of the hall, the existing building could be brought back into C2 use as a care home without the need for a further planning permission. The proposed use of the building as a care home falls into use class C2. This is distinct from “secure residential institutions” which fall within a different use class (C2a) and would require a separate planning permission.

- Previous applications on the site (references 32/2014/14387 and 32/2014/14460) were submitted with the intention of repairing the listed building and to fund the continued occupancy of the site by the school. As the current applications are unconnected with the school and are by a private developer, they should be considered independently of the previous proposals which can now be disregarded.

Impact on listed buildings:

- Whilst the restoration of the hall and the removal of the 20th century additions is welcomed, the excessive amount of housing proposed within the parkland isn't sympathetic to the listed building and will erode its long term value as a heritage asset.
- Historic England continue to object to the application due to the overdevelopment and urbanisation of the setting of Malsis Hall which is contrary to paragraphs 131-135 of the NPPF.
- Malsis Hall should prosper on its own merits and as such, no housing development should be permitted on the site. Previous applications for planning permissions were intrinsically linked to the continuation of the school. With the demise of the school, this provides the new owners the opportunity to focus on Malsis Hall itself, and not enable the intrusive urbanisation of valuable rural land.

- The 1960's chapel is integral to the Hanson Hall, which will be demised under this application, and would look rather odd if abandoned by itself on the front lawn.

Officer note: Historic England have specifically requested that the chapel is retained in its current location and previously objected to the removal of its stained glass windows and their relocation on another part of the hall.

Design:

- The proposed modern extensions to form the supporting 'wings' of the care facility are incompatible with the main hall and the surrounding area. The design is dreary, lacks inspiration and the large gabion wall is unsightly and dominates the rear of the building.

Highways:

- The development will generate a substantial amount of additional traffic from the houses, sports facilities and visits staff, patients and deliveries connected with the care home. There is insufficient capacity on the surrounding highway network to accommodate this extra traffic. Without a major new road strategy from the council this development in-combination with others already granted in Glusburn and built in Eastburn will only lead to increased congestion and decreased air quality through the centre of Crosshills with queues of stationary traffic.
- The proposed access to the parking area for the sports facilities from Carr Head Lane is unacceptable. This is a 60mph route with no pavement and the junction with Colne Road is dangerous. An intensification in the use of this access would be detrimental to the safety of drivers and pedestrians.
- All access to the site should be through the main entrance from Colne Road and a mini roundabout should be provided at this junction to improve safety. The access from Carr Head Lane should be closed.

Amenity:

- Any intensification in the use of the playing fields would detract from the rural character of the site's surroundings through the use of flood lighting, increased noise levels from users and spectators, greater air pollution from cars being used to transport players and supporters to the site. If the sports pitches are allowed, conditions should be imposed preventing the use of flood lighting or any evening use of the sports pitches.
- Although the plans show that existing trees on the site will be retained, the proximity of these specimens to some of the dwellings would result in these properties receiving little natural light and continued pressure for removals in the future.
- The development will have an imposing visual impact on the occupiers of dwellings on the opposite side of Colne Road facing the site. This has not been taken into account in the applicant's assessment.

Sports facilities:

- Malsis School made regular use of the sports fields during school hours during term time. There was occasional use of the grounds out of term time by visitors. It is untrue that these facilities have been used outside of the school context in any material way as they suffer from drainage issues. In reality, they are simply the Malsis Hall's original parklands with markings laid down for use as rugby and cricket pitches. There are no bespoke changing facilities and they were never intended to be used as an independent sporting facility.
- The proposed sports pitches would only make provision for football. The previous pitches included provision for cricket, tennis, rugby, hockey and golf. Therefore, the proposed pitches do not deliver a like-for-like replacement of the previous sports facilities.

- The Malsis site has been identified as the preferred site for a sports hub to meet the needs of local clubs and the community. There is a current and future need and high demand for quality playing pitches in South Craven which the development would help to meet.
- The proposed development would deliver improved sports facilities for local clubs and the community which would be of significant benefit. The timetable for development should ensure that the delivery of these facilities is not left until the end of the programme as there is an immediate need for their delivery.

Other matters:

- As identified by NYCC Heritage Services, the applicant has not carried out adequate archaeological investigations into the former Malsis Hall site to determine its possible status as a scheduled monument which should be preserved.

Officer note: Additional investigations of the former Malsis Hall site have taken place and the latest response from the County Archaeologist (dated 06.11.17) indicates that they are satisfied that there are no significant remains of the former hall to justify its status as a scheduled monument or prevent development on this parcel.

- NY police have requested that the applicant outline what crime prevention methods will be implemented as part of the development.

Officer note: NY police have indicated that this should be a condition any planning permission and does not need to delay determination of the application. An appropriate condition has been recommended in this regard to address the comments of NY police.

- The development fails to deliver 40% affordable housing as required by the Council's Local Plan.
- The land to the northwest of the site has been designated as a Flood Storage Area by the Environment Agency. Development in this area would increase the risk of downstream flooding elsewhere.
- There are a lack of public services (e.g. schools and doctors) and infrastructure to support the number of additional residents that would be created by the development.
- The development would have an adverse impact on local wildlife habitats and species that inhabit the site.

8. Main Issues

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the "golden thread" to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:

1. The principle of residential development on the site.

2. Whether the proposal satisfies any of the exceptions set out in paragraph 74 of the NPPF which would allow the development of existing open space and land used for sport and recreation (including playing fields).
3. The development's effects on the character and appearance of the area, having particular regard to its impact on the significance of heritage assets.
4. The development's impact amenity.
5. The scheme's effects on highway safety.
6. Whether the development would deliver appropriate planning gain contributions in accordance with relevant national and local planning policies.
7. Other material considerations relating to flooding, ecology, trees and archaeology.

9. **Analysis**

Procedural matters

9.1 When originally submitted in July 2016, the application included a residential development of 86 dwellings, the provision of four sports pitches to the south side of the entrance drive and the loss of the chapel, and façade and arch of the cottage to the west of the hall. There have been two main tranches of amendments to the scheme. The first was in June 2017 and the second in October 2017. The application is now being assessed in accordance with the final tranche of amendments (subject to the amendments to the phasing plan and house types B, F and H). The principal changes to the scheme arising from these amendments are as follows:

- The number of dwellings proposed within the hall's grounds has been reduced to 67 through the removal of housing within the central area to the north side of the access drive and to the edges of the north-eastern and north-western development parcels.
- The existing chapel building and the façade of the cottage (and its connecting arch) are to be retained.
- The sports pitches have been relocated to be spread across the north and south sides of the access drive.
- A play area has been introduced to the north side of the access drive.
- Additional woodland planting buffers have been introduced alongside the estate road serving development in the north-western parcel and to the rear of the lodge.

Principle of development

Designation and planning history:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that "large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security."
- 9.3 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.4 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.

- 9.5 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.6 There have been four previous applications for residential development on the site submitted in 2013 (references 32/2013/13633 and 32/2013/13634) and 2014 (32/2014/14387 and 32/2014/14460). These applications split the site into two parcels to the east and west of the hall’s grounds and involved development on a smaller scale than that now proposed. Both 2013 applications were refused due to their effects on the significance of heritage assets. In spite of this, the Council subsequently resolved to grant planning permission for the 2014 applications which involved a similar quantum of development. Application 32/2014/14387 (west of the hall) was granted as an enabling development subject to a S106 agreement requiring the proceeds to be re-invested in the repair of Malsis Hall. However, the officer report for application 32/2014/14460 made clear that any resolution for approval of this application would be based on the scheme’s individual planning merits, rather than being justified on the basis of an enabling development.
- 9.7 All four of the abovementioned applications were submitted on behalf of the previous occupier of the school. This occupier’s interest in the site has now ceased and the land has been sold to a private developer who no longer intends to continue with this use. In the case of application 32/2014/14387, as this was permitted on the basis that it formed an enabling development to support the continued use of the school, there is no realistic opportunity for this permission to be implemented. In terms of application 32/2014/14460, a decision has not been issued on this application as a S106 agreement was never completed following the closure of the school. Given the length of time that has elapsed since the Council’s resolution in respect of application 32/2014/14460, it would be open to the Council to finally dispose of this application without issuing a decision and it is evident that there is no reasonable prospect of this scheme being brought forward.
- 9.8 Given the above, it is not considered that the Council’s resolutions in respect of applications 32/2014/14387 and 32/2014/14460 provide a legitimate fallback position for the applicant. In particular, as the decision on application 32/2014/14460 has not been issued, it does not establish the principle of residential development on the areas of the site identified in that application. In any case, the current application is significantly and materially different from both the 2013 and 2014 applications. In particular, it proposes a much greater quantum of housing and a scheme of redevelopment for the hall and sports facilities which did not form part of any of the 2013 or 2014 applications.
- 9.9 The land is identified as a preferred housing site in draft policy SP8 of the ELP (site reference SC085). Specifically, the policy identifies a net developable area of 0.2 hectares and a yield of 36 dwellings for “Land at Malsis”. The policy goes on to set out 8 criteria for development of the site, with the overarching objective being for the conversion of the listed former school building to apartments and the delivery of green infrastructure within the historic parkland in order to preserve its setting. Whilst the proposed development far exceeds the quantum and extent of development set out in ELP policy SP8, the ELP remains at a relatively early stage in its preparation and, accordingly, can carry only limited weight in the overall planning balance. In particular, it is not considered that the development’s conflict with ELP policy SP8 would, in itself, provide sustainable grounds for refusing planning permission.
- Location:**
- 9.10 The site occupies a prominent location fronting onto a classified road. Whilst outside Development Limits, it is located immediately adjacent to the edge of the settlement boundary of Glusburn and is well related to shops and services in Cross Hills – the centre of which is within 1km of the site access onto Colne Road. There is a footway on the north side of Colne Road which provides a continuous pedestrian link between the site access and Cross Hills and bus stops are in place on

both sides of the A6068 outside the Dog and Gun within 100m of the site access which operate services running at half hourly intervals towards Burnley (westbound) and Keighley (eastbound). Therefore, the site is peripheral to the settlement boundary and has reasonable access to public services by modes of transport other than private car relative to the development's scale. In particular, the development would not result in the introduction of isolated homes in the countryside for the purposes of paragraph 55 of the NPPF.

Housing Land Supply:

- 9.11 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying "a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply."
- 9.12 Paragraph 49 of the NPPF indicates that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 9.13 The Council's latest 'Five Year Housing Land Supply Methodology and Report' (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.
- 9.14 The abovementioned appeal provides the most up-to-date independent assessment of the Council's housing land supply position. Paragraph 39 of the Inspector's decision for that appeal concludes that:
- "As I find the evidence before me relating to housing land supply to be inconclusive I have adopted a precautionary approach on the basis that five year supply has not been demonstrated."
- 9.15 Given the above, and as the Council's position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land. Notwithstanding this, it is not considered that a moratorium could be placed on housing development within the open countryside based purely on the presence of a 5 year supply of housing land in any case.

Landscape character:

- 9.16 Whilst the site is located on the edge of Development Limits, the proposal would result in a substantial incursion of built development into the open countryside away from the built-up periphery of the settlement. This would diminish its openness and result in urbanisation on the rural fringe of Glusburn. This is, however, the case with most greenfield developments in the open countryside and consideration must be given to the specific characteristics of the site and the severity of the development's adverse effects when assessing the level of harm which such an incursion would cause.
- 9.17 In this case, there are substantial, mature woodland buffers both within and to the perimeters of the site which provide substantial screening from vantage points to all four sides. This woodland is particularly dense along the northern and western edges, and where the site narrows to its southeast corner between the pond and the site access onto Colne Road, including a dense covering of roadside trees. All these trees are protected by a TPO. The woodland thins towards the junction of

Clone Road and Carr Head Lane and planting is more fragmented with less mature species bordering Carr Head Lane where the hall becomes visible.

- 9.18 The redevelopment of the hall would result in an overall reduction in the massing of this building in comparison to the current scenario. In particular, the demolition of the existing 20th century extensions and their replacement with enlargements which achieve greater spacing with the hall over a reduced footprint and a mix of two and single storey scales would reduce the overall massing of this cluster of buildings when seen from vantage points on Colne Road and Carr Head Lane. Moreover, the existing open aspect of northerly views from the junction of Colne Road and Carr Head Lane where the tree line thins would be preserved through the siting of open playing fields and green space to the front (southeast) of the hall.
- 9.19 All existing trees bordering the site are to be retained as part of the scheme. In addition, existing woodland buffers within the site would be supplemented through the introduction of internal planting. The location of the three housing parcels to the northeast, southeast and northwest corners of the site, combined with the topography to the north of the hall, would ensure that the proposed residential elements of the scheme would be contained and substantially screened from surrounding vantage points by existing landscaping. There would also be significant screening and spacing between each parcel of housing as a result of intervening green spaces which would avoid the impression of an overly dense layout.
- 9.20 Given the above, it is not considered that the scale, siting, layout and quantum of the different components of the development would cause unacceptable harm to the character of the surrounding area or the wider landscape, either in near or distant views.

Conclusion concerning principle of development:

- 9.21 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. The NPPF is, however, permissive of residential development in rural areas providing, among other things, that it does not result in the creation of isolated homes in the countryside or result in unacceptable harm to the intrinsic character and beauty of the countryside.
- 9.22 The site occupies an edge of settlement location which is readily accessible to local services and facilities by modes of transport other than private car. Accordingly, it would not result in the creation of isolated homes in the countryside. Whilst the development would result in an incursion of built development into the open countryside the siting of its different components, combined with the presence of containing woodland planting and the topography of the land, would ensure that it would not result in a sporadic incursion of built development into the open countryside for the purposes of CDLP policy ENV1 or paragraph 17 of the NPPF. In addition, as the Council is unable to robustly demonstrate a five year supply of housing for the purposes of paragraph 47 of the NPPF, the presumption in favour of sustainable development set out in paragraph 14 of the NPPF is engaged. Accordingly, planning permission should only be refused if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

Loss of open space:

- 9.23 A number of sports pitches were marked out on the site in connection with its former use as a school. These pitches included provision for football, tennis, rugby and cricket on land to the north and south sides of the access drive. It is also apparent that parts of the site to the northeast and southeast corners were used for golf. Although sports pitches on the site have been used within the last 5 years, the land has now become overgrown and the former sports use has lapsed. It is also acknowledged that the previous sports pitches were used almost exclusively by the school and delivered very limited wider community use. All use of the pitches ceased when the school closed.
- 9.24 Paragraph 73 of the NPPF states that:
- “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should

be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

- 9.25 Paragraph 74 of the NPPF indicates that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 9.26 The Council published the ‘Craven Playing Pitch Strategy’ (the PPS) in February 2016. The PPS provides a strategic assessment and analysis of the supply and demand of playing pitches (grass and artificial) which serve football, rugby union, cricket and hockey throughout the district.
- 9.27 Paragraph 3.7.8. of the PPS identifies one of the key objectives of the strategy as “the protection and reconfiguration of the Malsis site to provide a secure home for Sutton FC and Cross Hill Cosmos FC. This hub site should provide high quality pitches with long term secured access to the clubs to address the current low quality and unsecured access across multiple sites and displaced demand outside of the district.”
- 9.28 Table 49 of the PPS identifies a series of recommendations for strategic sports sites. With respect to Malsis, the key actions in the table accept that part of the site’s former playing fields can be disposed of subject to “protection and enhancement of the 3ha southern area playing fields”. The table sets out the envisaged scope of these works as involving “[reconfiguration] and improving drainage to provide new football pitches (1 adult, 2 youth and 2 mini-soccer).” The need for a community use agreement to secure the future use of the football pitches by Crosshills Cosmos FC and Sutton FC is also highlighted, as is the need for a “fit for purpose clubhouse and changing rooms”.
- 9.29 The development includes the introduction of three football pitches on the open areas to the north and south of the access drive which were previously marked out in connection with the school. The size of the proposed pitches would allow two of these to be used by multiple age groups in a different orientation. As a result, the scheme would deliver a total of 7 football pitches (with a maximum of 5 capable of being used simultaneously) catering for five age groups from U7-U8 to seniors.
- 9.30 The delivery of the sports pitches is in accordance with the strategy in the PPS which highlights a deficiency in football pitch provision in South Craven and identifies Malsis as a priority “hub” site for football at paragraph 3.7.9. Although there would be a loss of the former cricket, rugby, tennis and hockey pitches on the site as a result of the exclusive use for football, the PPS does not identify a deficiency in pitch provision for these sports.
- 9.31 The application also includes the refurbishment of an existing timber outbuilding to the west of the sports pitches to provide a changing room and includes a 32 space car park for users of the sports pitches.
- 9.32 Sport England’s latest comments on the updated masterplan acknowledge that the proposed pitch provision to the north side of the access drive would result in less playing field land being lost in comparison to previous iterations of the scheme and, accordingly, conclude that any “harm caused by the loss of the playing field to housing will be outweighed by benefits to sport brought about by the overall scheme.” Accordingly, Sport England do not object to the application subject to conditions and/or a legal agreement being put in place to secure: (i) a community use scheme; (ii) a scheme for the design of the sports pitches; (iii) a scheme for the delivery of changing room facilities; (iv) a maintenance scheme for the grass sports pitches.

- 9.33 Paragraph 74 of the NPPF sets out three circumstances where existing playing fields can be built on. The first and third scenarios are not applicable in this case. However, the second bullet point allow such developments providing that:
- “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”
- 9.34 In this case the development would deliver enhanced sports pitches for football, both in quantitative and qualitative terms, in order to provide a ‘hub’ site as set out in the objectives of the PPS. This approach is supported by Sport England and the Council’s Sports Development Officer, with the former concluding that any harm arising from the loss of the existing pitches would be outweighed by the wider benefits to sport arising from the delivery of a greater quantity and quality of football pitch provision, along with enhanced ancillary facilities in the form of a changing room.
- 9.35 Given the above, it is considered that any loss of the former school playing fields arising as a result of the development would be mitigated through their replacement with equivalent or better provision in terms of quantity and quality in a suitable location. Accordingly, the requirements of paragraph 74 of the NPPF are satisfied.
- Character, appearance and effects on heritage assets:
- 9.36 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.37 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.38 There are three grade II listed buildings on the site. These include the main hall to the western end and the lodge and gate piers adjacent to the site entrance from Colne Road. All these buildings are “designated heritage assets” for the purposes of the definition in the NPPF. With respect to other curtilage buildings, Historic England have identified the “Second World War memorial chapel with its John Piper stained glass windows” as a heritage asset of significance and the Council’s Heritage Advisor has also indicated that one of the mid-19th century stable buildings has “high heritage significance”.
- 9.39 Paragraph 131 of the NPPF indicates that, in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.40 With respect to a development’s impact on the significance of designated heritage assets, paragraph 132 of the NPPF indicates that “great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through**

alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. **Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.** Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

- 9.41 Paragraph 133 of the NPPF states that “where a proposed development will lead to **substantial harm** to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or all of the following criteria apply:
- “the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.”
- 9.42 Paragraph 134 of the Framework indicates that where a development “will lead to **less than substantial harm** to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 9.43 In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:
- “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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**”.
- 9.44 With respect to non-designated heritage assets, paragraph 135 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. **In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.**”
- 9.45 The Council has received objections to the scheme from Historic England and the Yorkshire Gardens Trust. The thrust of these objections relates to what is considered to be an excessive quantum of housing development within the historic parkland of the hall. These consultees consider that the level of housing proposed would irreversibly harm the aesthetic value of the site and erode its setting by diminishing its ability to be read and appreciated as an expression of the wealth and prosperity of its owner – both of which are key aspects of its significance. Similar concerns regarding the housing’s impact on the setting of the hall have been expressed by the Council’s Heritage Advisor who, additionally, has reservations concerning the demolition of some elements of the hall, one of its curtilage buildings (the 19th century stables) and the design of the proposed extensions.
- 9.46 No objections have been raised with respect to the sports pitches, providing that they remain without lighting, nor have specific concerns been expressed with respect to the conversion of the lodge or the gate piers at the site access (both of which would be retained as part of the scheme).
- 9.47 The submitted consultation responses identify two principal sources of harm arising as a result of the development – (i) harm associated with the conversion and redevelopment of Malsis Hall to provide the care facility; and (ii) harm to the setting of Malsis Hall arising from the quantum of housing. The implications of each of these are addressed in turn below:

Conversion and redevelopment of Malsis Hall:

Demolition

- 9.48 The redevelopment of the hall includes the demolition of several 20th century flat-roofed additions to the northern and western elevations of the building. The removal of these elements is supported by Historic England and the Council's Heritage Advisor. The scope of demolition also extends to four ancillary outbuildings located to the west of the hall, including one of the existing cottages (save for the north and west facing walls of its façade and a connecting arch), a portal-framed gym building and two stables set on a lower tier. A second cottage and the chapel are to be retained.
- 9.49 There is some conflict between the responses from Historic England and the Council's Heritage Advisor with respect to the partial retention of the south-eastern cottage (referred to as the "bell house" and "service buildings" by the Heritage Advisor). While Historic England "welcome [...] the partial retention of the façade of the service block" the Heritage Advisor considers that there is a lack of justification to support the demolition of the remainder of the building, though amended plans showing a re-design of the fenestration to the retained façade are considered acceptable. In terms of the stables, Historic England indicate that these "have historic value in illustrating the ancillary buildings to be expected in a small country estate of the period" but, unlike the Heritage Advisor who considers one of the stables to have "high significance" which would warrant their retention, they do not oppose their demolition.
- 9.50 The cottage and stables are ancillary outbuildings to the hall which, by virtue of their age and character, have significance which is allied to that of the listed building. While these outbuildings are likely to fall within the hall's original curtilage, they are read as ancillary and secondary features to the rear of the hall and are not visible from the main driveway approach. Instead, the cottage is seen as a flanking building alongside the main service entrance and the stables are set on a lower tier which is heavily screened from the hall by tree planting. Therefore, as individual features, their importance is considered to be equivalent to a "non-designated heritage asset".
- 9.51 The cottage is currently attached to the listed building via the unsympathetic 20th century additions and, in accordance with advice from Historic England, its western and northern walls (including the archway connecting the two cottages) are to be retained and adapted as part of the development in order to preserve the interest to the service entrance. The applicant has submitted a revised design for the service buildings and this is considered acceptable to the Council's Heritage Advisor. Therefore, it is considered that the retention of the cottage's façade would preserve the features of greatest interest to this building in accordance with the advice from Historic England.
- 9.52 With respect to the stables, their retention would prejudice the delivery of approximately 8-10 dwellings on the northwest development parcel. When considered in the overall context of the scheme – and having particular regard to the viability constraints set out in later in the report – it is not considered that the significance of one of these buildings as heritage assets is sufficient to warrant a requirement to remove 8-10 dwellings from the proposal. In addition, the harm arising from the loss of the stables must also be balanced against the benefits of bringing other heritage assets (e.g. the chapel and second cottage) back into use.
- 9.53 The Heritage Advisor has also commented on the use of materials for some of the new window openings to the hall following the demolition works and the making good of elevations following these works. These matters can, however, be dealt with by condition and the Advisor notes that the scope of these restoration works will be difficult to clarify prior to the demolition being undertaken.

Extensions:

- 9.54 The current 20th century additions to the west of the hall would be replaced by an 'r-shaped' wing in the form of two flat-roofed, two storey blocks. This wing would be connected to the hall via a slender (4.5m wide) corridor forming an elongated link between the southwest corner of the hall and the new two storey blocks. The link would comprise floor-to-ceiling glazing to its southern elevation and a blank wall to its north side. The extensions would be finished in buff brick and would incorporate aluminium windows laid out in a regimented pattern with generous proportions.

- 9.55 Historic England indicate that they “are broadly content with the conversion and extension of the Hall as a care facility” subject to detailed treatments of the building interior being agreed with the Council’s Heritage Advisor. Previous comments on the use of certain materials to the extension (e.g. timber cladding) have been overcome through the submission of amended plans. Accordingly, there are no objections from Historic England to the proposed extensions.
- 9.56 The proposed extensions are of a contemporary style and design which is markedly different to the hall. While they are simple in their appearance and do not attempt to replicate the ornate detailing of the hall in a ‘pastiche’ style, their modest scale, massing and height, generous window proportions, complementary materials and uncomplicated design would, when considered in combination with their spacing from and siting in relation to the hall, ensure that they appear as subservient additions which do not compete with or detract from the character of the listed building. The extensions would be seen as a separate entity with limited connection to the hall and the lightweight design and single storey height of the linking corridor between them would avoid any substantial harm to the listed building. Certainly, the proposed extensions would represent an improvement in comparison to the current 20th century additions.

Housing development within the hall’s setting:

- 9.57 Historic England, the Yorkshire Gardens Trust and the Council’s Heritage Advisor identify the hall’s well-preserved open parkland as key component of its setting which makes a substantial contribution to its significance. Whilst this is not disputed, the hall’s grounds are not designated as a registered park or garden for the purposes of paragraph 132 of the NPPF. Therefore, it is no requirement to provide “wholly exceptional” justification for any harm to the parkland setting arising from the development. Instead, the test is whether the harm to the setting of the listed building arising from the extent and characteristics of the proposed residential development within the parkland would result in “substantial” or “less than substantial” harm to the significance of Malsis Hall and, in turn, whether there are any public benefits arising from the scheme which are sufficient to outweigh the harm.
- 9.58 The residential elements of the scheme would be constructed across three parcels to the northeast (16 units), southeast (17 units) and northwest (34 units) of the site. It is clear from the consultation responses that the most valuable component of the hall’s parkland is the “long carriage drive approach to the Hall from the easterly lodge”.
- 9.59 Historic England acknowledge that the amendments to the scheme which have resulted in the removal housing from the central area to the north of the drive and re-located playing fields and a play area on this part of the site are positive steps in reducing the severity of harm to the hall’s setting. Nevertheless, Historic England conclude that “the proposed housing would still irreversibly harm the aesthetic value of the site and its ability to be ‘read’ and appreciated as an expression of the wealth and prosperity of its owner, both of which are key aspects of its significance” and consider this harm to be “very great”. Similarly, the Yorkshire Gardens Trust describe this harm as “severe”. The Council’s Heritage Advisor considers the level of harm to be “substantial” for the purposes of paragraph 132 of the NPPF.
- 9.60 Both Historic England and the Heritage Advisor have indicated that they would be willing to accept the same quantum of development on the same areas of the site which the Council resolved to approve under application reference 32/2014/14460. That application was submitted in outline with access being the only matter applied for and did not specify a number of dwellings. Instead, it showed development in two parcels to the northeast and southeast corners of the site along similar (though over a smaller area) lines to the current proposal. That application did not include any housing within the parcel to the northwest of the site where 34 dwellings are now proposed.
- 9.61 It is evident that the hall’s open parkland is an important feature of its significance and that it makes a substantial contribution to its setting. The parkland has been well preserved as a result of the site’s previous use, with its open areas having been used predominantly for sports pitches (though the enclosed synthetic pitch to the immediate east of the hall is an unattractive addition). It is, however, also the case that the value and contribution of the parkland to the hall’s setting varies across the

site with some areas being of greater or lesser significance as a result of their relationship with the hall, topographical changes and screening.

- 9.62 It is agreed that the most valuable components of the parkland are those flanking the driveway approach to the hall from the east. In particular, the land to the north of the drive is at a similar (though slightly lower) level and screening of this becomes more intermittent on the approach to the hall before the route steepens on the bend. Similarly, views across the former playing fields to the front (southeast) of the hall are of substantial value as they provide an open vista through to vantage points on Colne Road and give an appreciation of the hall's grand and spacious setting.
- 9.63 In contrast, the triangular parcel to the southeast corner (the site for 17 units) is set on a higher plateau behind a steep banking to the south side of the drive and the intervening woodland on the banking provides a substantial screen from this aspect. Views from Colne Road are also significantly limited by mature roadside planting to its southern boundary and where the site narrows at the main entrance. A pond and encircling woodland to the west of this parcel provides a substantial visual buffer with the hall and the open space in front of it. As a result, this parcel is read as a separate and enclosed entity of the wider parkland and is of lesser significance.
- 9.64 The largest development parcel (34 dwellings) is located to the northwest corner of the site. Although this parcel is in closest proximity to the hall, there is a steep fall of between *circa* 3m and 8m across a wooded embankment between the edge of the hall's immediate surroundings and the proposed dwellings. The combined effect of this topography and woodland means that, save for a run of 10 properties to the northwest of the retained cottage (plots 23-34), the majority of housing within this parcel would not be viewed in conjunction with the hall. Moreover, the 10 dwellings adjacent to the lodge (on the approximate site of the stables) would be seen on significantly lower lying land and screened from the main hall by the cottage and proposed extensions. The estate road to this parcel would branch in a north-westerly direction off the main access drive and would run along the edge of the retained open space. Due to level changes across the embankment to the west, the need to separate residential and care home traffic and the impracticalities of taking access for the housing off Carr Head Lane, this is the only feasible position for the estate road. However, the estate road would be laid out to 'hug' the intervening tree line with the entrance drive and a substantial buffer of landscaping would follow the curvature of its northern and eastern edges to the adjacent field. Accordingly, the layout, topography and landscaping to development within this parcel would have a 'containing' effect by separating and secluding the housing from the hall and the more sensitive areas of the wider parkland.
- 9.65 The parcel to the northeast corner of the parkland (where 16 units are proposed) is considered to be the most sensitive of the three housing sites due to the minimal level changes with the drive and the thinner screening along its southern flank. In addition, this parcel would be seen immediately to the rear of the listed lodge building and has the potential for separate impacts on the setting of this building (albeit that the housing would be seen alongside later additions to the rear of the lodge). The development has, however, sought to limit any harmful effects in this regard by introducing a substantial buffer of additional landscaping to the rear of the lodge, locating a landscaped verge between the south side of the cul-de-sac and the main drive and scaling back the quantum and density of housing by providing an open, natural play area to act as a buffer between the western edge of the parcel and the adjacent playing fields beyond.

Housing layout, scale and design:

- 9.66 The proposed residential development would deliver a mix of detached, semi-detached and terraced house types, including a limited number of apartments (though externally, these would appear as two rows of four terraces). Whilst laid out to a moderate density, the siting of housing on less visually sensitive areas of the site – including its use of topographical changes and retention/strengthening of landscaping – would minimise the extent of harm to the hall's spacious, open parkland setting and its aesthetic value.
- 9.67 Housing designs would be simple and uncomplicated but would also incorporate features of interest to their façade. All buildings would be two storeys in height and their external walls would be finished in stone. Accordingly, it is not considered that the scale and distribution of the proposed housing

would result in the dwellings appearing as unacceptably excessive, dominant or incongruous additions within the parkland or the site's wider surroundings.

Summary:

- 9.68 The works associated with the redevelopment of the hall include the removal of unsightly 20th century enlargements attached to the north and west sides of the building that currently form incongruous and unsympathetic additions to its external fabric. Minor changes are proposed to restore the building's elevations following the demolition works and these can be achieved sympathetically subject to conditions concerning the use of materials. Curtilage outbuildings including a chapel and cottage to the front and rear of the hall respectively would be retained and converted. The extensions to the hall, whilst contemporary in their appearance, would appear as simple and modest additions which, with the exception of a narrow glazed link, would be detached from the hall and of a subservient size, scale and design which would not detract from the special architectural or historic interest of the listed building. These are all positive aspects which weigh in favour of the scheme and are necessary to secure the building's viable future use.
- 9.69 The redevelopment of the hall would result in the loss of other curtilage buildings which contribute to the significance of the heritage asset. These include stables on a lower level to the northwest and the substantial dismantling of one of the cottage buildings (the 'bell house'), though its external façade would be retained. The total and/or substantial loss of these buildings would harm the significance of the heritage asset and must weigh against the scheme.
- 9.70 The provision of enhanced sports facilities for community use would preserve the openness of the hall's historic parkland and would deliver substantial public benefits by addressing an identified quantitative and qualitative deficiency without harming the significance of heritage assets. Accordingly, the benefits arising from this component of the development must weigh heavily in favour of the scheme.
- 9.71 It is acknowledged that the proposed residential development would result in urbanisation of the hall's historic parkland setting and, accordingly, that this element of the scheme would harm its significance as a designated heritage asset. However, the siting, layout, scale and characteristics of the housing development – having particular regard to its use of topographical changes and retention and strengthening of landscaping – would ensure that this harm is limited to the least sensitive areas of the parkland which are of lesser significance to the overall setting. Those areas of highest significance which relate more closely and prominently to the immediate surroundings of the hall and its driveway approach (the components of greatest significance) would be preserved. The conversion of the listed lodge at the site entrance would also preserve the special architectural and historic interest of the listed building and the gate piers would be unaffected by the scheme.
- 9.72 The applicant has provided a viability appraisal which includes estimates associated with the cost of redeveloping the hall and the value of the care home following these works. The viability appraisal has been assessed by the Council's Valuation Surveyor, who finds it to be a fair and accurate appraisal of the scheme's commercial viability. The appraisal indicates that the applicant would incur a significant financial loss in the order of 25% by undertaking the phase 1 works to restore and redevelop the hall. The proposed residential element of the scheme is required to offset this and it is clear that the scheme will not progress without it.

Conclusion on character, appearance and heritage implications:

- 9.73 For the above reasons, it is considered that the level of harm to the significance of designated heritage assets arising from the proposed development would fall within the category of 'less than substantial'. In accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
- 9.74 The development would deliver public benefits through the redevelopment and restoration of Malsis Hall and the delivery of enhanced sports facilities to address an identified quantitative and qualitative deficiency. Although the proposed housing would harm the hall's setting through the urbanisation of areas of the open parkland, the financial evidence provided by the applicant demonstrates that this level of housing is necessary to secure the hall's optimum viable use and, without it, any benefits

associated with the restoration of the hall and the provision of enhanced sports facilities would be lost. Other benefits would arise through the delivery of additional housing to address a shortfall in supply within the district and the provision of affordable housing.

- 9.75 Having balanced the benefits and disbenefits of the development, it is concluded that the less than substantial harm arising as a result of the scheme would be outweighed by the public benefits of the proposal, including securing the optimum viable use of designated heritage assets.

Amenity:

- 9.76 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.77 In addition, paragraph 123 of the NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.78 The closest neighbouring properties comprise a collection of three-storey dwellings on the opposite side of Glusburn Beck fronting the cul-de-sac of The Old Corn Mill adjacent to the north-eastern tip of the site. The closest of the proposed dwellings would be located approximately 35m from the nearest property on The Old Corn Mill and would be separated by a substantial buffer of mature planting alongside the intervening watercourse. Similarly, pockets of dwellings to the east (Bridge End) and south (Lower Malsis) would be separated from the development by the busy thoroughfare of the A6068 and would achieve spacing in excess of 45m from the closest of the proposed dwellings. Minimum Spacing with dwellings on Carr Head Lane would be approximately 110m, with dense woodland providing an intervening buffer.
- 9.79 Given the level of spacing and screening achieved between the development and surrounding buildings, and given that all the dwellings and extensions to the hall would be two storeys in height, it is not considered that the proposal would have any undue impact on the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook.
- 9.80 Objections have been submitted citing potential issues of noise and light pollution associated with the care home and sports pitches. The application does not include any external floodlighting to the sports pitches and, accordingly, these would only be capable of use during daylight hours. The only lighting included as part of the scheme is incidental lighting to the external areas of the site around the car park and grounds of the care home. This would comprise a combination of ground-mounted LED uplights adjacent to the building’s main entrance, wall-mounted luminaires, bollards and street lamps. The level of light emitted by these sources would not be unduly intense. In any case, a condition has been imposed requiring full details of any external lighting scheme as recommended by the Council’s EHO.
- 9.81 Whilst it is recognised that the proposed development has the potential to give rise to increased noise and disturbance as a result of comings and goings associated with the care home and community sports uses, the shift patterns of staff for the care home (12 hours shifts commencing at 8am and 8pm) and the daylight limiting use of the sports facilities would avoid the potential for noise and disturbance at unsocial hours. Moreover, the dominant noise source in the area is likely to be traffic travelling along the A6068, which will extend beyond the operating hours of the sports facilities. Indeed, as the development itself involves a significant residential component, future occupiers would expect to be safeguarded from such noise sources at unsocial hours. The restriction in the use of the community sports facilities and the fact that the care home is in itself a use which is inherently residential, combined with the spacing and landscaped buffers between the different uses, would achieve this both within and outside the site.

Highways:

- 9.82 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.83 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access:

- 9.84 The principal means of vehicle access to the site would be from the existing entrance at the junction of Colne Road to the southeast corner. There is a 30mph speed restriction in place on the A6068 at this point, though this increases to 60mph a short distance to the west of the junction. The existing access would be utilised to provide a priority (give way) junction at the site access with Colne Road which achieves visibility splays of 2.4m x 60m (eastbound) and 2.4m x 100m (westbound). Aside from the realignment of the kerb radius on the junction, the provision of tactile paving to provide a pedestrian crossing over the access and ground markings, there would be no requirement to modify the current junction. The site access would merge with a 5.5m estate road following the route of the existing access drive.
- 9.85 The existing access on Carr Head Lane would be utilised as a secondary access for limited staff parking (7 spaces) and mobility impaired access to the care home, and to serve a 32 space car park associated with the community use of the sports pitches. Visibility splays of 2.4m x 60m (westbound) and 2.4m x 60m (eastbound) would be available at this junction. Access between the entrance on Carr Head Lane and the remaining elements of the development would be restricted by a combination of gates and bollards to prevent vehicle passage.
- 9.86 The Local Highway Authority (LHA) have raised no objections to the proposed means of access to the site subject to the imposition of appropriate conditions to secure visibility splays and appropriate construction of the access points. A condition has also been recommended requiring the introduction of off-site highway improvements on Colne Road to secure: (i) the construction of two traffic islands in the middle of the A6068 at points immediately west of the site access onto Colne Road and just west of the Carr Head Lane/A6068 junction; and (ii) the introduction of raised kerbs, dropped crossings, tactile paving, poles and bus shelters at the bus stops adjacent to the site access from Colne Road. Appropriate conditions have been imposed in this regard in the interests of highway safety and to promote the use of the sustainable transports modes. Accordingly, it is considered that the proposed access arrangements would provide a safe and suitable means of access to the site for all users.

Traffic generation:

- 9.87 The application is accompanied by a Transport Assessment (TA), though this related to an earlier iteration of the scheme which involved a 43 bed care home and up to 100 dwellings. Whilst the level of traffic generated by the amended scheme would be reduced in comparison to the figures estimated in the TA, its conclusions remain relevant and provide a robust analysis.
- 9.88 With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the care home and residential developments would generate 60 combined two-way vehicle movements during the AM peak (8am- 9am) and 58 vehicle movements in the PM peak (5pm- 6pm). This equates to approximately 1 vehicle movement per minute during peak periods.
- 9.89 The TA includes a modelled capacity assessment of the proposed junction of the site access with the A6068 in the 'with development' scenario up to 2021. This analysis concludes that the junction is

forecast to operate within capacity at peak AM and PM periods and would have no adverse effects on the wider highway network once development traffic is dispersed onto Colne Road.

- 9.90 An analysis of accident data in the vicinity of the site access over the period 2010-2014 revealed no reported accidents at the site access, two accidents of 'slight' severity at the junction of Colne Road and Carr Head Lane and one accident of 'serious' severity at the junction of Colne Road and The Old Corn Mill. The LHA have identified a requirement to introduce traffic islands west of the junction of the site access with Colne Road and the junction of Carr Head Lane with Colne Road in order to assist right hand turning at these junctions and improve vehicle manoeuvres and speeds. Accordingly, any deficiencies in the surrounding network would be addressed through the conditioned off-site highway improvements.
- 9.91 The traffic generation, trip distribution, junction capacity modelling and accident analysis undertaken in the TA provide a robust assessment of the development's impact on the surrounding highway network. The LHA have not raised any objections to the conclusions set out in the TA. Therefore, it is not considered that the development would have a severe impact on the capacity of the surrounding highway network either adjacent to or further away from the site, nor would it create conditions prejudicial to highway safety. The proposal is therefore in compliance with the requirements of CDLP policy T2 and the NPPF.
- 9.92 The applicant has submitted a Framework Travel Plan in support of the application. This considers the site's accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future staff and residential occupiers to travel by more sustainable modes of transport. The Framework Travel Plan indicates that the implementation, monitoring and review of the plan will be achieved through the appointment of a Travel Plan Co-ordinator prior to first occupation until 5 years post full occupation. The implementation of the Framework Travel Plan can be secured through condition.

Parking:

- 9.93 A total of 42 car parking spaces would be made available for the care home. A further 32 spaces would be provided for community use in connection with the sports facilities. The majority of dwellings would benefit from in-curtilage parking and would incorporate driveways providing two off-road car parking spaces. A number of plots would also benefit from detached and/or integral garage provision. Where this is not the case (in respect of the 8 apartments to the southeast parcel), a parking courtyard to the rear of the buildings would provide 12 spaces for these units. The Local Highway Authority have not raised any objections to the level of parking provision proposed and, accordingly, this is considered to be sufficient. A condition has been imposed requiring the parking spaces for each phase of development to be delivered concurrently with its occupation.

Developer contributions:

- 9.94 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.95 A development of the size proposed would be required to make contributions towards the delivery of affordable housing (at a minimum rate of 30% of the total, subject to viability) and open space in accordance with ELP policy H2, policy SRC2 of the CDLP and the NPPF. The Local Education Authority (NYCC) have also requested an off-site financial contribution towards the provision of new primary school places.
- 9.96 With respect to ensuring that contributions to be achieved through planning obligation do not prejudice a scheme's viability, paragraphs 173 and 205 of the NPPF state that:

- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

9.97 The applicant has provided a viability appraisal which outlines estimated build costs for the development and anticipated values/revenues (though this appraisal was based on the original iteration of the scheme which included 86 dwellings). The appraisal concludes that the applicant would incur a significant financial loss in delivering the phase 1 works to restore and redevelop Malsis Hall to a care home, with the cost of these works outstripping its value on completion by approximately 25%. As a result of this the appraisal concludes that, even with a residential development of 86 dwellings within the hall's grounds, the scheme would be unviable as the level of profit delivered would be far below the profit margin required to secure finance.

9.98 The viability appraisal has been assessed by the Council's Valuation Surveyor. It was agreed that, owing to the applicant's unique relationship with the care home operator and their long-term interest in this business, the appraisal should include an assessment of the residential component of the scheme on its own merits (separating out the care home) to determine the viability of any planning contributions. Based on an agreed approach to assessing the residential aspect of the development, the Council's Valuation Surveyor concludes that a housing scheme of 86 dwellings would be capable of delivering 14 units of affordable housing (equivalent to 16% of the total), and that any other financial contributions would make the scheme unviable.

9.99 The application has been amended significantly following the conclusions in the original viability appraisal. Nevertheless, the applicant has agreed to make a contribution of 11 affordable dwellings on the site on the basis that this equates to 16% of the revised total of 67 houses. This position is accepted by the Council's strategic housing service, as is the location, mix and tenure of the affordable units. The development would also provide an on-site play area and sports pitches which, subject to an appropriate community use agreement, the Council's Sports Development Officer considers would meet the requirements of CDLP policy SRC2 with respect to the delivery of open space.

9.100 The Education Authority have requested that the applicant makes a financial contribution of £292,314 for primary education facilities. Whilst paragraph 72 of the NPPF indicates support for developments that ensure "a sufficient choice of school places [are] available to meet the needs of existing and new communities", this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis for these, there is presently no adopted Local Plan policy to support this requirement. In any case, the viability information provided by the applicant and accepted by the Council's Valuation Surveyor concludes that the development would be unviable if such a contribution was to be required.

Other matters:

Flooding

9.101 The watercourse of Glusburn Beck flanks the northern and western boundaries of the site. As a result, parts of the site on the fringes of this watercourse are located in flood zones 2 (land with between a 1 in 100 and 1 in 1000 or 1% - 0.1% annual probability of river/sea flooding) and 3 (land with a > 1 in 100, or >1% annual probability of river/sea flooding) as defined on the Environment

Agency's Flood Map. The remainder of the site (which forms the majority of the site area) falls in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).

- 9.102 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".
- 9.103 A Flood Risk Assessment (FRA) has been submitted in support of the application. With respect to the development's relationship to the flood zones identified on the Flood Map, the FRA concludes that:
- "Due to the steep sides of the banking on site adjacent to the watercourse there is only generally a nominal amount of Flood Zone 2. The majority of this area contains numerous 'protected' trees which will therefore remain undeveloped and as open space."
 - "A few properties closest to Glusburn Beck are at the boundary of Flood Zones 1, 2 and 3 and so Finished Floor Levels are to be set sufficiently high to mitigate any potential risk."
 - "It can be seen that with reference to the site specific Flood Zones no development is proposed within Flood Zones 2 or 3. Proposed Finished Floor Levels are proposed significantly higher than Flood Zone 2 and provide more than the minimum 600mm freeboard."
- 9.104 The result of the site-specific analysis of flood zones undertaken in the FRA (and, in particular, the modelling of these in relation to level changes between the bank of the watercourse and the proposed dwellings along the fringes of the watercourse) concludes that, due to local topographical changes and the finished floor levels of the dwellings, no development is proposed within flood zones 2 or 3.
- 9.105 The Environment Agency have indicated that, providing the development is undertaken in accordance with the details in the FRA which would place all development in flood zone 1, there are no objections to the scheme. Accordingly, the applicant has demonstrated through site-specific analysis that development would be directed away from areas at the highest risk of flooding in accordance with paragraph 100 of the NPPF.
- 9.106 The FRA also includes an indicative drainage strategy for the development based on the following principles:
- The geology of the site means that infiltration systems and soakaways are not feasible.
 - The peak discharge rates for the 1, 30 and 100 year return periods have then been assessed including a 30% allowance for climate change and all house roof areas being increased by 10% to account for possible urban creep.
 - Hydrobrake controls and below ground storage will ensure that discharge rates and volumes are achieved for 4 outfalls which will split the surface water discharge along the watercourse.
 - Surface water attenuation will be provided prior to each outfall and will be located within maintained and managed open space.
- 9.107 Both the Lead Local Flood Authority (LLFA) and Yorkshire Water have been consulted on the application. Neither has raised any objection to the principles of the drainage strategy set out in the FRA (though the LLFA has clarified what allowances should be made for urban creep in the final drainage design). Instead, conditions have been recommended requiring: (i) details of a final design for the disposal of surface water from the site, including separate systems for foul and surface water drainage and (ii) the provision of satisfactory outfalls prior to any piped discharge first taking place. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

Ecology

- 9.108 The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.109 In addition, paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following (relevant) principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
 - Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 9.110 The application is accompanied by an ecological survey which includes an impact assessment of the development's effects on protected habitats and species following visits to the site on 1 occasion in 2012 and 2013, on 5 occasions in 2015 and on 8 occasions in 2016. The ecology appraisal includes a full botanical survey of the site and surveys to establish the presence or absence of bats, amphibians, nesting birds, brown hares, badgers water vole and otters.
- 9.111 The ecology survey makes the following conclusions:
- The plant species assemblages recorded across the development area are all common in the local area and of considered of low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value.
 - Boundary woodland was considered to be of semi-natural origin with a diverse understorey, this is outside the development footprint and will be protected during development.
 - Low numbers of common bat species were recorded foraging over the site.
 - Activity surveys and building inspections undertaken in September 2015 identified three Common Pipistrelle bats emerging from a transitional roost beneath an eaves board on one of the stable buildings (referred to as 'building 2' in the report). This is not a maternity roost and forms a transitional or day roost site for a low number of common bat species. Accordingly, the identified roost has low conservation significance and mitigation can be achieved through the provision of bat boxes or by allowing access to new buildings. There is no evidence that any of the other buildings on the site are used for bat roosting.
 - Trees on and within the site boundaries were assessed for their potential to provide bat roosts. All of the trees on or within the site boundaries were classified as either Category 3 (Low risk) or Category 2 (Medium Risk). Bat species are unlikely to rely on the development site for foraging but use of the site boundaries and tree lines through the site does occur.
 - There was no evidence of other notable or protected species recorded on the site.
- 9.112 While concluding that existing features and habitats on the site are generally of low ecological value (with those of greatest value being retained as part of the development), the ecology survey identified the present of a transitional/day roost for bats within one of the stable buildings which is to be demolished as part of the scheme. Accordingly the survey identifies that, without mitigation, there is a high risk for the alteration or loss of a transitional/day roost for low number of Common Pipistrelle bats in Building 2 and that these bats are also at a risk of being killed or injured.
- 9.113 The survey concludes that, due to its use by a limited number of common bat species and the fact that it is not a maternity roost, the transitional/day roost identified in Building 2 has low conservation

significance. The survey includes a series of recommendations for measures to be put in place in order to mitigate the impacts arising from the loss of the roost. These include:

- A repeat inspection prior to making a European Protected Species License for the destruction of the roost in accordance with Natural England guidelines.
- All roof coverings are to be removed by hand.
- Exclusion of the bat roost in building 2 will be undertaken by use of a one-way flap to be fitted over the roost entrance for a period of not less than 7 days with night time temperatures above 7 degrees Celsius. Exclusion will be required for demolition in the period March-October inclusive. If demolition work is undertaken between November and February, no exclusion will be required.
- The roost in building 2 is to be inspected and destroyed by hand in the presence of a suitably qualified ecologist after exclusion.
- Ecological enhancement of the site can be achieved with the provision of at least 5 bat boxes, to be erected in boundary trees, at a height of at least 3m.

9.114 In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010. This assessment is made through the application of three derogation tests as set out in 53(2)(e) and 53(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- (i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
- (ii) That there is “no satisfactory alternative”;
- (iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

9.115 With respect to the first test, although the development is not in the interest of public health and safety, social and economic benefits would arise in this case through the provision of dwellings on the site of the demolished stable building which would not arise if this building were retained. Therefore, the first test is satisfied.

9.116 The alternative to developing the site in the manner proposed would be to ‘do nothing’. Therefore, there is no satisfactory alternative and the second test is satisfied.

9.117 The ecology survey concludes that the detected transitional/day roost is used by a low number of common bat species and is therefore of low significance. The survey indicates that, owing to the availability of other more suitable roosting sites in other buildings and trees in the wider area, buildings on the site are unlikely to offer significant roosting potential and that even without mitigation or compensation there is unlikely to be an impact on the favourable conservation status of bats locally. Whilst direct compensation is not required for a roost of low importance, suitable mitigation would be put in place through the provision of bat boxes to provide appropriate biodiversity enhancements. Accordingly, it is considered that the favourable conservation status of bats locally is unlikely to be significantly impacted either positively or negatively as a result of the proposal. Therefore, the third test is satisfied.

9.118 The proposed development would incorporate the mitigation measures set out in the ecology survey by retaining and supplementing existing trees and delivering features to provide suitable biodiversity enhancements. The siting of bat boxes and limiting the period for vegetation removal to minimise effects on nesting birds can be secured through condition. The site is not designated for its nature conservation value and has habitats of limited value. Appropriate mitigation measures would be put

in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraphs 109 and 118 of the NPPF, and the Conservation of Habitats and Species Regulations 2010.

Trees

- 9.119 Criterion (1) of CDLP policy ENV10 states that the Council will seek to safeguard trees protected by a preservation order from harm or unjustifiable loss.
- 9.120 The whole of the site is covered by an area TPO. The application is accompanied by a tree survey which assesses the condition and retention value of all trees on the site.
- 9.121 The overwhelming majority of trees to the site boundaries and along the internal access drive would be retained as part of the scheme. A limited number of removals (24 individual specimens and 13 groups) would be required in order to allow access to separate cul-de-sacs serving each housing parcel and to allow the construction of some plots to the northwest corner of the site.
- 9.122 The extent of these removals is very limited in the context of overall tree cover across the site and would be heavily compensated for through the introduction of substantial new woodland planting to the rear of the lodge, to the north and east sides of one of the cul-de-sacs and through other incidental tree planting across the site in order that there would be a net gain in overall tree coverage arising as a result of the scheme. Accordingly, the objectives of CDLP policy ENV10 would not be prejudiced.

Archaeology

- 9.123 Paragraph 128 of the NPPF requires applicants to assess the significance of any heritage assets with archaeological interest affected by developments through appropriate desk-based and, where necessary, field evaluations. In addition, paragraph 141 of the Framework requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance.
- 9.124 The applicant has undertaken further field investigations on the site of the old Malsis Hall following concerns expressed by the County Archaeologist that any remains of the hall within this area may have heritage significance equal to that of a scheduled ancient monument. The site in question, located to the southeast development parcel, consisted of a series of five buildings associated with a post-medieval hall and ancillary buildings known as Malsis Hall which is depicted on the first edition OS map of 1853. The buildings in question were demolished in 1866 when the hall was moved to its present location.
- 9.125 The additional archaeology survey concludes that, although remnants of wall foundations in four of five trenches were encountered, all remains were heavily truncated – being poorly preserved and heavily disturbed with a limited number of finds of significance.
- 9.126 The County archaeologist does not dispute these findings in respect of the hall and agrees that this part of the site does not have significance equivalent to that of a scheduled ancient monument which would warrant its protection from development. Whilst the County Archaeologist identifies the requirement for further recording works within this (and other) areas of the site, it is concluded that these works can be secured through the imposition of an appropriate planning condition. Therefore, measures can be put in place in order to ensure that the development does not unacceptably impact on heritage assets with archaeological significance and that arrangements are made for the recording of any assets which would be lost in accordance with the requirements of the NPPF.

10. Conclusions

- 10.1 The application seeks full planning permission for a mixed use development including the restoration, conversion and extension of Malsis Hall (a grade II listed building) to a care home, the provision of three multi-use football pitches with associated changing facilities and a residential development of 67 dwellings (including the conversion of a grade II listed lodge) within the grounds. The site falls on the edge of, but outside, the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map.

- 10.2 The site occupies an edge of settlement location which is well connected with and accessible to services in Glusburn. The land is contained on all sides by dense buffers of woodland planting and those areas that are most prominently in view within the surrounding landscape would be retained as open space. Accordingly, the scale, siting and density of development would not result in unacceptable encroachment into the open countryside in a manner which would undermine its intrinsic character and quality. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 10.3 The development would deliver enhanced sports pitches for football, both in quantitative and qualitative terms, in order to provide a 'hub' site as set out in the objectives of the Craven Playing Pitch Strategy. This approach is also supported by Sport England. Accordingly, any loss of the former school playing fields arising as a result of the development would be outweighed by the wider benefits to sport arising from the delivery of replacement provision of a greater quantity and quality, along with associated ancillary facilities in the form of a changing room.
- 10.4 The redevelopment of Malsis Hall to provide a care facility would have a positive impact on the listed building through the removal of unsympathetic 20th century additions to the north and west facing elevations, the restoration of the remaining elevations and the conversion of other curtilage buildings including a chapel, cottage and house. The new extensions to the hall, whilst contemporary in their appearance, would appear as simple and modest additions which would be of a subservient size, scale and design and would not detract from the special architectural or historic interest of the listed building. The provision of the sports facilities would maintain the openness of the hall's immediate grounds to the front of the building and can be achieved without harming the listed building and its setting.
- 10.5 The redevelopment of the hall would, however, result in the loss of other curtilage buildings that contribute to the significance of the heritage asset (one stable building and the substantial demolition of one of the cottages) and the proposed residential development within the hall's grounds would result in significant urbanisation of its historic parkland setting. Accordingly, these elements would harm the significance of heritage assets on the site.
- 10.6 The demolition of curtilage buildings is necessitated by the nature of the development and the need to deliver housing in order to make the scheme commercially viable. The elevations of the cottage (and a connecting archway) of greatest significance would be retained and adapted as part of the scheme. The siting, layout, scale and characteristics of the housing development – having particular regard to its use of topographical changes and retention and strengthening of landscaping – would ensure that its harm to the setting of heritage assets is limited to the least sensitive areas of the parkland which are of lesser significance. Those areas of highest significance which relate more closely and prominently to the immediate surroundings of the hall and its driveway approach would be preserved. Therefore, it is considered that the level of harm to the significance of designated heritage assets arising from the proposed development would fall within the category of 'less than substantial'. The development would deliver public benefits through the restoration of the hall (including securing its optimum viable use), the delivery of enhanced sports facilities to address an identified quantitative and qualitative deficiency, and would contribute to the supply of housing to address a shortfall in the district, including the provision of 11 affordable homes. These public benefits are considered to outweigh the less than substantial harm to the significance of heritage assets arising as a result of the scheme.
- 10.7 The proposed development, by virtue of its use, layout, scale, density, design, materials and landscaping, would be compatible with the character of the area and its relationship with surrounding uses would ensure that the development has no undue impact on the amenity of neighbouring occupiers through noise, lighting, loss of outlook, overshadowing, overlooking or any other nuisance. The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and

efficient operation of the surrounding highway network, either adjacent to or further away from the site.

10.8 The development would deliver appropriate contributions towards affordable housing and open space commensurate with the scheme's viability and measures can be put in place to ensure that the scheme has no adverse effects with respect to trees, flooding, ecology and archaeology.

10.9 The economic, social and environmental benefits arising as a result of the scheme would outweigh any adverse environmental effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11. Recommendation

11.1 That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:

- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 16% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
- (ii) A community use agreement for the sports facilities and changing room to be delivered as part of the second phase of development.
- (iii) The provision, layout, specification, design, management and maintenance of a play area on the site, the size and location of which is shown on the approved plans.

Authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Time limit for commencement (T)

1. The development must be begun not later than the expiration of three years from the date of this permission.

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

Approved plans (L)

2. This permission relates to the following plans:

- Drawing no. GA00 – Location plan.
- Drawing no. 0380_PLI_90_001 Rev P17 – Site masterplan.
- Drawing no. H5095-PP-002 Rev B – Phasing plan (amended plan received 13.12.17)
- Drawing no. H5095-AHL-001 – Affordable Housing Layout.
- Drawings titled 'Malsis Play Area Proposal'.
- Drawings titled 'House Type - A, C, K, N, P and R' plans and elevations overview.
- Drawings titled 'House Type – D and E' plans and elevations overview (amended plans received 6.11.17).
- Drawings titled 'House Type – B, F and H' plans and elevations overview (amended plans received 15.12.17)
- Drawings titled 'Apartment Type – M' plans and elevations overview.
- Drawing titled 'The Lodge Elevations Overview'.
- Drawing titled 'The Lodge Plans Overview'.
- Drawings titled 'Sports/Playing Field Strategy 09.10.2017 update'.
- Drawing no. 1507SHW/MSC/E002 – Illustrative section and external photographs.
- Drawing no. 0380_PLI_L_94_001 Rev P12 – Tree protection measures.
- Drawing no. 15-093-101 Rev G – Proposed site plan.
- Drawing no. 15-093-103 Rev C – Proposed demolition plan.

- Drawing no. 15-093-105 Rev B – Proposed demolition masterplan.
- Drawing no. 15-093-110 Rev A – Building A & D main hall & chapel ground floor demolition plan.
- Drawing no. 15-093-111 Rev A – building A first and second floor demolition plan.
- Drawing no. 15-093-112 Rev A – Building B & C façade & cottage demolition plans.
- Drawing no. 15-093-113 Rev A – Building E – House demolition plans.
- Drawing no. 15-093-119 Rev H – Indicative lower ground floor.
- Drawing no. 15-093-120 Rev J – Indicative ground floor.
- Drawing no. 15-093-121 Rev G – Indicative first floor.
- Drawing no. 15-093-122 Rev D – Indicative second floor.
- Drawing no. 15-093-123 Rev B – Indicative roof plan.
- Drawing no. 15-093-150 Rev F – Proposed elevations (1 of 3).
- Drawing no. 15-093-151 Rev F – Proposed elevations (2 of 3).
- Drawing no. 15-093-152 Rev F – Proposed elevations (3 of 3).
- Drawing no. 15-093-320 Rev D – Cottage proposed floor plans.
- Drawing no. 15-093-350 Rev E – Cottage proposed elevations.
- Drawing no. 15-093-420 Rev B – Malsis house proposed plans and elevations.
- Drawing no. 15-093-SK500 – Chapel site plan.
- Drawing no. 15-093-520 Rev A – Chapel floor plan.
- Drawing no. 15-093-521 Rev A – Chapel roof plan.
- Drawing no. 15-093-550 Rev B – Chapel proposed elevations.
- Drawing no. 0380_PLI_L_97_100 Rev P02 – Care facility hard landscape and boundary treatments plan.

Except as provided for by other conditions to this permission, the development shall be

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

3. The development shall be carried out sequentially in accordance with the two phases identified on drawing no. H5095-PP-002 Rev B. No development associated with phase 2 shall take place until the building works and/or land uses for phase 1 have been substantially completed and made available for use and/or occupation.

Reason: To ensure that works associated with the restoration of the listed building and provision of sports facilities within the site are front-loaded, prioritised and take place alongside and/or in advance of the proposed residential development, the acceptability of which relies on the conversion of the listed building and provision of the sports facilities being completed, in accordance with the requirements of the National Planning Policy Framework.

Before you commence development (P)

4. No development (other than demolition) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
 - (i) A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
 - (ii) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
 - (iii) provision for publication and dissemination of the analysis and report on the site investigation.

- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of construction works on the relevant parts of the site in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of the National Planning Policy Framework.

5. Within one month of the demolition operations associated with the phase 1 works identified on drawing nos. H5095-PP-002 Rev B and 15-093-103 Rev C first taking place, a scheme for the treatment, repair and/or reconstruction of the elevations of all buildings which are attached to those components to be demolished shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) A sample panel (measuring no less than 1m x 1m) of any stonework to be used on the external surfaces of the buildings. The sample panel shall demonstrate the type, texture, size, colour, bond and method of pointing for the stonework.
 - (ii) The constituency and colour of the mortar to be used in the pointing of any stonework.
 - (iii) Details of the type, colour and texture of any other materials to be used on the external surfaces of the buildings.

The development shall thereafter be implemented in full accordance with the duly approved scheme before the care home hereby approved is first occupied.

Reason: To ensure an appropriate treatment and making good of the elevations of the hall and retained ancillary outbuildings following the carrying out of the demolition works in order to preserve the special architectural and historic interest of the listed building in accordance with the National Planning Policy Framework.

6. Notwithstanding any description of materials in the application, no development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until full details of all materials to be used on the external surfaces of the buildings associated with that phase 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 listed building and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans, no development (other than demolition) associated with: (i) any of the phase 1 works involving the conversion, extension or alteration of Malsis Hall; and (ii) any of the phase 2 works involving the conversion and extension of the lodge on plot 67, shall take place until details of all windows and doors (including both new and replacement openings) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the buildings associated with (i) and (ii) are first occupied, and shall be retained as such thereafter.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of listed buildings and preserve their special architectural and historic character in accordance with the requirements of the National Planning Policy Framework.

8. No development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until details of finished floor levels and external ground levels for each building (including its external areas) and/or land use associated with that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between buildings, both within and outside the development, and to ensure that buildings maintain an adequate freeboard with surrounding flood zones in the interests of residential amenity and to minimise the risk of the development being at risk of flooding in accordance with the National Planning Policy Framework.

9. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings and/or land uses on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of the National Planning Policy Framework.

10. No residential development associated with the phase 1 and 2 works identified on drawing no. H5095-PP-002 Rev B shall take place on the parts of the site relating to those phases until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 14 July 2017 have been addressed. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: In order to limit opportunities for crime and disorder in accordance with the requirements of paragraphs 58 and 69 of the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.

11. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the design and construction of the site accesses at the junctions with Colne Road and Carr Head Lane (the positions of which are shown on drawing no. 0380_PLI_90_001 Rev P17) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- (i) Splays giving clear visibility of 60 metres (looking east) and 100 metres (looking west) measured along both channel lines of the A6068 from a point measured 2.4 metres down the centre line of the site access at the junction with the A6068 (Colne Road). The eye and object heights shall be 1.05 metres.
- (ii) Splays giving clear visibility of 60 metres (looking west) and 100 metres (looking southeast) measured along both channel lines of Carr Head Lane from a point measured 2.4 metres down the centre line of the site access at the junction with Carr Head Lane. The eye and object heights shall be 1.05 metres.
- (iii) 7 metre radius kerbs to give a minimum carriageway width of 6.5 metres at the site accesses and the construction of the first 8 metres of the access road extending into the site in accordance with NYCC's Standard Detail number A1.
- (iv) Any gates or barriers to be erected a minimum distance of 11 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- (v) The first 20 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (vi) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (vii) Tactile paving in accordance with current Government guidance.

The site accesses shall be constructed in accordance with the duly approved scheme before any part of the development is first occupied, and the visibility splays shall be maintained clear of any obstructions thereafter.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

12. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The provision of tactile paving.
- (ii) The construction of two traffic islands in the centre of the carriageway of the A6068 in positions immediately west of its junctions with the site access onto Colne Road (as shown on drawing no. 1267-F01E) and Carr Head Lane (as shown on drawing no. 1267-F01D), including associated road markings.
- (iii) The upgrading of two existing bus stops on the A6068 located to the west of the site access (eastbound and westbound) to include provisions for raised kerbs, dropped crossings, tactile paving, poles and a bus shelter, together with associated road markings.

The scheme shall be accompanied by an independent Stage 2 Road Safety Audit for the off-site highway improvement works which has been carried out in accordance with HD19/03 – Road Safety Audit (or any superseding regulations) and shall include details of how the recommendations of the Road Safety Audit have been addressed in the design of the proposed off-site highway works. The duly approved off-site highway works shall be implemented and made available for use before any of the buildings and/or land uses for any phase of development hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

13. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the siting, layout, height, design, materials and finish of any means of enclosure used to restrict access between the external areas of each phase of development and the site access onto Carr Head Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any access arrangements for emergency services and a timetable for the erection of the means of enclosure. The means of enclosure shall be erected in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

Reason: In order to limit the volume of traffic utilising the site access onto Carr Head Lane and to ensure that all the residential traffic and the majority of the care home traffic utilises the access off Colne Road in the interests of highway safety and to ensure suitable treatments for means of enclosure in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

14. No development associated with the phase 2 works identified on drawing no. H5095-PP-002 Rev B shall take place on the parts of the site relating to that phase until a scheme for the provision of footways to link pedestrian traffic from the development with existing footways on Colne Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the size, layout and design of the footways and their points of connection with existing footways on Colne Road (including details of the need to remove any vegetation and/or sections of the existing boundary wall). The footways shall be constructed and made available for use in accordance with the duly approved scheme before any of the dwellings associated with the phase 2 works hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure a safe and suitable means of access for pedestrians between the site and existing footways on Colne Road in the interests of highways safety and to encourage travel by sustainable modes in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

15. No development for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees falling within the relevant phase and identified as being retained on drawing no. 0380_PLI_L_94_001. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed in the positions indicated by a solid blue line on drawing no. 0380_PLI_L_94_001. The CEZ shall be maintained in the duly installed positions for the entirety of the construction period insofar as it relates to each phase.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with

the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.

16. No development associated with the construction and laying out of the sports pitches which form part of the phase 1 works identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme containing the following documents has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England):
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the reconfigured football pitches which identifies constraints that could affect playing field quality.
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The scheme shall also include details of the design and layout of the pitches which shall comply with the Football Association guidance.
 - (iii) A Maintenance Scheme for the grass pitches including a maintenance schedule, details of the Performance Quality Standard testing arranged via the Football Association Pitch Improvement Programme, and a mechanism for review

The duly approved scheme shall be implemented in full in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The land in question shall thereafter be maintained in accordance with the duly approved scheme with effect from commencement of the use and shall be retained for playing field use thereafter.

Reason: To ensure an appropriate construction specification and standard for the sports pitches and to ensure that the new facilities are maintained and remain fit for purpose in order that they are capable of delivering the intended sports use in accordance with the requirements of the National Planning Policy Framework and the Craven Playing Pitch Strategy.

17. No development associated with the construction and laying out of the sports pitches which form part of the phase 1 works identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the size, siting, design and layout of the sports changing accommodation has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The sports changing accommodation shall thereafter be delivered and made available for use in accordance with the duly approved scheme before the sports pitches hereby approved are first brought into use, and shall be retained as such thereafter.

Reason: To ensure the development delivers suitable changing facilities in connection with the use of the sports facilities hereby approved and to ensure that these facilities are fit for purpose in accordance with the requirements of the National Planning Policy Framework and the Craven Playing Pitch Strategy.

18. No development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme 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) and shall include:

- (i) Separate systems for the disposal of foul and surface water.

- (ii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.
- (iii) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before each associated phase of development is first occupied, and shall be maintained/managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.

19. No development for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- (a) hours of work for site preparation, delivery of materials and construction;
- (b) arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- (c) details of areas designated for the loading, unloading and storage of plant and materials;
- (d) details of the siting, height and maintenance of security hoarding;
- (e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- (h) details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

20. No development associated with the demolition of the outbuilding referred to as 'Building 2' in the Bat Survey by 'Envirotech' (report reference 426) shall take place until a comprehensive method statement indicating how bats are to be protected during the demolition works and how appropriate mitigation measures (including the siting and design of habitat compensation and enhancement measures) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented within one month of the demolition works taking place, and shall be retained as such thereafter.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

During building works (c)

21. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a hard landscaping scheme for the external areas of the site relating to that phase 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), drainage and lighting of all hard surfaced areas (including estate roads, footpaths and vehicle parking and manoeuvring areas), and a timetable for their provision. The hard surfaced areas shall thereafter be constructed in accordance with the duly approved scheme and made available for use before each building and/or land use which would take access from the relevant hard landscaped areas is first occupied.

Reason: In order to ensure a sympathetic treatment for hard landscaped areas within the setting of designated heritage assets and to ensure a satisfactory standard of engineering works in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

22. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a soft landscaping scheme for the external areas of the site relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Where relevant to each phase, the scheme shall include details of:
- (i) The introduction of a planting buffer upon the verge located to the south of plots 8-16 where this flanks the southern boundary of the site with Colne Road.
 - (ii) the introduction of additional planting within the site which forms part of the internal development layout; and
 - (iii) the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

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

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development, to compensate for any vegetation to be removed as part of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10 and the National Planning Policy Framework.

23. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

24. Notwithstanding any details contained within the application, no external lighting associated with each phase of development identified on drawing no. H5095-PP-002 Rev B shall be installed on the

part of the site relating to that phase until a scheme for its installation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. All external lighting shall thereafter be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from the character and quality of the area as a result of light pollution in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

25. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a scheme for the siting, height, design, materials and finish of all boundary treatments relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be constructed in accordance with the duly approved scheme before each building and/or land use associated each phase of development is first occupied.

Reason: To ensure to use of boundary treatments which are sympathetic to the character of designated heritage assets and the surrounding area and to provide security and privacy between different uses and buildings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

Before the development is occupied (O)

26. Notwithstanding any details submitted as part of the application, none of the buildings and/or land uses for each phase of development identified on drawing no. H5095-PP-002 Rev B shall be first occupied until a Travel Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the 'Umbrella Travel Plan Framework' contained in Appendix 6 of the Transport Assessment by 'Croft Transport Solutions' dated June 2016 and shall contain:

- (i) details of a Travel Plan co-ordinator;
- (ii) details of measures to be introduced to promote a choice of travel modes to and from the site;
- (iii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- (iv) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of the National Planning Policy Framework.

Statement of Positive Engagement

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local

Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

Highways:

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

Yorkshire water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Sport England:

The design of the sports pitches should be undertaken by a specialist sports turf agronomist and constructed in accordance with their recommendations. All pitches should pass a Performance Quality Standard test before use and have suitable maintenance programmes and arrangement in place to maintain this standard.

It is recommended that the changing accommodation accords with the Football Association design guidance.

Coal Authority:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

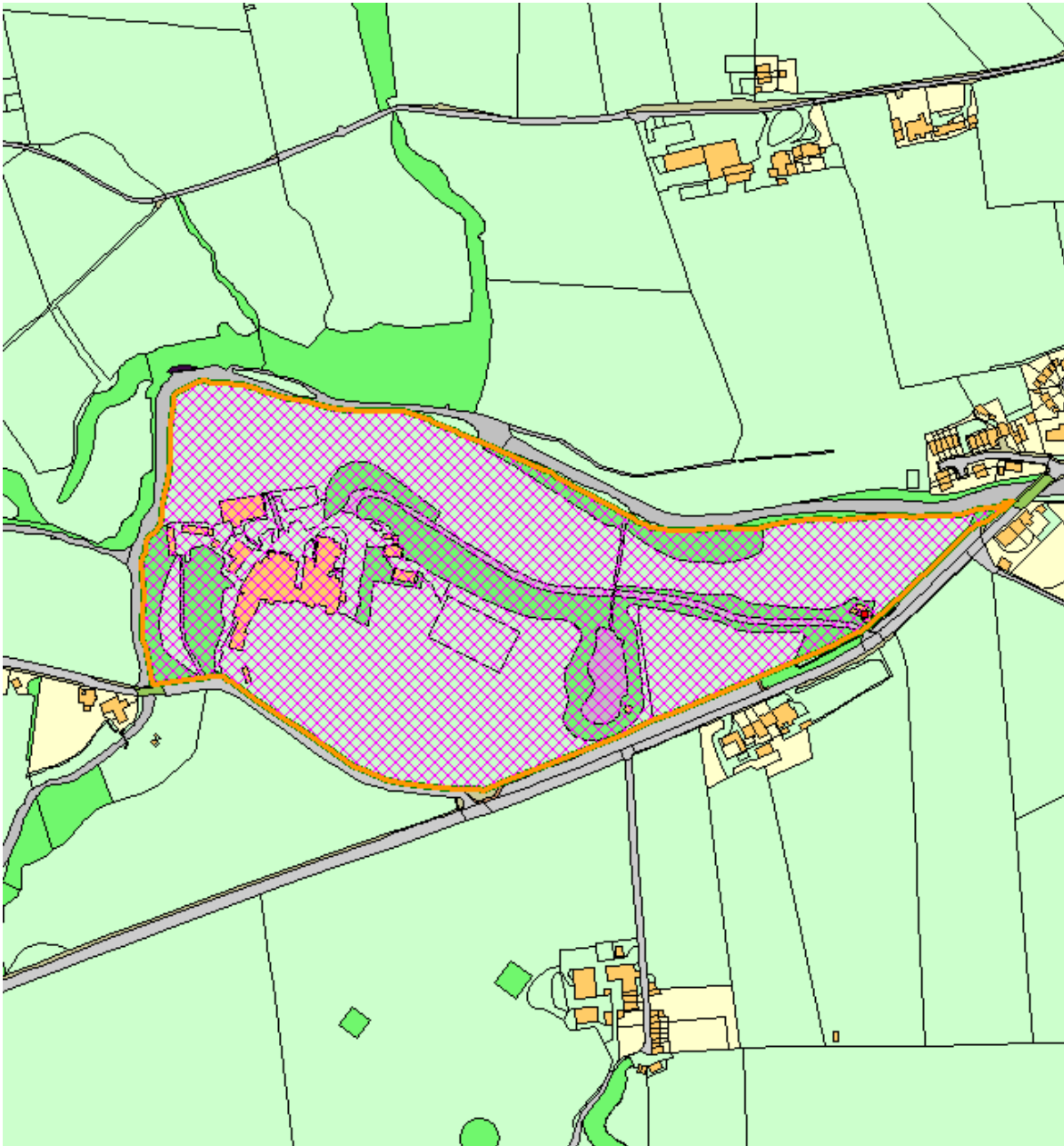
Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Ecology:

The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Any works involving the destruction of a bat roost will require a European Protected Species License from Natural England.

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).



Application Number: 32/2016/17097

Proposal: Conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and residential development of 67 dwellings within grounds (including conversion of listed lodge building to dwellinghouse)

Site Address: Malsis Hall Colne Road Glusburn BD20 8DS

On behalf of: Malsis Ltd

REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 2017/18340/FUL

Proposal: Residential development of 73 dwellings including associated infrastructure

Site Address: Land At Corner Field To The North Of A6131/Harrogate Road Skipton

On behalf of: Miller Homes

Date Registered: 29th August 2017

Expiry Date: 28th November 2017

Case Officer: Mr Matthew Taylor

UPDATE TO MEMBERS:

At their meeting on 20th November 2017 members of the Planning Committee resolved to grant permission for application 2017/18340/FUL subject to the completion of a S106 agreement to secure: (i) 40% of the dwellings to be provided as affordable housing; (ii) the provision of public open space and a Locally Equipped Area for Play on the site; and (iii) a financial contribution of £100,000 towards the off-site provision, improvement and/or future maintenance of open space off the site. This resolution was also subject to a total of 24 conditions, including an amendment to condition 22 relating to the increased height (to 1.8m) of an intervening dry stone boundary wall bordering dwellings to the east of the site on Cross Bank and Overdale Grange.

Following the Planning Committee's resolution on 20th November 2017 the Council resolved, at its meeting on 19th December 2017, to approve an amendment to the wording of policy H2 of the Publication Draft Craven Local Plan (the 'Emerging Local Plan' or 'ELP') to reduce the level of affordable housing provision required under that policy from 40% to "a minimum of 30%". The updated wording of policy H2 means that (subject to any future changes) any application determined after 19th December 2017 will be subject to a requirement for "a minimum of 30% of proposed new dwellings [to be provided as] affordable housing", rather than the 40% requirement previously in place before that date.

As planning permission 2017/18340/FUL is yet to be issued pending the completion of a S106 agreement, the scheme has been revised to reflect the updated policy position which now requires a minimum of 30% affordable housing provision under ELP policy H2. In the case of this application, this translates to a total affordable housing requirement of 22 dwellings (7 fewer than the provision of 29 affordable homes members resolved to approve on 20th November 2017). Amended plans have been submitted showing the omission of 7 affordable homes in two terraces on plots 7-10 and 30-32 to give a revised total of 22. These plots were identified by CDC Strategic Housing as being the most preferable to omit in order to maintain an appropriate mix and distribution of affordable housing. The size, layout, design and house types of the plots in question has not been altered, the only change is that they are no longer to be provided as affordable housing and would, instead, be market dwellings.

Following the resolution at the Full Council meeting on 19th December 2017, the revised requirements of ELP policy H2 are now in effect and this represents the Council's most up-to-date policy position with respect to the requirement for the provision of affordable housing going forward. As ELP policy H2 provides the only local policy basis to secure the delivery of affordable housing, it is considered that the revised wording of ELP policy H2 which includes a reduction in the level of affordable housing provision to a "minimum of 30%" approved by Full Council on 19th December 2017 is material to the decision-making process for this application and must be taken into account as the application is presently undetermined.

For the abovementioned reasons, it is recommended that members of the Planning Committee resolve to approve the proposed alterations to the level of affordable housing provision as described above in accordance with the resolution and updated conditions set out below.

A copy of the report which was referred to the Planning Committee on 20th November 2017 is included below. The report has been updated to reflect the abovementioned changes, as has the wording of conditions (including condition 22 which members resolved to alter at the November meeting).

The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.

1. Site Description

- 1.1 The application relates to a triangular shaped parcel of land to the north-eastern periphery of Skipton extending to approximately 3.2 hectares at the junction of the A6131 (The Bailey) and Skipton Road. Whilst bordering an established housing estate along its eastern boundary, the site itself is located outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP) Proposals Map and is therefore located within open countryside. The Harrogate Road approach to the site is also identified as a Protected Road Approach to Skipton in the CDLP.
- 1.2 Outline planning permission (including access and layout) was granted on 28 January 2016 for a residential development of 83 dwellings on the site pursuant to planning permission 63/2015/16113. This permission remains extant and the site is identified as an 'Existing Housing Commitment' in the Pre-publication Draft Craven Local Plan (the Emerging Local Plan or ELP).
- 1.3 The site also falls within, though to the edge of, the Skipton Conservation Area and is enclosed by a continuous dry stone wall varying in height to its perimeter. The site narrows to its western end approaching the junction of the two highways and, while its southern boundary to the A6131 is broadly linear, the northern boundary meanders to follow the curved alignment of Skipton Road. Ground level falls in a general south to south-easterly direction across the site. A belt of mature trees flanking the southern boundary with The Bailey are protected by a Tree Preservation Order (TPO), as are scattered individual specimens fronting onto Skipton Road to the southwestern edge of the site.
- 1.4 The site presently comprises an open field characterised by rough pastureland and scattered low-level scrub. The site is bordered by detached, two storey housing on the cul-de-sacs of Cross Bank and Overdale Grange to the east and open farmland screened by a peripheral belt of trees is located on the opposite side of Skipton Road to the north. To the south, a tree-lined grass verge separates the site from bungalows and two storey houses set at a lower level on Greenacres.

2 Proposal

- 2.1 The application seeks full planning permission for a residential development of 73 dwellings with associated infrastructure including a shared footpath/cycleway extending through the site between Skipton Road and The Bailey, and the provision of a total of 5832 square metres of public open space.
- 2.2 The proposed dwellings would be arranged around a network of cul-de-sacs branching in northerly and westerly directions off the main estate road and would include a combination of terraced, semi-detached and detached houses delivering a mix of one (5 plots), two (17 plots), three (7 plots), four (19 plots) and five (25 plots) bed dwellings. A total of 22 plots (30% of the total) would be provided as affordable housing delivering a mix of 5 x 1 bed; 13 x 2 bed; and 4 x 3 bed dwellings scattered in three pockets throughout the site.
- 2.3 The estate road would follow a T-shaped layout with access to be gained via The Bailey in the southeast corner. The dwellings would be organised in three parcels, with 15 plots bordering existing houses on Overdale Grange and Cross Bank to the east; 31 plots located to the north and west of the estate road to border Skipton Road; and 27 plots to the south and west of the estate road bordering The Bailey. Strips of landscaped public open space would follow a shared footpath and cycleway to the northern and southern boundaries with flanking highways and would merge with a larger area of public open space to the southwest corner which includes a Local Equipped Area for Play (LEAP) and shallow

balancing pond. Buffers of landscaping would be retained and strengthened to the site perimeter and the existing dry stone wall would be retained and repaired at its present height.

- 2.4 All dwellings would be two storeys in height and would incorporate a mix of dual-pitched and hipped roofs. Garages would be of a single storey height. A total of 13 house types are proposed across the site. The majority of dwellings (53 plots), including all those to the edges of the site, would be finished in natural stone. A limited number of plots (20) to the central areas of the site would be finished in artificial stone. Slate roofs would be used to all plots. Outbuildings would replicate these materials. Boundary treatments will comprise stone walls to the rear and side of prominent plots on the edges of the site and at junctions of the estate road; low-level railings to the front and side of corner plots and timber fencing to rear garden boundaries where these would be less visible from surrounding highways.
- 2.5 A total of 179 off-street car parking spaces (including garages) would be provided as part of the development at an average of 2.45 spaces per dwelling across the site. The majority of parking would be provided on an 'in-curtilage' basis, with parking courtyards formed opposite terraced dwellings on plots 28-32 and 38-42.
- 2.6 Access to the development is to be gained from The Bailey to the southeast corner of the site. A dedicated right hand turn lane with a ghost island approach would be introduced at the junction of the site access with The Bailey. Part of the existing carriageway would be widened to allow the construction of the right-hand turn lane.
- 2.7 The shared footpath/cycleway to the northern, western and southern edges of the site would measure 2.5m in width and would form a triangular route around the site perimeter running in a general south-westerly direction from an opening on Skipton Road towards The Bailey. Two openings are proposed onto The Bailey to the southeast and southwest corners of the site.

3 Planning History

- 3.1 63/2015/16113 – Outline application for erection of residential dwellings, including details of layout and access, with all other matters reserved for future consideration – Approved January 2016.

4 Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan is in the pre-publication stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.

4.3 National Policy:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.4 CDLP:

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
BE2 – Protection of the Road Approaches to Skipton
T2 – Road Hierarchy
SRC2 – Provision of Recreation Space in New Housing Developments

4.5 ELP:

SP1 – Meeting Housing Need
H2 – Affordable Housing

5 Parish/Town Council Comments

5.1 *Skipton Town Council* – Comments as follows:

- Concerns were raised with regard to drainage. The planner must be responsible for the working of the drains perpetually. For health and safety reasons the internal footpath running alongside Embsay Road needs to be put back into the plan.”

5.2 *Embsay Parish Council* – Comments as follows:

- Express concerns relating to the omission of a cycle track within the site to provide a relief route for cyclists travelling along Skipton Road. The present lack of an alternative route to/from Embsay creates a hazard due to the relatively narrow, restricted visibility bends bordering the site.
- Planning permission 63/2015/16113 included a condition requiring the provision of a cycleway as part of the development with access and egress points adjacent to the Skipton Road/The Bailey unction and adjacent to Cross Bank. Any planning approval should be subject to a similar condition.
- Concerns are also expressed with respect to the use of brick and render as the facing materials for some of the dwellings. These materials would be alien to the area and are unsuitable in the conservation area. Instead, all the dwellings should be externally faced in natural stone.

6 Consultations

6.1 *CDC Environmental Health* – No objections. Comments as follows:

- The site is within 50m of a former refuse tip. There are also areas of made ground identified in the Archaeology and Heritage Statement. Therefore potential contaminated land implications need to be addressed. This can be secured through the imposition of an appropriate planning condition.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; and (ii) requiring a dust management plan.
- The applicant needs to have regard to the BS8233:2014 Guidance on ‘Sound Insulation and Noise Reduction for Buildings’ which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

6.2 *Historic England* – Updated comments received 30.10.17:

- Amendments have been made to the proposed materials for the development. The following amendments address the concerns we outlined in our previous letter of 19 September 2017:
- Clarification of retention, repair and rebuilding (as necessary) of existing stone boundary walls;
- Omission of close-boarded timber fence to rear/ side of properties 28, 33, 34, 35, 36 and 53 and replacement with stone wall; All properties to be of stone or artificial stone, no use of red brick or render proposed.

Historic England is therefore content for the application to be determined without further consultation and has objection to the application on heritage grounds.

6.3 *Lead Local Flood Authority* – No objections. Comments as follows:

- The applicant proposes to discharge surface water to a sewer as infiltration is impractical and there is no connection to a local watercourse. Yorkshire Water will therefore be required to advise on an appropriate discharge rate to their apparatus.

- The drainage strategy should make adequate provision for: (i) containing exceedance flows on the site in order that they do not cause flooding of properties; (ii) containing runoff on the site for all events up to the 1 in 30 year event; (iii) ensuring that flows resulting from rainfall in excess of a 1 in 100 year event are managed in exceedance routes that avoid risk to people and property; (iv) making an allowance of 10% for urban creep; (v) arrangements for ongoing maintenance of SUDS over the lifetime of the development.
- Providing that these matters are addressed a condition can be imposed to ensure suitable surface water management.

6.4 *Natural England* – Comments as follows:

- The application site is in close proximity to the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), and therefore has the potential to affect its interest features. These are European sites which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The sites are also notified at a national level as West Nidderdale, Barden and Blubberhouses Moors Site of Special Scientific Interest (SSSI).
- The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority (i.e. the consultation does not include a Habitats Regulations Assessment). Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.
- Natural England notes that Habitats Regulations Assessment of the draft Craven Local Plan (dated May 2016) identified likely significant effects on the integrity of the North Pennines SPA and SAC as a result of increased access and recreational disturbance from the increase in housing over the plan period. We advise that your Authority assess this proposal in the context of in-combination access and recreational disturbance on the North Pennines SPA and SAC with the Craven Local Plan. It will be necessary to ensure consistency between the evidence base work for the Local Plan and any required avoidance and mitigation measures for this proposal. Where evidence is already available in relation to the Local Plan this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.
- Please note that if your authority is minded to grant planning permission contrary to Natural England's advice, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.
- **Landscape advice** – Natural England welcomes the submission of a Landscape and Visual Impact Assessment (LVIA) and agrees with the conclusions. Based on the documents submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the National Park.

6.5 *North Yorkshire Police* – No objections. Comments as follows:

- An analysis of police recorded incidents covering a 300m radius of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. In summary, there were 23 crimes and 11 anti-social behaviour incidents recorded during this twelve month period, with criminal damage being the most significant issue. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as being at a low level.
- The design and layout shown in the proposed Site Layout Plan is to be commended as it has a number of 'Designing out Crime' features incorporated, which will reduce the opportunity for crime and disorder. It has outward facing frontages providing natural surveillance of a defined public realm and enclosed rear gardens. It is also noted that the proposed affordable housing for the site is reasonably well dispersed.

- It is questioned whether the shared footpath/cycleway that runs to the rear of plots 33-35 is necessary as Building for Life 12 recommends that public footpaths should not run to the rear of properties. This is because providing access to rear gardens can leave the rear of properties vulnerable to crime. Consideration should be given to removing this section of path as there is an alternative route available to the side of plot 35. A planning condition should be imposed which requires the applicant to provide details of how this issue is to be addressed.
- Various recommendations are made with respect to cycle storage, the positioning of lighting, landscaping and utility meters, and achieving Secured by Design accreditation.

6.6 *NYCC Archaeologist* – No objections comments as follows:

- The archaeological desk based assessment submitted in support of the application indicates that the development site includes traces of former medieval ridge and furrow ploughing with later quarrying/tipping activity in a small area.
- The desk based assessment recommends that a phased programme of archaeological evaluation takes place in order that appropriate mitigation can be proposed. This conclusion is supported.
- The archaeological potential of the site is unlikely to be very significant. Therefore, it is acceptable to carry forward the suggested programme of work through a planning condition. The archaeological work should take the form of a survey of the surviving ridge and furrow and other earthworks associated with quarrying. This should be followed by trial trenching to record several sections of the ridge and furrow. If any earlier remains are preserved beneath the ridge and furrow then further mitigation in the form of a strip, map and record exercise may be necessary. An appropriate condition is recommended in this regard.

6.7 *NYCC Education* – Requested a financial contribution of £248,127 for primary education facilities as a result of the development. No contribution is sought for secondary school facilities.

6.8 *NYCC Highways* - No objections. Comments as follows:

- The principle of development is accepted by virtue of a previous planning permission.
- The pedestrian/cycle access point onto Skipton Road (adjacent to plot 54) should ensure visibility between pedestrians and vehicles by setting the dry stone wall back behind the visibility splay.
- It is not considered possible to engineer a safe access point for cycles and pedestrians at the opening of the shared footway/cycleway onto the Skipton Road/A6131 junction due to inadequate visibility and junction topography. As an alternative, the southwestern link onto the Bailey should be enhanced by widening the footway on the south side of the A6131 to 2.5m between the crossing point and the 'ginnel' onto Regents Drive.
- The design standard for The Bailey is DMRB and the required visibility splay is 120 metres by 4.5 metres. The available visibility is 120 metres by 4.5 metres. Required pedestrian visibility has been confirmed by speed readings.
- It is recommended that a financial contribution towards pedestrian and cycle improvements in Skipton is secured through S106 agreement.
- Conditions are recommended with respect to: (i) detailed plans for the road and footway layout; (ii) the construction of roads and footways prior to first occupation; (iii) the construction of the site access; (iv) visibility splays for pedestrian and vehicle traffic; (v) off site highway works; (vi) provision of access, turning and parking areas; (vii) restricting the conversion of garages to living accommodation; (viii) precautions to prevent mud trailing onto the highway during construction; (ix) precautions to prevent doors and windows opening over the highway; (x) a construction management plan; (xi) a Travel Plan.

6.9 *CDC Sports Development Officer* – No objections. Comments as follows:

- Further details are required concerning the play area layout, design and specification which should include play equipment for toddlers to older children up to around 12 years old. The play equipment should be of a natural appearance and chiefly constructed in timber. Details are also required on how the public open space will be managed and maintained in perpetuity. These details could be

included in a S106 agreement or potentially secured through planning condition. The public open space and play area should be laid out prior to 50% of the dwellings being occupied.

- The 2.5m wide path (as amended) is acceptable in terms of layout and dedicated access and egress points. The path should be constructed to meet the Sustrans multi user path standards. The full design should be agreed before development commences and the path constructed prior to the 55th dwelling being occupied.
- Public open space 'Area 1' and the play area would meet the SRC2 policy requirements for equipped play and informal play. The multi user paths that run along the southern and western boundary of the site would partly meet the play and recreational needs for youths and adults living at the development. However, in order to meet the balance of youth and adult play and recreational space requirements under SRC 2 a financial contribution of £100,000 is required.
- There are a number of quality deficiencies in youth and adult play and recreation space within Skipton as set out in the Craven Open Space and playing pitch assessment and strategy. I therefore consider that a requirement for an off-site contribution of £100,000 is entirely justified, reasonable and necessary in relation to this scheme. A S106 agreement will be required to secure the off-site contribution.

6.10 *CDC Strategic Housing* – Support the application. Comments as follows:

- The applicants have submitted a planning application for 73 dwellings of which 29 are proposed as affordable, equating to 40% onsite provision.
- Craven District Council has substantial unmet affordable housing need for 145 homes per year, evidence of which is provided within the SHMA 2016. The SHMA further evidences the affordable tenure split to meet identified need stating 'In terms of tenure, a split of 15%-25% intermediate tenure and 75%-85% affordable rented would be recommended'.
- The provision of these 29 affordable homes will help to address significant affordable housing need and is in line with emerging policy. The mix provided is: 6 x 1 bed homes @ 60sqm; 12 x 2 beds homes @70sqm; 6 x 3 bed homes @ 85sqm. The units are distributed evenly throughout the site.
- Updated comments 19.12.17 concerning proposed reduction to 30% provision: The revised split of 13 x 2 beds, 4 x 3 beds and 5 x 1 beds is acceptable. It is recommended that plots 30 (1 bed), 8, 9, 31 and 32 (2 beds) and 7 and 10 (3 beds) are omitted as affordable homes to give 30% provision.

6.11 *CDC Tree Officer* – No objections. Comments as follows:

- The site has various mature trees around the perimeter which are protected by Tree Preservation Order 57 1989. These are high quality trees which provide excellent amenity value on the approaches into Skipton. The scheme proposes a significant number of houses and subsequently hard surfaces which will change the water table and will likely have some effect on the trees, even with SUDS. A Sustainable Urban Drainage System is welcomed should the scheme go ahead and a significant number of trees should be planted to mitigate the increased runoff.
- The layout doesn't appear to encroach into the root protection area of any protected trees on site and ample distance should be allowed between the canopies and any buildings. If planning permission is to be granted then I would expect protective fencing to be erected to BS 5837 (2012) before any work commences which should be specified in an arboricultural method statement. Tree replanting would be beneficial along the northern edge to help screen the houses from the north. An avenue could be created by extending the tree planting along the southern edge with large species such as Oak, Beech and Lime.

6.12 *Yorkshire Water* – No objections. Recommend that conditions should be attached to any permission granted requiring:

- A scheme for the protection of the 225mm diameter foul sewer crossing the site prior to any construction works on the affected areas of the site being undertaken. If this involves diverting the sewer, the developer should submit evidence to the Local Planning Authority that the diversion has been agreed with the statutory undertaker. Yorkshire Water has no objection in principle to the proposed sewer diversion shown on the submitted plans.

- The development shall be carried out in accordance with the details in the submitted Flood Risk Assessment which indicates that: (i) sub-soil conditions do not support the use of soakaways; (ii) surface water will discharge to the public surface water sewer at a restricted discharge rate of 5 litres per second.

7 Representations

7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP and affects the character of the conservation area, notices have also been posted at the site and in the local press. Additional letters were also sent out to neighbouring residents and consultees on 19th October allowing a further 21 days for comments following the receipt of amended plans. At the time of preparing the report a total of 24 representations have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- Skipton is being overdeveloped and is losing its identity as a rural market town. This scheme would introduce ribbon development on the approach into Skipton which would adversely affect its present rural character and setting.
- There have been a number of recent housing developments in Skipton and there is no need for any additional housing in the town.

Design:

- The site is located within the conservation area. However, the style and design of the buildings would spoil the unique, rural character of this designated area and the density of development is excessive for its surroundings.
- The use of red brick and render to some of the houses would be incompatible with the materials of neighbouring dwellings on Overdale Grange and Cross Bank which are faced exclusively in stone.
- All the boundary treatments on Overdale Grange and Cross Bank are dry stone walls. However, the majority of dwellings for the proposed development would have gardens enclosed by 1.8m high timber fencing which is not in-keeping with the character of the area.
- During a pre-application consultation event the developer indicated that they would amend the plans to turn plots 63 and 64 by 90 degrees and relocate some of the garages in order to increase the degree of spacing with existing dwellings. This does not, however, appear to have been brought forward in the submission.
- The plans do not make it clear that the existing drystone wall along the northerly boundary of the site, adjacent to Skipton Road, is to be retained and restored. This should be a requirement of any permission granted.
- The density of housing is too high and would result in a cramped layout and overdevelopment of the site on a prominent gateway into Skipton and the Yorkshire Dales.

Highways:

- The 60mph stretch of road from Skipton to Embsay is already busy and dangerous due to tight bends and vehicles travelling too fast. This is a danger to pedestrians, including children walking to school. The development would increase the amount of traffic on surrounding highways, thereby making this situation more dangerous. The developer should be required to introduce a cycle lane on the highway and provide additional traffic control and pedestrian crossings. The speed limit on Skipton Road should also be reduced from 60mph to 40mph.
- The Bailey and Skipton High Street are often at grid lock during peak times and lack the capacity to handle any more traffic. Congestion will be exacerbated by the volume of traffic added by the

development, along with the neighbouring Hawkbank Field site, and will result in drivers using Greenacres as a rat-run.

- There are currently no roadside footpaths on either highway bordering the site and no pedestrian crossing facilities. The scheme does not provide safe pedestrian access to and from the development as there seems to be no way for pedestrians to exit the site over Skipton Road. A pavement is required along the eastern side of Skipton Road. The entrance/exit proposed at the junction of Embsay Road and The Bailey is also an unsafe crossing point and dedicated pedestrian islands or crossings should be introduced.
- The Transport Statement contains inaccurate information regarding the number and frequency of bus services. These services do not operate before 9am or after 4.30pm, so they are not available for commuters or most school journeys. The level of public transport is minimal and it is inevitable that the majority of journeys will be made by car.

Amenity:

- The layout and orientation of some plots along the eastern site boundary would adversely affect the amenity of neighbouring occupiers on Cross Bank and Overdale Grange due to loss of outlook, overshadowing and overlooking. This would be particularly harmful where the new dwellings are positioned 'side-on' in relation to the rear of existing houses and do not provide a back-to-back garden buffer between properties. The developer should be required to relocate and re-orientate these plots, alter the roof profiles and introduce landscaping along the eastern boundary in to protect the amenity of existing adjacent dwellings.
- If permission is granted the developers should be required to build up the current dry stone boundary wall with dwellings to the east to a minimum height of 1.8m to provide screening. The planting proposed along this border will have little effect in this regard, could be removed at a later date and will create a maintenance liability for existing occupiers.

Officer note: Updated condition no. 22 requires the dry stone wall to the eastern perimeter to be built up to a height of 1.8m in accordance with members' resolution at the meeting on 20th November 2017.

- The applicant's visual impact appraisal recognises that the development would have a "major adverse" impact on the occupiers of adjacent properties because their existing open, rural view would change significantly and the horizon would be screened following the construction of the new dwellings. Therefore, the development fails to protect the amenity of the occupiers of neighbouring residential properties in conflict with the objectives stated in the decision notice for application 63/2015/16113.
- The Council has recently refused planning permission for a development of 88 dwellings at Horse Close, Skipton due to the proximity of the proposed houses to adjacent dwellings. The plan for the Horse Close development suggests that the properties proposed as part of that scheme were to be positioned further away from existing dwellings than is proposed in this case. In order to ensure consistency in planning decisions, the Council should take the same approach with this scheme.

Officer note: The second reason for refusal of the abovementioned application (reference 63/2015/16162) refers to the relationship between "the proposed housing at plot nos 49 and 54 [and their] proximity to the existing housing at nos 48A and 48B Sharphaw Avenue". Paragraph 9.32 of the officer's report for application 63/2015/16162 indicates that the degree of spacing between the single storey dwellings at nos. 48A and 48B Sharphaw Avenue and plots 49 and 54 would be "approximately 6m of the rear elevation of 48A and 8m from the opposite rear corner of the adjoining property at 48B." In the case of this application, both the existing dwellings to the east and those proposed by the development are two storeys in height and the minimum spacing between them (occurring between plot 59 and no. 24 Cross Bank) is approximately 14m. Accordingly, the two schemes are not directly comparable.

Other matters:

- There are a lack of public services (e.g. schools and doctors) and infrastructure (e.g. drainage) to support the number of additional residents that would be created by the development.
- During a pre-application consultation event the developer indicated that they would repair the existing dry stone wall bordering existing houses on Overdale Grange and Cross Bank. It would be preferable for the height of this wall to be increased rather than simply repaired.
- Standing water is frequently seen on the site. Developing the land will result in excess runoff which is likely to have implications for flooding.
- The development proposes large detached dwellings which will price local people out of the area. It is questionable whether the affordable housing shown on the plan will be delivered.

8 Main Issues

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:

1. The principle of residential development on the site.
2. The development’s effects on the character and appearance of the area, including the Skipton Conservation Area.
3. The development’s impact on the amenity of surrounding occupiers.
4. The scheme’s effects on highway safety.
5. Whether the development would deliver appropriate planning gain contributions in accordance with relevant national and local planning policies.
6. Other material considerations relating to flooding, ecology, trees and archaeology.

9. Analysis

Procedural matters

9.1 Amended plans have been submitted to the Council in response to representations made by statutory consultees and members of the public. The application has been assessed in accordance with these amended plans (a list of which is set out in condition 2). The principal changes to the scheme arising from these amendments are summarised as follows:

- The level of affordable housing has been reduced to 30% (equating to 22 plots) following the Council’s decision to revise the wording of ELP policy H2. A total of 7 plots (nos. 7-10 and 30-32) have been omitted to give the revised total of 22
- Plots 63, 64, 66 and 67 (eastern boundary) have been re-orientated to provide a ‘back-to-back’ relationship with existing dwellings on Overdale Grange and Cross Bank.

- Hipped roofs have been introduced to plots 59 and 73 (eastern boundary) to avoid presenting gable ends to neighbouring dwellings on Cross Bank and Overdale Grange respectively.
- A buffer of landscaping comprising a hedgerow with scattered tree planting has been added on the inside of the site's eastern boundary bordering dwellings on Overdale Grange and Cross Bank.
- The route of the shared cycleway/footway to (and outside) the site perimeter has been extended to provide: (i) a continuous footway linking with Overdale Grange to the southeast corner; (ii) a second point of access onto The Bailey to the southwest corner; (iii) a link at the junction of Skipton Road and The Bailey; (iv) an opening to the northeast corner onto Skipton Road, including this forming a separate emergency access to the site with a demountable bollard. Pedestrian crossing points are to be introduced where this route merges with Skipton Road and The Bailey (save that the link at point (iii) is currently under review), along with new sections of footway on the southern side of the A6131.
- The red brick and rendered house types initially proposed have been replaced with a mix of natural and artificial stone house types.
- Boundary treatments to plots bordering flanking highways and corner plots within the site have been amended to present 1.8m high stone walls to these frontages (as opposed to timber fencing or red brick walls).
- A LEAP has been added to the area of public open space.

Principle of development

Site designation and planning history:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that "large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security."
- 9.3 The site is also identified as a Protected Road Approach to Skipton (Harrogate Road) in policy BE2 of the CDLP. Policy BE2 states that, "in order to protect the immediate road approaches to Skipton, the Council will not permit development in those areas identifies as protected landscapes other than in very special circumstances". With respect to the Harrogate Road approach, paragraph 2.2 of the policy states as follows:
- "The Harrogate Road approach has an open and attractive character and is of great importance to the setting of the Conservation Area. This approach route to the town centre is a vital component to the character of the town as it brings the open countryside right to the heart of the town centre."
- 9.4 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.5 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid "new isolated homes in the countryside unless there are

special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

- 9.7 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. There is, however, an extant outline planning permission on the site for a residential development of 83 dwellings (reference 63/2015/16113). Matters of access and layout were approved as part of this application and, although the current scheme is a full planning application, the existence of this extant permission and the parameters established by it must weigh heavily in favour of the principle of residential development on the site. In addition, and as a result of this extant permission, the land is identified as a committed housing site in policy SP1 of the ELP.
- 9.8 Despite alterations to the alignment of the estate road, the current application follows the general development principles established by the outline permission with respect to the means of access to the site, the extent and location of developable areas, the areas to be provided as open space and the provision of buffers to both highway frontages alongside the northern and southern borders through the provision of a shared footway/cycleway. The application also proposes 10 fewer dwellings and a lower density of development (with more detached houses) than the outline permission. Accordingly, it is not considered that the proposal would result in any additional harm or greater conflict with the objectives of CDLP policies ENV1 and BE2 in comparison the form of development which could be brought forward through an application for reserved matters pursuant to the extant outline permission.

Housing Land Supply:

- 9.9 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.”
- 9.10 Paragraph 49 of the NPPF indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 9.11 The Council’s latest ‘Five Year Housing Land Supply Methodology and Report’ (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.
- 9.12 The abovementioned appeal provides the most up-to-date independent assessment of the Council’s housing land supply position. Paragraph 39 of the Inspector’s decision for that appeal concludes that:
- “As I find the evidence before me relating to housing land supply to be inconclusive I have adopted a precautionary approach on the basis that five year supply has not been demonstrated.”
- 9.13 Given the above, and as the Council’s position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land. This was also the position at the time that the extant outline planning permission was granted. Furthermore, it is apparent that the 83 dwellings permitted under application 63/2015/16113 have been included in the Council’s calculation of its housing land supply position and, accordingly, there is a degree of reliance on this site being developed in order to realise that position.

- 9.14 Notwithstanding the above, it is not considered that a moratorium can be placed on housing development within the open countryside based purely on the presence of a 5 year supply of housing land in any case.

Conclusion concerning principle of development:

- 9.15 The site is located within an area of open countryside and along a protected road approach to Skipton. However, the proposal follows the general development principles established by an extant outline planning permission (reference 63/2015/16113) and proposes a reduced number and lower density of development in comparison to that extant permission. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Character, appearance and heritage implications:

- 9.16 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.17 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.18 The site is located within the boundaries of the Skipton Conservation Area. This is a “designated heritage asset” for the purposes of the definition in the NPPF. Paragraph 131 of the NPPF indicates that, in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.19 With respect to a development’s impact on the significance of designated heritage assets, paragraph 132 of the NPPF indicates that “great weight should be given to the asset’s conservation” (proportionate to its importance) and identifies that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”.
- 9.20 Paragraph 133 of the NPPF states that “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent” unless this harm is outweighed by substantial public benefits. Paragraph 134 of the Framework indicates that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.21 Paragraph 137 of the NPPF stipulates that “local planning authorities should look for opportunities for new development within Conservation Areas [...] to enhance or better reveal their significance.

Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

- 9.22 In addition, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2) [which include “the planning Acts”], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Layout, scale and design:

- 9.23 The eastern boundary of the site forms a linear border which is viewed against the backdrop of modern dwellings on Cross Bank and Overdale Grange. These cul-de-sacs are characterised by detached houses laid out to a relatively low density and finished in natural stone. Although objectors have referred to the exclusive use of dry stone boundary walls in this development, it is apparent that a number of rear garden boundaries are also enclosed by timber fencing. Where the site narrows towards its southwest corner it is seen alongside open fields to the north on the opposite side of Skipton Road and tree-lined verges to both sides of The Bailey. The site perimeter is enclosed by a dry stone wall which varies in height.
- 9.24 The T-shaped layout of the estate road has the effect of splitting the site into three parcels – (A) a narrow strip flanking the eastern boundary; (B) a rectangular parcel to the south of the estate road running parallel to The Bailey; (C) a triangular area to the north of the estate road bordering Skipton Road.
- 9.25 Dwellings on parcel A would comprise detached houses set in spacious plots and laid out to a low density replicating the pattern of development on the cul-de-sacs of Overdale Grange and Cross Bank. All dwellings would be two storeys in height to complement the scale of neighbouring buildings and their external walls would be finished in natural stone. A combination of dual-pitched and hipped roofs would be used to add variety to the street scene and to reduce the massing of the roof space when viewed from adjacent properties. The existing dry stone boundary wall separating parcel A from neighbouring dwellings would be repaired and retained at its present height, with a buffer of landscaping comprising a hedge and scattered trees planted behind. A combination of open plan frontages, 1.8m high stone walls and 1.2m high railings would form the front/side garden boundaries with the estate road, while rear gardens would be enclosed by 1.8m high timber fencing.
- 9.26 Dwellings on parcel B would be set back between 15m and 24m from the carriageway of The Bailey. The existing tree-lined verge along the southern boundary with the A6131 would be maintained, with the shared footpath/cycleway and its landscaped borders providing a further buffer between the highway and the closest houses. Dwellings within this parcel would comprise a mix of detached houses with front-facing aspects onto The Bailey and terraced/semi-detached dwellings with gable ends facing south at the end of a cul-de-sac. All dwellings along the southern edge of parcel B would be finished in natural stone and the prevailing boundary treatment would comprise a 0.45m high timber knee rail backed by soft landscaping. Solid boundary walls to the end-terraced plots (16 and 17) would comprise 1.8m high stone walls.
- 9.27 Properties flanking Skipton Road on parcel C would incorporate a combination of front, side and rear facing aspects to the highway. The retained dry stone boundary wall and shared cycleway/footway with landscaped verges alongside the northern boundary would ensure the provision of a minimum 5.5m buffer strip with the highway and where the rear elevations of houses faces towards Skipton Road (a total of 3 detached plots), these buildings would be set back at least 16m from the edge of the carriageway and their rear garden boundaries would comprise 1.8m high stone walls backed by soft landscaping. All plots bordering Skipton Road would be finished in natural stone.
- 9.28 A triangular area of open space to the southwest corner of the site measuring 3138 square metres in area would maintain an open buffer at the junction of Skipton Road and the Bailey in order to preserve the open aspect on this junction and the approach to Skipton. A LEAP would be provided within the open space and an attenuation pond (in the form of a modest depression) would create a SUDS basin.

- 9.29 The layout, pattern and density of development would ensure an appropriate balance between the need to deliver a mix of house types (including 30% affordable dwellings) while maintaining a sense of spaciousness and buffers to flanking highways. The layout of the dwellings would address the site's existing frontages through the orientation of buildings, the provision of buffer strips to maintain separation, the retention of existing tree belts and the use of sympathetic natural stone materials to dwellings and boundary treatments where these would have a roadside aspect. The siting and size of the open space at the junction of Skipton Road and The Bailey would maintain the sense of openness on the approach to Skipton and the absence of development in this area would preserve the retention of protected trees and allow the delivery of an on-site play area and SUDS.
- 9.30 The use of artificial stone would be limited to 20 dwellings located centrally around the T-shaped junction of the estate road where these plots would be screened from flanking highways by intervening natural stone house types. While objectors have raised concerns with the use of timber fencing to enclose gardens, these boundary treatments would be limited to rear garden areas and would not have a frontage onto adjacent public highways or the estate road. Accordingly, they would not detract from the prevailing stone vernacular of both the existing and proposed buildings.
- 9.31 The proposal, by virtue of its layout, scale, materials and design, would be compatible with the density and character of surrounding development and would achieve a spacious, open aspect along the road approach to Skipton, commensurate with neighbouring development to the east. Where the site widens, the development would be viewed against the backdrop of existing housing on Cross Bank and Overdale Garage and the whole of its eastern boundary is bordered by the built-up edge of this estate. More sensitive vantage points where the site narrows to its western end would be addressed through the siting of a substantial parcel of open space and the retention of tree-lined boundaries. Accordingly, it is not considered that the development would have any adverse effects on the character and appearance of the street scene.

Effects on the conservation area:

- 9.32 The principle of residential development within this part of the conservation area has been established through the approval of outline planning permission 63/2015/16113. While it is inevitable that the introduction of buildings on a site which is currently open to flanking roads will alter its appearance within the conservation area, it does not follow that this would automatically result in substantial harm to the significance of the heritage asset. The layout of this application is substantially in accordance with the extant outline permission with respect to the developable areas of the site, the provision of buffer zones alongside both flanking highways, the orientation of dwellings and the siting and extent of public open space.
- 9.33 Historic England's response acknowledges that the principle of development on the site has been established and, accordingly, their comments are limited to matters concerning how the scheme's detailed design responds to the character and appearance of the conservation area. Initial observations were made by Historic England in a letter dated 19 September 2017 as follows:
- (i) The existing dry stone boundary wall around the site makes an important positive contribution to the conservation area and should be retained, repaired and, where necessary, rebuilt.
 - (ii) Skipton is a town on the edge of the Yorkshire Dales and the predominant building material is stone. The use of red brick and render to some of the house types should be avoided in favour of stone.
 - (iii) The use of close-boarded fencing to the rear/side boundaries of plots 28, 33, 34, 35, 36 and 53 (bordering Skipton Road) should be avoided.
- 9.34 Historic England have been consulted on the amended plans and have indicated that, based on the amended plans, there are no objections to the application on heritage grounds. The amended plans (and the changes summarised at paragraph 9.1) have overcome the initial concerns expressed by Historic England with respect to the scheme's detailed design. In particular: (i) the amended enclosures plan clarifies that the existing dry stone boundary wall is to be retained, repaired and rebuilt; (ii) all brick and rendered house types have been replaced with stone; and (iii) boundary treatments to all plots with

a frontage onto existing and proposed highways (including and in excess of those identified by Historic England) have been revised to replace close-boarded fencing with 1.8m high stone walls.

- 9.35 The proposed development would, by virtue of developing an open field, result in a significant change to the appearance of the site and, in turn, the character and setting of the Skipton Conservation Area. However, and as identified by Historic England, the site's main contribution to the character of the conservation area is afforded by its gateway location to Skipton. In this respect, and for the reasons already set out above, the layout, scale and appearance of the development would preserve the essential characteristics of this gateway location by maintaining a sense of space and openness to roadside frontages, retaining existing features which contribute to this character (e.g. mature roadside trees and the perimeter dry stone boundary wall) and ensuring visual relief from built development by providing a substantial buffer of open space where the site narrows to its western end on the entrance to Skipton. The proposed materials and boundary treatments (as revised), and the two storey scale of the dwellings, would also reflect the prevailing character of surrounding buildings both within and bordering the conservation area.
- 9.36 As a result, it is considered that any harm to the significance of the conservation area as a designated heritage asset would be "less than substantial" for the purposes of paragraph 134 of the NPPF and, accordingly, that this harm should be weighed against the public benefits the development would bring, having particular regard to the economic and social benefits arising with respect to its contribution to the district's housing land supply and the delivery of affordable housing.
- 9.37 There are no listed buildings in the immediate vicinity of the site. The closest listed building (the grade I listed Skipton Castle) is located further along The Bailey after a bend in the road and in excess of 0.5km away. Given the degree of separation and screening between the site and the closest listed building, it is not considered that the proposed development would have any adverse effects on the setting or significance of these heritage assets.

Amenity:

- 9.38 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 9.39 The closest neighbouring dwellings border the eastern site boundary on Overdale Grange and Cross Bank. The existing houses are largely orientated with their rear elevations facing onto the site, though several have chamfered aspects and some have gable ends overlooking the field. Objections have been received from the occupiers of some of these properties on the grounds that the proposal would have a harmful impact on their privacy and amenity due to loss of outlook, overlooking and overshadowing. One objector has made reference to the applicant's Landscape and Visual Impact Assessment (LVIA) which concludes that the development would have a "major adverse" impact on those properties located immediately adjacent to the site. Objections have also been received with respect to the siting of garages and the materials for boundary treatments to enclose the gardens of the proposed dwellings.
- 9.40 Dwellings proposed alongside the eastern boundary of the site would be exclusively detached in character and would be orientated either with their rear elevations facing towards those of existing dwellings (back-to-back) or in a 'side-on' fashion where elevations lacking habitable room windows would face towards existing houses and their gardens. Where dwellings are positioned 'back-to-back', they would achieve a minimum separation of 21m with the closest neighbouring properties on Overdale Grange and Cross Bank. In the case of 'side-on' plots, this distance would fall to a minimum of 12.5m, though each of the plots in question (nos. 59, 68 and 73) would incorporate hipped roofs sloping away from the shared boundary. In addition, where 'side-on' relationships are proposed, views from existing dwellings would be at an oblique angle. For example, in the case of the minimum (12.5m) spacing above, the side of the proposed dwelling at plot 73 would be seen at an angle of approximately 45 degrees from the rear elevation of no. 3 Overdale Grange rather than being positioned immediately

alongside its rear elevation. As a result, direct views from the rear of no. 3 would be across the gardens of the proposed dwellings rather than towards the side of plot 73.

- 9.41 The level of spacing achieved between the proposed dwellings and existing properties to the east would be comparable with (and, in many cases, greater than) that presently experienced between dwellings on the neighbouring cul-de-sacs of Overdale Grange, New Laithe Close, Skibeden Court and Cross Bank. There are modest level changes across the site which result in plots to the northern end being set marginally (*circa* 0.75m) higher than existing dwellings and those to the southern end being set below neighbouring properties to a similar degree. The minor nature of these level changes does not result in any appreciable change to the development's effects on adjoining occupiers and all the proposed dwellings would be two storeys in height with similar eaves and ridge levels to neighbouring houses.
- 9.42 While the LVIA submitted in support of the application identifies a "major adverse" impact on "properties immediately adjacent to the site", this is based on the high magnitude of change which would be experienced as a result of altering the current view to the rear of these dwellings. This is not to say that the development would have a "major adverse" impact on the amenity of those properties, but that the change in their view from an open, undeveloped field to a residential estate would represent a high magnitude of change in comparison to the existing scenario. This would be the case for any development proposed on an open field where a current, unimpeded view would be interrupted by the introduction of buildings.
- 9.43 It is an established principle of the planning system that the 'loss of a view' is not a sustainable reason to refuse planning permission. Instead, the question is whether a proposed development, by virtue of its specific characteristics and relationship with surrounding buildings, would have an unacceptable impact on the amenity of neighbouring occupiers which ought to be protected in the wider public interest.
- 9.44 In this case, the spacing, scale, layout and density of the proposed development would be compatible with that which characterises surrounding housing and the degree of separation and orientation between existing and proposed dwellings would ensure that they do not appear as unduly oppressive or overbearing features in the outlook of adjoining occupiers. Similarly, the comparable scale of the dwellings, when combined with the spacing between them, would ensure that the scheme does not have any unacceptable effects in terms of overshadowing. No habitable room windows are proposed in the side elevations of plots 59, 68 or 73 and whilst habitable room windows in rear elevations would face towards those of existing 'back-to-back' properties, the spacing between dwellings would ensure that these views do not unacceptably infringe upon the privacy of neighbouring occupiers through overlooking.
- 9.45 It is also noted that a number of properties bordering the eastern boundary benefit from planting of varying maturity along the common boundary with the site which would, in some cases, provide substantial screening of the proposed dwellings. This would be supplemented on the development side by the introduction of a continuous planting buffer comprising hedging interspersed with trees along the boundary line. Furthermore, it is acknowledged that the layout approved as part of application 63/2015/16113 included several dwellings positioned alongside the eastern boundary in closer proximity to adjacent dwellings than is now proposed under this application.
- 9.46 All garages would be of a single storey height reaching 2.2m to eaves and 4.9m to ridge. Four detached double garages are proposed to plots bordering the eastern boundary (nos. 59, 62, 63 and 73). The distribution of these garages, combined with their single storey height, spacing achieved with neighbouring dwellings and oblique siting in relation to them, would ensure that they do not have an overbearing appearance in the outlook of surrounding properties. While concerns have been raised regarding the use of timber fencing to rear garden boundaries, this is a treatment which is commonplace within the estate to the east where boundaries do not front onto estate roads or the existing open field. At 1.8m, the proposed fencing is not so high as to be unduly imposing and is typical of a domestic boundary treatment.

Highways:

- 9.47 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.48 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access:

- 9.49 Vehicle access to the site is to be gained from The Bailey to the southeast corner of the site. The position of this access is substantially in accordance with that approved under the outline permission (63/2015/16113). A dedicated right hand turn lane with a ghost island approach would be introduced at the junction of the site access with The Bailey and part of the existing carriageway would be widened to allow its construction. Visibility splays of 2.4m x 120m would be achieved in both directions at the junction of the site access with the A6131.
- 9.50 Access for pedestrians and cycles would be achieved through the provision of a 2.5m wide shared footpath/cycleway around the perimeter of the site. This route would provide a link with the footway of Overdale Grange to the southeast corner and would have separate openings onto The Bailey (southwest corner); and Skipton Road (northeast corner) in order to provide a triangular route around and through the site. Separate crossing points would be provided for each of these openings over Skipton Road and The Bailey. Improvements would also be made to widen stretches of footway on Skipton Road and The Bailey to 2.5m in order to provide a shared footway/cycle path off the site.
- 9.51 The Local Highway Authority have raised no objections to the proposed means of access to the site subject to conditions requiring adequate visibility splays at junctions of pedestrian/cycle and vehicle accesses with the existing highway. The visibility splay for the pedestrian/cycle/emergency access opening on Skipton Road has been established through a speed survey which recorded average speeds of 24mph and 32mph for northbound and southbound traffic respectively. Conditions have also been recommended concerning extensions to footways outside the site to connect with existing infrastructure on Overdale Grange and the southern frontage of the A6131. The access strategy also follows the principles established under application 63/2015/16113.
- 9.52 Given the above, it is considered that the proposed access arrangements would provide a safe and suitable means of access to the site for vehicles, cycles and pedestrians. Appropriate conditions have been imposed relating to the construction of the access, the provision of the shared footpath/cycleway and associated off-site highway works as recommended by the Local Highway Authority.

Traffic generation:

- 9.53 The application is accompanied by a Transport Assessment (TA) which has been reviewed by the Local Highway Authority. With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate approximately 45 vehicle movements during the AM peak (8am- 9am) and approximately 32 vehicle movements in the PM peak (5pm- 6pm). This equates to less than 1 vehicle movement per minute during peak periods and, in comparison to the extant outline permission for 83 dwellings, represents a reduction of 8 and 19 vehicle movements during the peak AM and PM periods respectively.
- 9.54 The TA includes an analysis of accident data at 6 junctions in the locality (though 2 of these are located within the town centre) between 31.07.2010 and 31.12.16. A total of 51 incidents are identified across this period, of which 45 were slight, 5 were serious and 1 fatal. The analysis in the TA concludes that "the majority of incidents were as a result of driver /pedestrian and cyclist error and poor judgement on behalf of drivers pulling out of junctions or pedestrians/ cyclists stepping into the carriageway and not as

a consequence of any deficiencies in the road network itself.” The TA also concludes that “the majority of the accidents occurred away from the proposed site in the town centre.”

9.55 The traffic generation, trip distribution and accident analysis undertaken in the TA provide a proportionate assessment of the development’s impact on the surrounding highway network, both individually and in comparison with the extant outline planning permission (which included approval of the means of access to the site). The Local Highway Authority have not raised any objections to the conclusions set out in the TA and, given the presence of an extant planning permission for a development involving more dwellings and higher levels of traffic generation, it is not considered that the development would have a severe impact on the capacity of the surrounding highway network, either adjacent to or further away from the site. Accordingly, the development would not create conditions prejudicial to highway safety and is in compliance with the requirements of CDLP policy T2 and the NPPF.

9.56 The applicant has submitted a Travel Plan (TP) in support of the application. The TP considers the site’s accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future occupiers to travel by more sustainable modes of transport. The TP indicates that the implementation, monitoring and review of the TP will be achieved through the appointment of a Travel Plan Co-ordinator 6 months prior to first occupation until 5 years post full occupation of the dwellings. The implementation of the TP can be secured through condition.

Parking:

9.57 A total of 179 off-street car parking spaces (including garages) would be provided as part of the development at an average of 2.45 spaces per dwelling across the site. The majority of parking would be provided on an ‘in-curtilage’ basis, with parking courtyards formed opposite terraced dwellings on plots 28-32 and 38-42. The Local Highway Authority consider the level of parking provision to be sufficient. A condition has been imposed requiring the parking spaces for each dwelling to be constructed before the associated dwelling is first brought into use.

Developer contributions:

9.58 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Affordable Housing

9.59 Paragraph 7 of the NPPF refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 indicates as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and to create sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations.

9.60 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP seeks affordable housing at a rate of “a minimum of 30%” for schemes of 11 dwellings or more. The weight which can be attached to ELP policy H2 has been tested at a recent public inquiry relating to an appeal at Elsey Croft, Skipton (appeal reference APP/C2708/W/16/3150511). Paragraph 9 of the Inspector’s decision concludes as follows in this respect:

- “Policy H2 of the emerging *Craven Local Plan* seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, it is at a very early stage of preparation with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry.

The consultation exercise identified a number of objections to Policy H2, and so I am of the view that the policy can carry no more than very limited weight.”

- 9.61 Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the ‘very limited weight’ which can be attached to ELP policy H2, the delivery of affordable housing is an objective of the NPPF and so is a material consideration which must be given significant weight.
- 9.62 The Council’s Strategic Housing Market Assessment (SHMA) identifies a need for 145 affordable dwellings per annum in the district. While this cannot translate into a policy requirement, it is nevertheless clear that the evidence in the SHMA provides a strong indication of ongoing need for affordable housing in the district. In this case, it is noted that outline planning permission 63/2015/16113 was granted subject to a condition requiring 40% of the dwellings to be delivered as affordable housing. This requirement was, however, based on a supplementary planning document which has since been quashed following a challenge in the High Court and there have been intervening changes to ELP policy H2 which now require affordable housing provision at a “minimum of 30%”. The applicant has not submitted any financial evidence to contend, either in isolation or in combination with other contributions, that the requirement for 30% of the dwellings to be delivered as affordable housing would make the scheme unviable.
- 9.63 Taking all the above into account, it is considered that a requirement for 30% of the dwellings to be provided as affordable housing is justified in this case.
- 9.64 The applicant has identified 22 units (equating to 30% of the total) to be delivered as affordable homes in 3 pockets to the northeast, central and western areas of the site. These would comprise 5 x 1 bed, 13 x 2 bed and 4 x 3 bed dwellings. The Council’s Strategic Housing Service have indicated their support for this mix and distribution of affordable housing and consider that their tenure should include a split of 15%-25% intermediate and 75%-85% affordable rented.
- 9.65 The scheme’s provision for 30% of the dwellings to be delivered as affordable housing, and the inclusion of an appropriate mix and distribution of that housing, is a substantial social benefit which weighs heavily in favour of the proposal. The delivery of affordable housing is to be secured through a planning obligation as set out in the resolution below.

Open Space

- 9.66 CLDP policy SRC2 requires new residential developments to provide local open space “within or close to the site” commensurate with the size and nature of the development.
- 9.67 The submitted plans include the provision of a total of 5832 square metres of informal open space on the site and the delivery of a LEAP to the southwest corner. The Council’s Sports Development Officer considers that this level of provision is sufficient to meet the SRC2 policy requirements for equipped play and informal play, and that the multi user paths along the site boundaries would meet part of the recreational needs for youths and adults. An off-site financial contribution of £100,000 is, however, required to meet the balance of youth and adult play and recreational space requirements under policy SRC2 which would not be met through the proposed on-site provision. This contribution would be used for the provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.
- 9.68 The delivery of the on-site public open space and play area (including details of its layout, design, specification and future management and maintenance), and the payment of the off-site contribution of £100,000, is to be secured through a planning obligation as set out in the resolution below.

Education

- 9.69 The Education Authority (NYCC) have requested that the applicant makes a contribution of £248,127 towards the provision of new primary school places in the area. Whilst paragraph 72 of the NPPF indicates support for developments that ensure “a sufficient choice of school places [are] available to meet the needs of existing and new communities”, this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis

for these, there is presently no adopted Local Plan policy to support this requirement. It is also noted that planning permission 63/2015/16113 was granted without the requirement for any such contribution. Accordingly, there are insufficient grounds to require the applicant to make the financial contribution requested by the Education Authority.

Highways

- 9.70 The Local Highway Authority has indicated that “a financial contribution to pedestrian and cycle improvements in Skipton” should be secured through a S106 agreement. The Highway Authority have not, however, provided any precise details concerning the amount required for this contribution (or how it has been calculated), how it would be used (i.e. a specific scheme) or that it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. It is also noted that no such contribution was requested (or secured) as part of planning application 63/2015/16113, despite this involving a greater number of dwellings. Accordingly, it is not considered that there is sufficient justification to require the applicant to make the financial contribution requested by the Highway Authority and, moreover, any evidence to conclude that this would meet the tests set out in paragraph 204 of the NPPF.

Other matters:

Flooding

- 9.71 The site falls wholly within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. However, as it is over 1 hectare in area a Flood Risk Assessment (FRA) has been submitted with the application.
- 9.72 Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.
- 9.73 The submitted FRA considers the site’s risk of flooding from separate sources and concludes that the greatest risk is from additional surface water runoff generated as a result of the increased impermeable area from the proposed greenfield development. Accordingly, the main issue to be considered in this case is with respect to ensuring a suitable strategy for surface water drainage in order that the development is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere.
- 9.74 The submitted FRA includes an indicative drainage strategy for the development based on the following principles:
- The geology of the site, and specifically the depth of overlying clays, means that infiltration systems and soakaways are not feasible.
 - Storm water attenuation systems should be used to ensure flows from the site to a suitable watercourse or surface water sewer are reduced to agricultural discharge rates.
 - A surface water discharge restriction of 5 litres per second is the lowest practical rate that can be achieved and will ensure that the existing agricultural discharge rate is not exceeded. Estimated flood storage volumes to achieve this rate are 852 m³ for the 1 in 30 year storm and 1190 m³ for the 1 in 100 year storm, with the latter rising to 1217 m³ when factoring in a 30% allowance for climate change.
 - Attenuation systems can take the form of open swales, ponds or detention basis, or engineering solutions including underground tanks and over-sized pipes to store storm water and limit the rate of discharge from the site.
 - If the site is developed with attenuation systems and an agreed discharge rate reduced to agricultural rates of discharge, there would be no increase in the flood risk to properties off site or in the drainage networks downstream of the site.

- The floor levels of the proposed buildings should be a minimum of 300mm above the existing ground level.

9.75 The applicant has also provided a flood routing plan, sewer layout and updated drainage calculations in response to the comments of the LLFA. Neither the LLFA or Yorkshire Water have raised any objections to the development. Instead, conditions have been recommended requiring: (i) a scheme for the protection/diversion of a foul sewer which crosses the site; (ii) the submission of a detailed drainage strategy to restrict surface water discharge from the site to a rate of 5 litres per second as set out in the FRA, including appropriate flow attenuation mechanisms and 30%/10% allowances for climate change and urban creep respectively; (iii) a flood routing plan to deal with exceedance of peak rainfall events. This can be controlled through condition. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

Ecology

9.76 The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.77 The application is accompanied by an ecological survey which includes an impact assessment of the development's effects on protected habitats and species and sets out necessary mitigation measures. The survey identifies that the site is dominated by tall ruderal plant species and grassland which have limited habitat value for invertebrates and foraging birds. The main habitats of value on the site include trees and hedging along the southern boundary which provide a wildlife corridor and nesting habitat for birds. The dry stone wall surrounding the site is also considered to provide a refuge for invertebrates and reptiles, and nesting opportunities for smaller birds. A barn falling outside the site also provides roosting potential for bats, though none of the trees on the site are considered to be capable of providing a permanent roosting site. A pond in Castle Woods is located within 500m of the site and lies within a Site of Importance for Nature Conservation. There are, however, no records of great crested newt within 2km of the site and the pond is separated from the site by preferable terrestrial habitats and the highway of Skipton Road which would provide a barrier for great crested newt movements onto the site.

9.78 The ecology survey concludes that the development will not impact on any notable or protected habitats and species as the most important habitats features (the perimeter vegetation and dry stone wall) will be retained. In terms of mitigation, the survey recommends that any pruning works to existing vegetation take place outside the bird breeding season (March to August), that the existing dry stone wall is renovated to provide a wildlife refuge, that native trees and shrubs are planted to provide biodiversity enhancements and that 10 all-purpose bat and bird boxes are placed on the existing trees or integrated into the houses.

9.79 The proposed development would incorporate the mitigation measures set out in the ecology survey by retaining existing trees, hedging and the dry stone wall to the site perimeter. Biodiversity enhancements would also be delivered through the provision of additional landscaped buffers alongside the boundaries with Skipton Road and The Bailey. The siting of bat and bird boxes can be secured through condition. The site is not designated for its nature conservation value and has habitats of limited value which are unlikely to support any protected species. Appropriate mitigation measures would be put in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraph 109 of the NPPF.

9.80 Natural England have made representations on the application concerning the development's potential effects on the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (a designated European nature conservation site). The development's effects in this regard would be

limited to indirect impacts associated with increased access and recreational disturbance arising from the increase in housing over the plan period. Natural England have advised that the Local Planning Authority is required to undertake a Habitat Regulations Assessment (HRA) in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010. Natural England consider that this development should be assessed in the context of the potential for access and recreational disturbance 'in-combination' with other housing sites identified in Craven's ELP, including the identification of any avoidance and mitigation measures required to reduce the damage the development is likely to cause.

- 9.81 Natural England have indicated that, if the Local Planning Authority is minded to grant permission without undertaking the HRA it will be required, under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), to notify Natural England "of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice [...] allow[ing] a further period of 21 days before the operation can commence."
- 9.82 The current response from Natural England is in conflict with their comments submitted on 15th September 2015 in respect of application 63/2015/16113 which proposed a larger scale of development than this application on the same site. Those comments stated that:
- "Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes."
- 9.83 When the inconsistency between their responses has been queried, Natural England have indicated that recreational pressure was not raised as an issue with the previous application as the baseline has now changed as a result of other housing allocations in the ELP and the publication of the HRA Screening Assessment Report to accompany the ELP. Natural England have advised that, in order to mitigate against the in-combination effects on the North Pennine Moors SPA from multiple housing sites, provision should be made for alternative recreational green space and reference is made to draft ELP policy INF3 which relates to the provision of new green space in housing developments.
- 9.84 Other than proposing a reduction in the overall number of dwellings, the current application is substantially in accordance with the parameters established under the outline permission. Planning permission 63/2015/16113 remains extant and a reserved matters application for up to 83 dwellings could be submitted without the need for the Local Planning Authority to re-assess the development's impacts on the SPA (and, in turn, without the need for a HRA). Therefore, it is considered that Natural England's requirement for the Local Planning Authority to undertake a HRA in connection with this development is unduly onerous, excessive and unwarranted for the following reasons:
- Natural England have failed to provide a proper explanation or justification for changing their position between the response for application 63/2015/16113 dated 15th September 2015 and their response on this application dated 13th September 2017. Natural England have referred to a change in the baseline associated with the progression of the ELP and the publication of the Habitat Regulations Screening Assessment Report for the ELP (dated November 2016) which concludes that likely significant effects on the SPA cannot be ruled out as a result of increased recreational pressures from the housing allocations in the ELP. However, the conclusion in the Screening Report is based solely on the 'in-combination' effects of the proposed housing allocations in the ELP and does not include an assessment of existing housing commitments which pre-dated these allocations. While relevant sites coming forward in the future under the allocations in the ELP will be subject to site-specific HRA, it is considered unreasonable to impose this requirement on committed housing sites with an extant planning permission.
 - Their response fails to take into account the applicant's fallback position which, subject to the approval of reserved matters relating to scale, external appearance and landscaping, would allow the implementation of a development of a larger scale (an additional 10 dwellings) which would place greater recreational pressures on the SPA without the need or opportunity for any further assessment of 'in-combination' effects. Natural England would not be a statutory consultee on an application for the approval of reserved matters as the principle and quantum of development has already been permitted under the outline permission.

- Natural England refer to policies and allocations in the ELP which have not been subject to independent examination, do not form part of the adopted development plan and can be given only very limited weight in the decision making process. The ELP remains at a relatively early stage of preparation and there is no certainty that the housing allocations within it will come forward in the precise manner set out in the current draft.

- 9.85 Notwithstanding the above, the development would provide 5832 square metres of informal open space, a LEAP and an off-site contribution of £100,000 towards the provision and/or improvement of open space away from the site in accordance with the requirements of CDLP policy SRC2. The requirements for the delivery of open space set out in saved policy SRC2 are substantially the same as those which will be secured under ELP policy INF3 referred to by Natural England. Accordingly, the development would deliver a substantial amount of open space on the site for future residents and an off-site contribution which would alleviate recreational pressures on the SPA in order that the development is unlikely to have any significant effects on the integrity of the designated nature conservation site.
- 9.86 The delivery of this open space aligns with the mitigation measures which could reasonably be required to offset any potential effects on the SPA arising from increased recreational disturbance (both individually from this development and in-combination with other housing allocations in the ELP), and there would be no policy basis to require the developer to deliver more open space than is currently proposed.
- 9.87 Given the above it is, therefore, considered unnecessary to undertake the HRA process in order to arrive at the same conclusion. As the approach recommended by Officers conflicts with the advice in Natural England's response dated 13th September 2017, the Local Planning Authority notified Natural England of its position by letter on 22nd November 2017 following the Planning Committee's resolution at their meeting on 20th November. The relevant 21 day period expired on Wednesday 13th December 2017 without any further comment from Natural England. As the revisions to the scheme relate only to the level of affordable housing provision and do not materially alter the development's effects on any statutorily designated nature conservation sites, it is not considered necessary to re-notify Natural England in accordance with Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended).

Trees

- 9.88 Criteria (1) and (2) of CDLP policy ENV10 state that the Council will seek to safeguard trees protected by a preservation order and within conservation areas from harm or unjustifiable loss.
- 9.89 A row of trees along the southern perimeter of the site are protected by an area Tree Preservation Order (TPO). Five individual specimens to the western boundary flanking Skipton Road are also protected by TPO. The application is accompanied by a tree survey which assesses the condition and retention value of all trees on the site.
- 9.90 The buffers of open space to be provided alongside the northern and southern perimeters of the site, and within a triangular space to the western edge, would ensure that an appropriate standoff is achieved between the root protection areas of trees covered by TPO and the parts of the site where buildings and hardstandings are proposed. Accordingly, the development would not necessitate the removal of any existing trees protected by TPO.
- 9.91 The Council's Tree Officer identifies the importance of the existing trees on the site in providing amenity value on the approach to Skipton. The Tree Officer supports the use of SUDS and the planting of additional trees to mitigate increased water runoff that would be generated by the development. The Tree Officer is satisfied that the proposed development would not encroach onto the root protection areas of any protected trees on the site and has recommended that a condition is attached to any permission granted requiring the erection of protective fencing to BD 5837 (2012) before any development commences.
- 9.92 The tree survey recommends remedial pruning to several specimens in accordance with good arboricultural practice. The survey also recommends that a single specimen – a sycamore flanking The Bailey to the southwest corner of the site – is removed as this specimen is suppressed between two larger and more mature specimens. This removal is not, however, shown on the submitted plans and,

accordingly, does not form part of this application. Should the applicant wish to undertake the felling and pruning works identified in the tree survey, a separate works to trees application would be required.

Archaeology

- 9.93 Paragraph 128 of the NPPF requires applicants to assess the significance of any heritage assets with archaeological interest affected by developments through appropriate desk-based and, where necessary, field evaluations. In addition, paragraph 141 of the Framework requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance.
- 9.94 The application is accompanied by an archaeological desk-based assessment which has been evaluated by the County Archaeologist. The desk based assessment indicates that the site includes traces of former medieval ridge and furrow ploughing with later quarrying/tipping activity in a small area, and recommends that a phased programme of archaeological evaluation takes place in order to secure appropriate mitigation where required.
- 9.95 The County Archaeologist agrees with the approach set out in the desk-based assessment and concludes that as “the archaeological potential of the site is unlikely to be very significant and it would be acceptable to carry forward the suggested programme of work as a planning condition.” Therefore, measures can be put in place in order to ensure that the development does not unacceptably impact on heritage assets with archaeological significance and that arrangements are made for the recording of any assets which would be lost in accordance with the requirements of the NPPF.

10 Conclusion

- 10.1 The application seeks full planning permission for a residential development of 73 dwellings on a triangular shaped parcel of land extending to approximately 3.2 hectares on the outskirts of Skipton. The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is also on a Protected Road Approach to Skipton. Outline planning permission (including access and layout) was granted on 28 January 2016 for a residential development of 83 dwellings on the site pursuant to planning permission 63/2015/16113. This permission remains extant and the site is identified as an ‘Existing Housing Commitment’ in the Pre-publication Draft Craven Local Plan.
- 10.2 The site occupies a sustainable location for housing which is well connected and accessible to services in Skipton. The scheme follows the general development principles established by extant outline planning permission 63/2015/16113 and proposes a reduced number of houses and lower density of development in comparison to that extant permission. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 10.3 The proposed development, by virtue of its layout, scale, density, design, materials and landscaping, would be compatible with the character of the area and surrounding buildings. The development would preserve existing features on the site that make a positive contribution to the character and appearance of the Skipton Conservation Area and would assimilate successfully into the conservation area in order that it does not cause any substantial harm to its significance as a designated heritage asset. The spacing and relationship of the proposed dwellings with neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking.
- 10.4 The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The development would deliver a substantial number of affordable homes (equivalent to 30% of the total) on the site and would also make provisions for informal open space, play space and an off-site contribution towards open space of the site in accordance with the relevant policies. All protected trees would be

integrated as an integral part of the scheme's landscaping strategy and appropriate measures would be put in place to ensure that the scheme has no adverse effects with respect to flooding, ecology and archaeology.

- 10.5 The economic and social benefits arising as a result of the scheme would outweigh any adverse environmental effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11 Recommendation

- 11.1 That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:

- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
- (ii) The provision, layout, specification, design, management and maintenance of public open space and a Locally Equipped Area for Play on the site in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2.
- (iii) A financial contribution of £100,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

Authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Time limit for commencement (T)

1. The development must be begun not later than the expiration of three years from the date of this permission.

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

Approved plans (L)

2. This permission relates to the following plans:

- Scale 1:1250 Location Plan (amended plan received 11.10.17).
- Drawing no. 0222-01 Rev U – Site layout plan
- Drawing no. 0222-03 Rev N – Enclosures plan
- Drawing no. 0222-04 Rev N – Materials plan
- Drawing no. 0222-06 Rev B – Site sections
- Drawing no. 0222-08 Rev F – Open space areas
- Drawing no. 0222-09 Rev B – Extent of Skipton Road Footway widening.
- Package titled 'House Type Planning Drawings – Rev E' which includes:
 - Drawing no. 0222_RE_01 – Regent
 - Drawing no. 0222_WE_01 – Weir
 - Drawing no. 0222_RO_01 – Rowling
 - Drawing no. 0222_GR_01 – Grange
 - Drawing no. 0222_AS_01 – Ashbery
 - Drawing no. 0222_MI_01 – Mitford
 - Drawing no. 0222_RY_01 – Ryton
 - Drawing no. 0222_ST_01 – Stevenson B
 - Drawing no. 0222_ST_DA_01 – Stevenson D.A.

- Drawing no. 0222_GA_01 – Gala
- Drawing no. 0222_BU_01 – Buttermere
- Drawing no. 0222_JU_01 – Jura
- Drawing no. 0222_TH_01 – Thames
- Drawing no. 0222_TH_02 – Thames
- Drawing no. 0222_CH_01 – Chichester
- Drawing no. 0222_CH_04 – Chichester
- Drawing no. 0222_SG_01 – Single garage
- Drawing no. 0222_DG_01 – Double garage
- Drawing no. 0222_DG_02 – Double garage

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

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

Before you commence development (P)

3. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
 - (j) A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
 - (ii) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
 - (iii) provision for publication and dissemination of the analysis and report on the site investigation.
 - (iv) provision for archive deposition of the report, finds and records of the site investigation.
 - (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of the National Planning Policy Framework.

4. 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 dwellings 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 conservation area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

5. Notwithstanding any details shown on the approved plans, no above ground works shall take place until details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: To ensure the use of appropriate materials and window treatments which are sympathetic to the character of the conservation area in accordance with the requirements of the National Planning Policy Framework.

6. 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 before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of the National Planning Policy Framework.

7. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of the National Planning Policy Framework.

8. No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 5 September 2017 have been addressed and/or mitigated. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: In order to limit opportunities for crime and disorder in accordance with the requirements of paragraphs 58 and 69 of the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.

9. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:
 - the proposed highway layout, including the highway boundary;
 - dimensions of any carriageway, cycleway, footway, and verges;
 - visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;
 - traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
 - b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level;
 - the proposed road channel and centre line levels;
 - full details of surface water drainage proposals.
 - c) Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
 - cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
 - kerb and edging construction details;
 - typical drainage construction details.
 - d) Details of the method and means of surface water disposal.
 - e) Details of all proposed street lighting.
 - f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - g) Full working drawings for any structures which affect or form part of the highway network.
 - h) A timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

10. No development shall take place until a scheme for the design and construction of the site accesses at the junctions with the A6131 and Skipton Road (the positions of which are shown on drawing no. 0222-01 Rev U) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:
- (i) Splays giving clear visibility of 120 metres (in both directions) measured along both channel lines of the A6131 from a point measured 4.5 metres down the centre line of the site access at the junction with the A6131. The eye and object heights shall be 1.05 metres.

- (ii) Splays giving clear visibility of 50 metres (looking northwest) and 33 metres (looking southwest) measured along both channel lines of Skipton Road from a point measured 2.4 metres down the centre line of the site access at the junction with Skipton Road. The eye height shall be 1.05 metres and the object height shall be 0.6 metres.
- (iii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
- (iv) Any gates or barriers to be erected a minimum distance of 6 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- (v) The first 6 metres of the access road/footway extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (vi) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (vii) Tactile paving in accordance with current Government guidance.

The site accesses shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant heights referred to in (i) and (ii) thereafter.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

11. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

Reason: In order to provide a safe and suitable means of access to the site in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

12. No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
 - (i) The provision of tactile paving.
 - (ii) The provision of a ghost island right hand turn lane for westbound vehicles entering the site from the A6131, including any widening of the existing carriageway.
 - (iii) The provision of pedestrian crossings over the carriageways of the A6131 and Skipton Road in all locations where the shared footway/cycleway emerges onto the existing highway.
 - (iv) The provision of new footways: (i) between the opening of the shared footway/cycleway onto the A6131 (southeast corner) and the junction of the A6131 with Overdale Grange; and (ii) over the southern verge of the A6131 to connect with the existing footway in the position shown on drawing no. 0222-01 Rev U.
 - (v) Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the widening of the existing footways on Skipton Road and the A6131 to 2.5 metres in the positions shown on drawing no. 0222-09 Rev B.

The scheme shall be accompanied by an independent Stage 2 Road Safety Audit for the off-site highway improvement works which has been carried out in accordance with HD19/03 – Road Safety Audit (or any superseding regulations) and shall include details of how the recommendations of the

Road Safety Audit have been addressed in the design of the proposed off-site highway works. The duly approved off-site highway works shall be implemented and made available for use before any of the dwellings are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

13. No above ground works shall take place until a scheme for the layout, construction and design of the 2.5 metre wide shared footpath/cycleway extending around the perimeter of the site (the route of which is shown on drawing no. 0222-01 Rev U) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the Sustrans multi user path standards. The shared footpath/cycleway shall be constructed and made available for use in accordance with the duly approved scheme before the 37th dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for pedestrian and cycle access through the site and to provide enhancements to existing access between Skipton Road and the A6131 for these users in order to encourage the use of sustainable modes of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

14. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- (a) hours of work for site preparation, delivery of materials and construction;
 - (b) arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
 - (c) details of areas designated for the loading, unloading and storage of plant and materials;
 - (d) details of the siting, height and maintenance of security hoarding;
 - (e) arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
 - (h) details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

15. No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.

- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to safeguard existing trees on the site which are protected by Tree Preservation Order and are shown to be retained as part of the development before any construction works commence in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.

16. No development on the affected areas of the site shall take place until a scheme for the protection of the 225mm diameter foul sewer crossing the site has been submitted to and approved in writing by the Local Planning Authority. If these protection measures include the diversion of the sewer then the applicant shall provide written evidence to the Local Planning Authority confirming that the proposed sewer diversion has been agreed with the relevant statutory undertaker. The development shall thereafter be carried out in full accordance with the duly approved scheme.

Reason: To ensure appropriate measures are put in place to safeguard existing sewerage infrastructure on the site and to prevent any pollution of the local aquatic environment in accordance with the requirements of the National Planning Policy Framework.

17. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme 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) and shall include:

- (i) Separate systems for the disposal of foul and surface water.
- (ii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.
- (iii) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including through the use of areas to hold or convey water).
- (iv) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

Reason: To ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.

During building works (c)

18. All doors and windows on the elevations of the dwellings located adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway.

Reason: To avoid any obstruction of the highway to vehicles and pedestrians in the interests of road safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

19. Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

20. Within three months of development first taking place details of the design, materials and finish of the boundary treatments for each plot (the type, siting and height of which is shown on drawing no. 0222-03 Rev N) shall be submitted for the written approval of the Local Planning Authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to the character and appearance of the site, its surroundings and the conservation area in accordance with the requirements of the National Planning Policy Framework.

Before the development is occupied (O)

21. None of the dwellings hereby approved shall be first occupied until a scheme for the installation of 10 all-purpose bat and bird boxes on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, size and design of the bat and bird boxes and a timetable for their installation. The bat and bird boxes shall be installed in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that suitable biodiversity enhancements are put in place as part of the scheme in accordance with the mitigation and compensation measures identified in section 9 of the Ecological Assessment by 'MAB Environment & Ecology LTD' and the National Planning Policy Framework.

22. The full length of the dry stone boundary wall to the eastern perimeter of the site (which is to form the boundary between the dwellings proposed on plots 59-68, 73 and existing houses on Cross Bank and Overdale Grange) shall be rebuilt to a height of 1.8 metres before any of the dwellings are first occupied. The remainder of the dry stone boundary wall (to the northern, southern and western perimeters of the site) shall be retained, repaired and, where necessary, partially rebuilt to its existing height in accordance with the details shown on drawing no. 0222-03 Rev N before any of the dwellings hereby approved are first occupied.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to preserve existing features which contribute to the character of the countryside and the conservation area in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

23. The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. 0222-01 Rev U before each associated dwelling is first occupied.

Reason: To ensure that suitable provision is made for vehicle access, parking and manoeuvring concurrently with the occupation of the dwellings in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

24. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'AECOM' dated May 2017 (report reference 60541520) and shall contain:

- (j) details of a Travel Plan co-ordinator;
- (ii) details of measures to be introduced to promote a choice of travel modes to and from the site;
- (iii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- (iv) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of the National Planning Policy Framework.

Statement of Positive Engagement

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

Highways:

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

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 the Highway Authority.

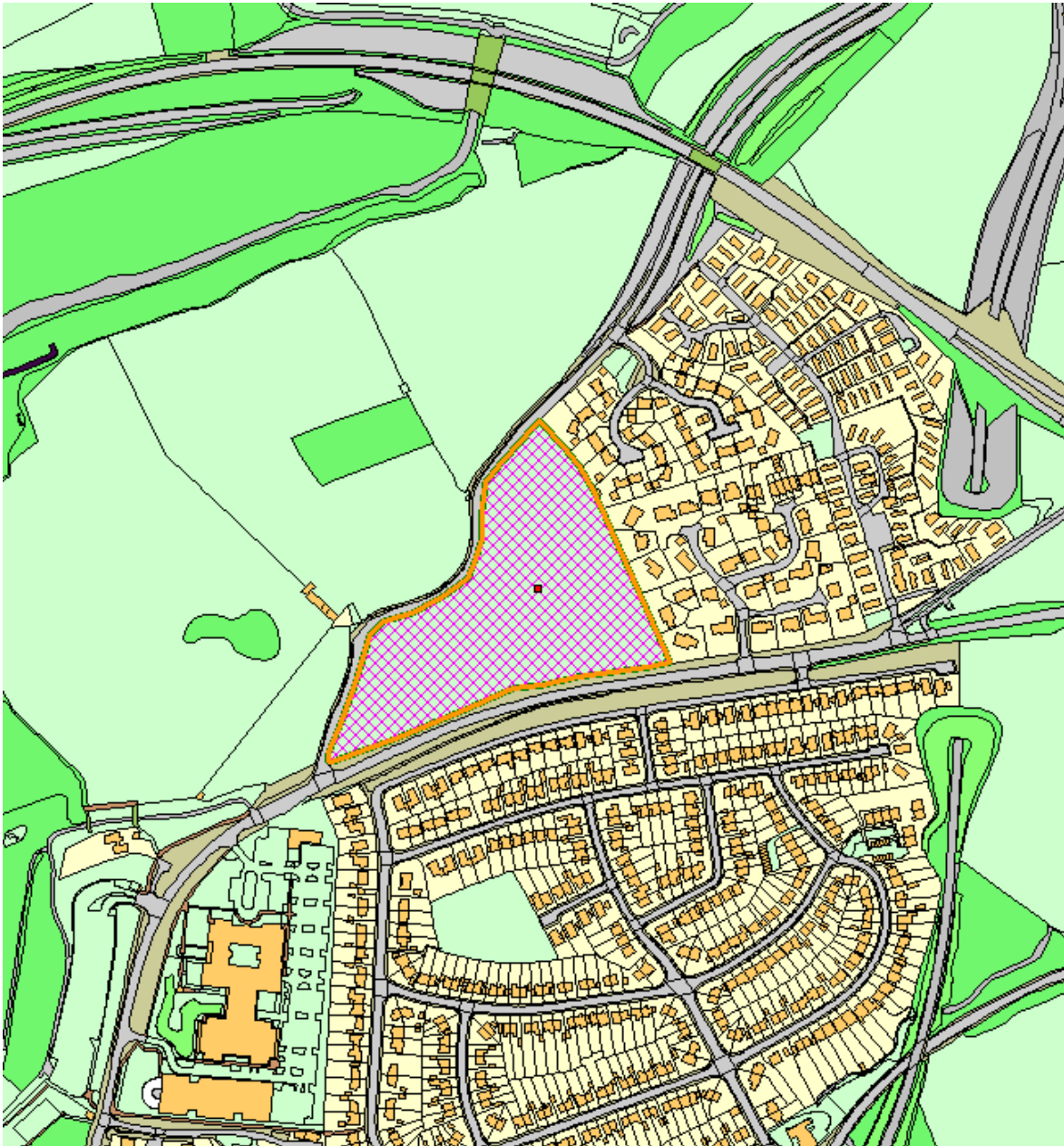
It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Trees:

Several trees on the site are protected by a Tree Preservation Order (TPO references '66 1990 A1' and '57 1989'). All specimens also fall within the Skipton Conservation Area. For the avoidance of doubt, and notwithstanding any details contained within the arboricultural report by Iain Tavendale dated 21.08.17, this planning permission does not permit any works to existing trees on the site. Should the applicant wish to undertake the works to trees identified in the arboricultural report, they are advised that a separate works to trees application will be required.

Yorkshire water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.



Application Number: 2017/18340/FUL

Proposal: Residential development of 73 dwellings including associated infrastructure

Site Address: Land At Corner Field To The North Of A6131/Harrogate Road Skipton

On behalf of: Miller Homes

REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 63/2016/17313

Proposal: Full application for the erection of 98 dwellings

Site Address: Aldersley Avenue Skipton North Yorkshire BD23 2LH

On behalf of: Persimmon Homes West Yorkshire

Date Registered: 2nd September 2016

Expiry Date: 2nd December 2016

Case Officer: Mr Matthew Taylor

The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.

1 Site Description

- 1.1 The application relates to an irregularly shaped parcel of land to the south-eastern periphery of Skipton extending to approximately 5.7 hectares between Aldersley Avenue and Moorview Way. The site currently comprises open farmland with small pockets of scattered outbuildings and piecemeal enclosures. The watercourse of Jenny Beck (part of which is culverted) follows a narrow valley to the western end. Ground level falls steeply in a north-westerly direction across the site down to Moorview Way.
- 1.1 The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP) Proposals Map and is therefore located within open countryside. The land is, however, allocated as a housing site with associated green infrastructure provision (site reference SK013) in the Pre-publication Draft Craven Local Plan (the Emerging Local Plan or 'ELP').
- 1.2 An existing road with a priority (give way) junction onto Aldersley Avenue provides access to a group of garages located to the western end of the site. The site boundary includes these garages and the access road onto Aldersley Avenue which runs between no. 1 Hillside Crescent and no. 47 The Oval.
- 1.3 The northern boundary of the site is flanked by dwellings (a mix of bungalows and two storey houses) on the cul-de-sacs of Moorview Way to the north and two storey houses on The Oval, Hillside Crescent and Lytham Gardens to the west/southwest. Playgrounds off Shortbank Close and Lytham Gardens are located to the northwest and southwest corners of the site and clusters of trees at the edges of these roads (but outside the site) are protected by Tree Preservation Orders (TPO). The site adjoins areas of open farmland to the east and south which are separated by dry stone walls and landscaped buffers. Ground level continues to rise in a southerly direction away from the site up to Skipton Moor where views are available from elevated vantage points on the Dales High Way Public Right of Way (PROW).

2 Proposal

- 2.1 The application seeks full planning permission for a residential development of 98 dwellings with associated infrastructure including buffers of open space arranged in a meandering 'L' shape alongside the southern and western boundaries of the site which extend to approximately 2.7 hectares.
- 2.2 The main estate road would run an easterly direction from its junction with Aldersley Avenue through the site, with two other cul-de-sacs branching in southerly directions of the main estate road. The

proposed dwellings would be laid out to follow the flanks of these cul-de-sacs, with pockets fronting onto four courtyards extending in a northerly direction off the main estate road.

- 2.3 Housing would include a combination of terraced, semi-detached and detached properties delivering a mix of two (18 plots), three (51 plots) and four (29 plots) bed dwellings. A total of 20 plots (equating to 20% of the total) would be provided as affordable housing delivering a mix of 14 x 2 bed; and 6 x 3 bed dwellings in two pockets to the northeast and northwest corners of the development.
- 2.4 The estate road would form an elongated route following a latitudinal, east-west trajectory through the site. The existing garages at the junction onto Aldersley Avenue would be demolished as part of the scheme and a minimum 85m deep area of open space would extend in an easterly direction into the site to the north and south sides of the estate road to provide a buffer on both sides of Jenny Beck. A second swathe of open space flanking the southern boundary and measuring between 30m and 60m in width would provide a buffer between housing proposed to the southern periphery and open land beyond (including an area of TPO woodland and housing on Lytham Gardens).
- 2.5 The majority of dwellings (69 plots) would be two storeys in height. A total of 6 plots would increase to 2.5 storeys to incorporate rooms (with dormer windows) in the roof and a further 23 plots would be split over 2/3 storeys as a result of local topographical changes. The majority of plots would include garage provision, either as integral features or detached, single storey outbuildings. A total of 14 house types are proposed across the site. The external surfaces of the dwellings are to be finished in artificial stone and slate roofs.
- 2.6 The overwhelming majority of dwellings would benefit from a minimum of two in-curtilage parking spaces, with all properties having at least one space (excluding garage provision). Six visitor parking spaces would also be provided within laybys to the side of the estate road.
- 2.7 Vehicle access to the development would be via a single point of ingress/egress facilitated by an easterly extension of the existing highway of Aldersley Avenue into the site. This would create a new crossroad junction between Aldersley Avenue, The Oval and Hillside Crescent, with priority (give way) junctions introduced on The Oval and Hillside Crescent at their junctions with the crossroads. The estate road would merge with Aldersley Avenue to provide a 5.5m wide route with flanking 2m wide footways. Traffic calming features including speed humps and raised tables would be introduced on the estate road.
- 2.8 Additional pedestrian/cycle access would be made available to Moorview Way through the introduction of three points of connection onto an existing footpath which runs between the northern boundary of the site and the southern edge of Moorview Way. This footpath continues into the adjacent playground on Shortbank Close and, subsequently, onto Shortbank Road.

3 Planning History

- 3.1 63/2016/17356 – Application for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed residential development relating to planning application 63/2016/17313 – Decision pending (not EIA development).

4 Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan is in the pre-publication stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.

4.3 National Policy:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.4 CDLP:

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
BE2 – Protection of the Road Approaches to Skipton
T2 – Road Hierarchy
SRC2 – Provision of Recreation Space in New Housing Developments

4.5 ELP:

SP1 – Meeting Housing Need
SP5 – Strategy for Skipton – Tier 1
H2 – Affordable Housing

5 Parish/Town Council Comments

5.1 *Skipton Town Council* – Object to the application. Comments as follows:

Principle of development:

- “The Town Council notes the recent variation in proposed housing numbers as part of the emerging Craven Local Plan and questions the need for a development of this size, given the number of proposed developments already being considered. The Town Council assumes that due weight will be given to this consideration and would ask that careful evaluation is undertaken to ascertain whether the level of housing required under the revised terms of the Plan can already be achieved through existing approved development.

Highways:

- The Town Council and local residents are extremely concerned at the impact the proposed development would have on an already stretched highways infrastructure. The impact of the development already under way at Elsey Croft has not yet been ascertained and, given that the proposed new development has a single access which will, ultimately, feed onto Shortbank Road, the Council must raise a serious concern as to whether the infrastructure could cope.
- The current pinch-point, with single file traffic under the railway bridge on Shortbank Road, is of particular concern. Many local residents already view this point as dangerous with poor lines of sight for traffic heading down towards town. It is felt that the additional traffic generated by the development will increase the risk of accidents and will increase congestion. Should the development be approved, the Town Council would urge that a requirement of the approval should include significant improvements to the highways infrastructure. In terms of traffic volume, residents are also concerned at the level of congestion already experienced on a daily basis along Newmarket Street. Residents feel this will be substantially worse should the development go ahead.

Flooding and drainage:

- The Town Council has concerns that the new development will both remove existing provision for surface water drainage and will itself add to the risk of flooding in the area. The Council would ask that a detailed view is obtained from the Environment Agency, given that the current investment in flood prevention schemes is focussed further ‘up stream’ than the proposed development. Can the existing beck which runs alongside Shortbank Road cope with any increased water run-off from the proposed development? One local resident raised a concern about the capacity of existing sewerage systems and with the current water pressure levels in

this part of town. The resident stated that he believed that water pressure levels were already at the minimum of what was allowed and that a new development would reduce the pressure to an unacceptable level. The Town Council would urge that the Planning Authority explores this angle carefully with Yorkshire Water.

School and health infrastructure:

- The Council is extremely concerned at the impact the proposed development would have on already badly over-stretched school and health provision. Local schools are already operating at maximum capacity and the Town Council cannot see how these schools can take the additional pupil numbers which would be generated by the proposed development alongside those other developments already underway or with planning consent already granted. The Council would urge that detailed discussions take place with North Yorkshire County Council regarding potential pupil numbers and how these could be handled. The Council and local residents cannot see how the likely addition numbers could be accommodated without either substantial proper expansion of existing schools – or the provision of an additional school(s). The Town Council has similar concerns relating to local health provision. It is well documented that the two local doctors' surgeries operate at or near capacity and there is plenty of anecdotal evidence as to how difficult it is to obtain appointments at either surgery, despite the best efforts of the surgeries concerned.

Play provision:

- The Town Council notes that there is no planned play provision on site and that the application proposes improved links to existing play areas at Shortbank and at Lytham Gardens. The Council is content with the provision of the link to Shortbank and has already had detailed discussion with the District Council's Sports Development Officer to look at the level of improvements needed at the existing Shortbank Recreation Ground to provide both adequate and effective access from the new development both for residents using the facilities and for Town Council Grounds Maintenance staff – and the provision of additional equipment.
- The Town Council does question the proposed footpath to the existing play area at Lytham Gardens and does not believe that the topography of the land surrounding the play area (nor, indeed, the ownership of the land between the proposed development site and the play area) would, in fact, allow such a footpath to be created. The existing play area at Lytham Gardens is small and there is little or no capacity for any additional equipment. The play area is already very well utilised.

6 Consultations

6.1 CDC Environmental Health – No objections. Comments as follows:

- The intrusive ground investigation submitted with the application has identified that an area of the site was previously used for landfill purposes. An intrusive ground investigation was carried out to determine the level of type of any land contamination associated with the activity. The results of the intrusive ground investigation show elevated levels of metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs) in soil. The report states the former landfill site falls outside the area of the proposed housing units, however the extent of the landfill area has not yet been determined and roads and services are potentially going to pass through the former landfill area. Monitoring of ground gas is still ongoing and early indication state that ground gas should not be a problem but confirmation is awaited when the monitoring has been concluded.
- I agree with the conclusions/recommendations in section 10 of the report and consider that the suggested further works detailed in section 11 of the report be undertaken prior to development commencing. This can be secured through condition.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; and (ii) requiring a dust management plan.

- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

6.2 *Lead Local Flood Authority* – No objections. Comments as follows:

- The applicant proposes to discharge of surface water via a sustainable drainage system and existing watercourse as the geology of the site prevents the use of infiltration.
- The peak runoff rate from the developed site is to be restricted to 5 l/s/ha (14.5 l/s for the whole developable area).
- The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. For a whole or part brownfield site, greenfield runoff volume and/or 70% of demonstrable existing positively drained runoff volume for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible.
- Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off site.
- Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence 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 exceedence routes that avoid risk to people and property both on and off site. A plan showing exceedence flow routes is required.
- The flood risk assessment states that allowances of 30% for climate change and 10% for urban creep have been used.
- A condition is recommended to ensure suitable surface water management.

6.3 *Natural England* – Advised that they have no comment to make on the application as the development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.4 *North Yorkshire Fire & Rescue Service* – The proposals/plans must meet the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service.

6.5 *North Yorkshire Police* – No objections. Comments as follows:

- The proposed layout includes a number of 'Designing out Crime' features which will reduce the opportunity for crime and disorder. It has outward facing frontages providing natural surveillance over streets and public areas, front entrances are readily visible, parking is provided within curtilages, rear gardens are plotted against each other, footpath links are positioned to ensure surveillance and the majority of front gardens and corner plots will be effectively defined to create defensible space.
- Further consideration should be given to the following elements: (i) affordable housing is concentrated in two clusters which limits its dispersal among the open market housing; (ii) the height of intermediate boundary treatments between dwellings should be 1.8m (with the top 300mm comprising a trellis) for security reasons; (iii) it is unclear how mid-terraced plots will service their rear gardens unless alleyways are provided; (iv) the front garden of plot 24 should be clearly defined by a boundary treatment.
- Various recommendations are made with respect to cycle storage, the positioning of lighting, landscaping and utility meters, and achieving Secured by Design accreditation.

- A condition should be attached to any permission granted setting out how the above measures will be addressed as part of the development.

6.6 *NYCC Archaeologist* – No objections comments as follows:

- The development area is a large greenfield site on the outskirts of the medieval town of Skipton. There has been no previous archaeological work within the site boundary.
- The developer submitted an archaeological desk based assessment with the application. The document provided a summary of the archaeology of the general area. It concluded that the site has archaeological potential, particularly for prehistoric to Roman remains. I support this conclusion.
- The desk based assessment stated that the archaeological potential at the site cannot be confirmed without further site investigation. The NPPF provides guidance that where a desk based assessment is insufficient to characterise the archaeological potential then a scheme of field evaluation should be undertaken (NPPF para. 128). In this case I advised that this evaluation should comprise geophysical survey, to be followed by trial trenching, if the results warranted further investigation. This advice is still reasonable, however it is fair to say that the type of archaeology expected (i.e. domestic evidence from the prehistoric and Romano-British periods), would be unlikely to form a constraint on development, although this could not be ruled out entirely at this stage.
- If the District Council is minded to approve the application, then it is essential to ensure that the archaeological evaluation work is completed prior to the commencement of development, and that appropriate mitigation is also agreed in advance and implemented either before and/or during development, as appropriate to the findings of the evaluation. These works could be secured through the imposition of an appropriate planning condition.

6.7 *NYCC Education* – Requested a financial contribution of £329,703 for primary education facilities as a result of the development. No contribution is sought for secondary school facilities.

6.8 *NYCC Highways* - No objections. Comments as follows:

- The principle and detail of this development has been subject to considerable discussion since 2016, including Newmarket St/Otley Rd junction. The principle of the Transport Assessment has been accepted. With regard to the layout, one of the 3 pedestrian links to Moorview Way will be a 4m wide shared footway / cycleway / emergency access with bollard. However, as the 3 cul de sacs to the north of the site do not have turning heads, only footways would be adopted in these cul de sacs.
- Conditions are recommended with respect to: (i) detailed plans for the road and footway layout; (ii) the construction of roads and footways prior to first occupation; (iii) the construction of the site access; (iv) visibility splays for pedestrian and vehicle traffic; (v) off site highway works; (vi) provision of access, turning and parking areas; (vii) restricting the conversion of garages to living accommodation; (viii) a Travel Plan; (ix) a construction management plan.

6.9 *CDC Sports Development Officer* – No objections. Comments as follows:

- Following the viability appraisal and negotiations with the developer the scheme will provide:
- Approximately 2.7ha of on-site public open space that will require a full scheme layout, design and specification for the laying out of the on-site POS as well as new access point from the scheme to link to the path that goes to Shortbank Recreation Ground, plus a management and maintenance for this space in perpetuity.
- An off-site contribution of £140,000, to improve the quality of identified local deficiency to meet the play and recreation needs generated by the development. This will need to be included in a S106 agreement.

6.10 *Sport England* – Advised that they have no comments to make as the proposed development does not fall within their statutory or non-statutory remit.

6.11 *CDC Strategic Housing* – Support the application. Comments as follows:

- The provision of affordable housing at a rate of 20% has been established through an assessment of the scheme's viability.
- The Council's SHMA identifies a tenure split of 25% shared ownership to 75% affordable rent.
- The Bickleigh and Alnwick house types cannot be offered for affordable rent as 3 and 2 bed dwellings due to their size and recent changes to welfare reform relating to the payment of Housing Benefit. It is, however, possible for these to be provided as shared ownership units.
- The housing mix should comprise: (i) 4 x 2 bed Alnwick and 2 x 3 bed Bickleigh as shared ownership units; and (ii) 4 x 3 bed Hanbury and 10 x 2 bed Brampton as affordable rented units.
- The revised layout and affordable housing provision shown on plan reference Rev J is in line with the above requirements and is therefore acceptable.

6.12 *CDC Tree Officer* – No objections. Comments as follows:

- It appears that all the existing trees, except possibly G5, are to be retained and the development is positioned well away from the trees which are mostly sited around the perimeter. There is a proposed planting scheme which is only indicative and no detail has been provided apart from species lists.
- Conditions should be attached to any permission granted requiring: (i) a detailed scheme of planting and specification/method statement for approval prior to implementation in order to provide screening of the development in the wider landscape; (ii) that all trees to be retained are protected by fencing in accordance with BS 5837 (2012) for the duration of the development.

6.13 *Yorkshire Wildlife Trust* – Comments as follows:

- The site does have value for biodiversity and in particular the areas of higher quality grassland should be protected. There may be some potential for SUDS which could reduce runoff and support biodiversity, the present drainage plan appears to mainly depend on a large tank for attenuating run off. I would recommend that opportunities for a more ecological approach to water storage are considered although it will be important that any additional water storage does not damage areas of higher quality grassland.
- The suggestions on page 18 and 19 of the Additional Ecological Survey by Brooks Ecological should be conditioned including the conditioning of an Ecological Management Plan and the presence of an Ecological Clerk of Works during the construction phase of the development.

6.14 *Yorkshire Water* – No objections. Comments as follows:

- The Flood Risk Assessment (prepared by Haigh Huddleston Associates - Report E15/6358/FR01A dated July 2016) confirms: (i) Sub-soil conditions do not support the use of soakaways; (ii) therefore, surface water will discharge to a watercourse (Jenny Beck) which exists near to the site - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.
- Recommend that a condition should be attached to any permission granted requiring: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority (reference Flood Risk Assessment (prepared by Haigh Huddleston Associates - Report E15/6358/FR01A dated July 2016). This is to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

7 Representations

- 7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP and involves major development,

notices have also been posted at the site and in the local press. A total of 15 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- The requirement for housing in Craven over the next 15 years is likely to be reduced due to changes in Government figures. Until that requirement is known, this application should be refused as it is unnecessary.
- The development would result in the loss of a greenfield site which provides good grazing land.

Character and appearance:

- The site is a prominent feature in the surrounding landscape, particularly in elevated views from the Roman road. A recent TPO placed on trees on Lytham Gardens indicates the value of the landscape in visual terms and this is an important draw for tourism. The proposed development would result in the urbanisation of an open field which would be unsympathetic to the character of the surrounding landscape.
- The three storey height of some of the dwellings, combined with their elevated siting, will tower over existing houses on Moorview Way (especially the neighbouring bungalows) and would result in a mismatched appearance.

Highways:

- The proposal includes access to the development via the cul-de-sacs of Moorview Way. The original plans showed only pedestrian and emergency access between the development and Moorview Way and there is no reason for this to be changed. Moorview Way is unsuitable to provide vehicle access for a development of the size proposed and would remove the existing footpath which links with the nearby recreation ground.

Officer note: The only means of vehicle access will be from Aldersley Avenue. The development does not include any provision for vehicles (except for emergency service vehicles) to access the site from Moorview Way. The only access onto Moorview Way will be for pedestrians and cyclists. Vehicle access onto Moorview Way would be restricted by a lockable bollard which could only be opened by the emergency services.

- The development will generate at least 194 extra vehicle movements based on each household having two cars. This level of traffic, when considered in combination with the nearby Elsey Croft development, would result in unacceptable congestion of the surrounding highway network, especially at the pinch point on Shortbank Road and on the roundabout junction with Newmarket Street approaching the town centre.
- This additional congestion arising from the development would exacerbate existing road safety issues arising from speeding vehicles and restricted visibility for the one-way system under the railway bridge on Shortbank Road which is an accident hotspot. Accordingly, the development will have a detrimental impact on highway safety for both vehicle and pedestrian traffic, including children travelling to nearby nurseries.
- The development should include a link to Otley Road in order to alleviate traffic pressures on Shortbank Road and on Newmarket Street.
- The traffic survey in the transport assessment was undertaken in 2012 and is out of date as it does not include the traffic from the Elsey Croft development.

Officer note: Sections 6.2 and 6.3 of the Transport Assessment make clear that traffic surveys were undertaken in 2015 and that baseline traffic flows include the trip generation estimations set out in the TA for Elsey Croft as a committed development.

Amenity:

- The layout would place new two storey dwellings in close proximity to the houses and gardens of existing dwellings (including bungalows) on Moorview Way. This will result in the development adversely affecting current occupiers due to loss of outlook, overlooking and overshadowing.
- The development also includes three storey properties on elevated land to the south which will affect the outlook from surrounding dwellings. Views across presently open fields will be replaced with housing.

Other matters:

- There are a lack of public services (e.g. schools and doctors) and infrastructure (e.g. drainage) to support the number of additional residents that would be created by the development.
- Standing water is frequently seen on the site. Developing the land and increasing its impermeable area will result in excess runoff which is likely to have implications for flooding both in the immediate vicinity of the site and further downstream. Surrounding watercourses and drains have reached their capacity.
- The development does not include any 1 bed properties or bungalows which are in short supply and are required to meet the needs of Skipton's population.
- The planning application grid reference is inaccurate as it directs anyone inspecting the application to Shortbank Road, over 200m away from the site.

8 Main Issues

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the "golden thread" to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:

1. The principle of residential development on the site.
2. The development's effects on the character and appearance of the area.
3. The development's impact on the amenity of surrounding occupiers.
4. The scheme's effects on highway safety.
5. Whether the development would deliver appropriate planning gain contributions in accordance with relevant national and local planning policies.
6. Other material considerations relating to flooding, ecology, trees and archaeology.

9 Analysis

Procedural matters

9.1 Amended plans have been submitted to the Council in response to representations made by consultees and members of the public. The application has been assessed in accordance with these amended plans (a list of which is set out in condition 2). The principal changes to the scheme arising from these amendments are summarised as follows:

- The total number of dwellings has increased from 97 to 98 to allow the provision of a greater number of smaller, affordable units to the northeast corner of the site.
- The number of affordable homes has increased from 10 plots to 20 plots following agreement of viability parameters and affordable housing mix.
- Three points of connection have been included onto Moorview Way. One of these (at 4m in width) would provide a shared footway, cycleway and emergency access, with vehicle access to be restricted through the use of a lockable bollard. The other 2 points of connection would only be wide enough for pedestrians to access the footway flanking the southern edge of Moorview Way.
- Additional visitor parking and speed reducing features have been introduced within the estate road.
- A footpath connecting with the playground on Lytham Gardens has been removed due to third party land restrictions as highlighted by the Town Council.

Principle of development

Site designation and policy context:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that “large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.”
- 9.3 Despite its designation in the CDLP and the restrictions set out in policy ENV1, the land is allocated as a housing site with associated green infrastructure under draft policy SP5 of the ELP (site reference SK013). The policy identifies that the site is capable of delivering approximately 100 dwellings over a developable area of 3.1 hectares, along with 2.6 hectares of open space. The delivery of housing on this site is anticipated in the short term (1-5 year) period of the plan. In addition to this allocation, ELP policy SP5 sets out six development principles for the site.
- 9.4 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.5 Paragraph 216 of the Framework identifies that decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.6 The weight to be afforded to the current (June 2017) version of the ELP has been assessed at two recent appeals – a Public Inquiry at Elsey Croft (appeal reference APP/C2708/W/16/3150511 concluding on 3rd August 2017) and a hearing at Holme Lane (appeal reference APP/C2708/W/17/3166843 concluding on 2nd August 2017). Paragraphs 9 and 38 of the respective Inspector’s decisions conclude as follows with respect to the weight to be attached to policies contained within the June 2017 version of the ELP:
- “Policy H2 of the emerging Craven Local Plan seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, **it is at a very early stage of preparation** with the

consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and **so I am of the view that the policy can carry no more than very limited weight.**"

- "There is no dispute between the parties that **only limited weight can be given to draft Policy ENV13 of the emerging Local Plan.**"

- 9.7 Given the conclusions in the above Inspector's decisions, it is clear that only "very limited" to "limited" weight can be attached to the ELP due to its "very early stage of preparation". Nevertheless, policy SP5 of the ELP indicates the Council's direction of travel with respect to the development of this site in the short term of the plan period and identifies a number of general principles which can carry some (albeit 'limited') weight in the decision making process. In particular, in allocating the site for residential development, the evidence base to the ELP has concluded that the land is, as a matter of principle, a sustainable location for housing on the edge of the Tier 1 settlement of Skipton.
- 9.8 With reference to the adopted CDLP, the overarching objective of policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.9 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid "new isolated homes in the countryside unless there are special circumstances", though paragraph 29 of the Framework also recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas."
- 9.10 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. It does not, however, follow that this in itself provides sufficient grounds to resist the principle of residential development, particularly as there is conflict between CDLP policy ENV1 and paragraph 55 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.
- 9.11 There is a strong indication through the site's allocation for housing in the ELP that the principle of residential development in the immediate (short) term of the plan period will be permissible in accordance with the criteria set out in ELP policy SP5. The proposed development, with respect to the number and density of the dwellings, the developable area of the site and the area to be provided as open space, would accord with the general development principles identified in ELP policy SP5. In addition, the site would occupy a sustainable location on the edge of Skipton which is readily accessible to shops, services and public transport by modes of access other than private car.

Housing Land Supply:

- 9.12 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying "a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply."
- 9.13 Paragraph 49 of the NPPF indicates that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 9.14 The Council's latest 'Five Year Housing Land Supply Methodology and Report' (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has

subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.

9.15 The abovementioned appeal provides the most up-to-date independent assessment of the Council's housing land supply position. Paragraph 39 of the Inspector's decision for that appeal concludes that:

- "As I find the evidence before me relating to housing land supply to be inconclusive I have adopted a precautionary approach on the basis that five year supply has not been demonstrated."

9.16 Given the above, and as the Council's position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.

Conclusion concerning principle of development:

9.17 The site is located within an area of open countryside and the proposal represents a departure from the provisions of policy ENV1 of the CDLP. However, the site is allocated for housing under policy SP5 of the ELP and the proposal follows the general development principles set out in that policy with respect to the number and density of housing and the extent of developable and open space areas. The development would occupy an edge of settlement location which is well related to existing shops, services, employment opportunities and public transport in Skipton in order that it would not result in the introduction of isolated homes in the countryside. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Character and appearance:

9.18 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.

9.19 CDLP policy ENV2 sets out four criteria for developments in the open countryside. While the opening text to the policy indicates that policy ENV2 is most directly applicable to development deemed acceptable in principle under policy ENV1 (which is not the case with this development), it contains more detailed general design criteria for developments in the open countryside which are considered to be relevant in assessing the scheme's layout. Specifically, criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:

- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
- The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
- Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.

9.20 In addition, the second and fourth development principles for site SK013 set out in ELP policy SP5 indicate that:

- Development proposals for this site shall incorporate green infrastructure in the west, south and south east of the site to provide a buffer to the open moorland to the south and east, enhance biodiversity and provide a green corridor connection with the existing residential area at Aldersley Avenue and the play park to the north west of the site.

- The site is in a prominent location on the edge of Skipton. Development proposals should be carefully and sensitively designed to minimise visual impact on the character and appearance of the area.

9.21 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Landscape character:

9.22 The site currently comprises open pastureland which is classified as “open Moorland and Moorland Fringe” (and under the subsection of “Moorland”) in the ‘Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal’ (October 2002). Paragraph 4.7.2 of the Landscape Appraisal identifies 5 key characteristics of this landscape type as follows:

- “Gently rolling landform on high fell tops;
- Unenclosed upland moorland habitats of acid moorland vegetation often dominated by moorland grass;
- Trees mainly absent with occasional wooded gills following topography;
- Large-scale, open, exposed landscape with expansive views over surrounding hills;
- Sense of elevation, isolation and exposure.”

9.23 The northern boundary of the site is viewed alongside housing at a lower level on Moorview Way and Elsey Croft and the western/southwestern boundary flanks dwellings occupying an elevated position on The Oval, Hillside Crescent and Lytham Gardens. Accordingly, these areas of the site are seen against the built-up periphery of Skipton in both near and distant views.

9.24 In contrast, the southern and eastern boundaries of the site border open pastureland at the point of transition between the urban and rural fringes on the edge of Skipton. When combined with the rising ground level to the south/southeast of the site (though levels continue to rise by between 2.5m and 10m towards the crest of a hillside outside the site), views from the south and east give a greater impression of distinction between urban and rural settings and increase exposure in the surrounding landscape.

9.25 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the development’s visual effects from 10 vantage points around the site in both near and distant views. Figure 1 of the LVIA also includes a landscape masterplan which identifies opportunities for strengthening of landscaping within the site to provide screening and enhancement of open spaces. The LVIA makes the following conclusions with respect to the development’s effects on the surrounding landscape:

- “Effects on character notably reduce within relative close proximity of the Site owing to the semi-enclosed nature of the surrounding suburban landscape, particularly to the north and west. From the south and east the new development would form the foreground to an existing area of residential development. Within the wider landscape context the effects on landscape character would be less apparent.”
- “The key receptors are residents in immediately adjacent properties and people using the Dales High Way long distance trail that passes along the northern edge of Skipton Moor to the south of the Site. There would be a major visual effect upon the private visual amenity of residents that overlook the Site. Separation would generally be provided from existing properties by rear gardens or new buffer planting.”
- “The proposed development responds sympathetically to the local landscape and the surrounding residential context and has been designed to minimise visual intrusion through the avoidance of developing the most visible part of the site and the rounding off of the existing built form. The proposed layout also provides a positive green infrastructure network for footpaths and access to a new public open space. The proposal would generally be discreet in the wider landscape and forms an appropriate development within the eastern portion of Skipton.”

- 9.26 The photomontages in the LVIA include viewpoints both immediately adjacent to the site and from distant vantage points up to 3.5km away. In wider landscape terms, it is apparent that the most sensitive views of the site would be from vantage points to the north (around the A6131 - The Bailey) and south (Dales High Way on Skipton Moor).
- 9.27 In views from the north, the site is seen behind the Elsey Croft development which appears as a prominent foreground feature marking the edge of the settlement on higher ground in relation to Moorview Way. While the proposed development would envelope elevated land to the south of Elsey Croft, this pattern of housing 'stepping up' onto higher ground is a characteristic of the existing settlement pattern further west of the site. Despite the southerly rise in levels across the site, this steepens considerably beyond the site boundary up to Skipton Moor. The development includes the provision of a wide L-shaped buffer of open space, the depth of which ranges between 30m and 60m alongside the southern perimeter. Importantly, this buffer incorporates the highest land on the southern fringes of the site where no development is proposed. The landscape masterplan in Figure 1 of the LVIA also provides for the introduction of a planting buffer alongside the eastern and southern edges of the housing to increase screening within this area. As a result, the development's effects of 'creeping' up the moorland would be substantially mitigated.
- 9.28 In views from the Dales High Way to the south the development would be seen against the backdrop of existing housing on Moorview Way and Elsey Croft which extends to the east of Shortbank Road. Development off Aldersley Avenue and Lytham Gardens would also provide a backdrop to the west, though the significant buffer of open space to the western fringes of the site would have the effect of somewhat detaching the development from this urbanised fringe. Instead, the development would be viewed as a southerly extension to Moorview Way on land which, in vantage points from Dales High Way, would appear as low lying. From this vantage point, and having regard to the mitigation provided by buffers of landscaping and open space to the southern fringe, the site is seen as being contained by the built-up edge of Moorview Way and the change in levels is less apparent.
- 9.29 In closer vantage points from Moorview Way, the LVIA recognises that there would be a "major visual effect" on views from surrounding dwellings and to users of the footpath through to Shortbank Close. This is, however, a result of the high magnitude of change which would be experienced as a result of altering the current view from the rear/side of these dwellings. It is not to say that the development would have a "major visual impact" impact on the amenity of those properties, but that the change in their view from an open, undeveloped field to a residential estate would represent a high magnitude of change in comparison to the existing scenario. This would be the case for any development proposed on an open field where a current, unimpeded view would be interrupted by the introduction of buildings.
- 9.30 The proposed development, by virtue of its size and scale, would result in a significant incursion of urbanisation into the open countryside which would erode its openness and diminish some of the characteristics of the Moorland landscape of which it forms a component. This is, however, an inevitable consequence of any greenfield development in the open countryside and it does not follow that this, in itself, should translate to a refusal of permission. In this case, the harm to the surrounding landscape would be substantially mitigated by: (i) the siting of housing on predominantly lower lying land which is closely related to and seen in conjunction with the built-up edge of the settlement comprising existing dwellings on Elsey Croft and Moorview Way; and (ii) the retention of a deep undeveloped buffer of open space to the southern and western areas of the site, including the introduction of landscaping within these areas. When considered in combination, these measures would ensure that the level of harm to the surrounding landscape is minimised in order to preserve a sense of naturalistic openness to the most sensitive areas of the site.

Layout, scale and design:

- 9.31 The proposed dwellings would be laid out in three main parcels following an L-shaped layout as follows:
- Parcel A – 42 plots to the north side of the estate road bordering Moorview Way – all but four of which would be two storeys in height (with the remainder being split level 2/3 storey).
 - Parcel B – 32 plots meandering around the southern/south-eastern fringe of the estate road including a mix of 2, 2.5 and 2/3 storey units.

- Parcel C – 24 plots to the southwestern parcel between two cul-de-sacs comprising a mix of two and 2/3 storey units.

- 9.32 The layout of the development would place the proposed dwellings alongside the existing built-up fringe of Moorview Way, with open spaces providing buffers straddling Jenny Beck and the adjoining recreation ground to the west, and with higher ground to the south.
- 9.33 Dwellings on Moorview Way to the north include a mix of detached, semi-detached and terraced two storey houses to the western end and bungalows to the eastern stretches of the cul-de-sac which are mostly detached. The overwhelming majority of the proposed houses bordering Moorview Way would be two storeys in height. The exception to this is four split level 2/3 storey plots orientated at right angles to detached bungalows at the eastern end. Elsewhere, split level 2/3 storey dwellings would be grouped together on higher land at the edges of parcels B and C and 2.5 storey plots would be located to the south of 2 storey dwellings.
- 9.34 The proposed development would necessitate re-contouring of the current topography to create level thresholds for the new dwellings. In the majority of cases, and particularly on the higher parts of the site, this would involve excavating up to 4m of ground to reduce the steepness of slopes. Some ground raising of up to approximately 1.5m would, however, be required on parcel A flanking Moorview Way. When considered in combination with these level changes, the location, distribution and grouping of housing within the site would create character areas which utilise existing topographical changes to minimise the visual impact of taller house types and facilitate a continuous ‘stepping down’ of ridgelines towards Aldersley Avenue and Moorview Way.
- 9.35 The external surfaces of all house types would comprise artificial stone walls below slate effect roofs. Elevations would comprise simple facades with a sense of rhythm between dwellings afforded through consistent windows proportions and protruding garages, porches and canopies to the ground floor. Where dormers are proposed (four plots in total), these would comprise small dormer windows located centrally and discreetly within the roof space.
- 9.36 The proposal, by virtue of its layout, scale, materials and design, would be compatible with the density and character of surrounding development and would maintain a spacious, open aspect and landscape strengthening to sensitive areas adjoining open pastureland. The proposed housing would be viewed against the backdrop of dwellings on Moorview Way and Elsey Croft to the north and would be assimilated in the surrounding landscape as an extension to the built-up fringe of the settlement. Accordingly, it is not considered that the development would have any unacceptable harmful effects on the character and appearance of the area or the wider landscape.

Amenity:

- 9.37 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.38 The closest neighbouring dwellings border the northern boundary of the site on Moorview Way. These include a mix of two storey houses (western end) and bungalows (eastern end). A narrow footpath linking Moorview Way with the recreation ground on Shortbank Close intervenes between the side of two storey dwellings at nos. 170, 172, 228, 230 and 272 Moorview Way and the site. While two storey houses are orientated at right angles with their side elevations facing onto the site, bungalows to the eastern end (with the exception of nos. 274 and 296 which maintain a side-facing aspect) back onto the site. These bungalows are, however, set on higher ground in comparison to the neighbouring two storey houses on Moorview Way.
- 9.39 With the exception of four split-level 2/3 storey plots, all dwellings bordering Moorview Way would be two storeys in height. Where side-to-side relationships would occur between existing and proposed dwellings, these would be laid out in broad alignment with each other (incorporating flanking gables) and a minimum separation of 9.5m would be achieved. Where back-to-back or back-to-side relationships are proposed a minimum spacing of 22m would be achieved.

- 9.40 Principal (habitable room) windows are proposed in the front and rear elevations of the dwellings. The only windows in side elevations facing towards Moorview Way would be for non-habitable bathroom and landing areas. The level of spacing achieved between the existing and proposed dwellings would be in excess of that currently afforded between houses on Moorview Way (e.g. a back-to-back spacing of approximately 19-19.5m between nos. 272/230 and 228/172) and, accordingly, would be compatible with the density and spacing of surrounding development. It is also noted that the landscape masterplan in Figure 1 of the LVIA shows the introduction of a planting buffer along the northern site boundary where it flanks bungalows on Moorview Way in order to provide screening between these buildings.
- 9.41 While objections have been received from neighbouring occupiers concerning the loss of views across open fields, it is an established principle of the planning system that the 'loss of a view' is not a sustainable reason to refuse planning permission. Instead, the question is whether a proposed development, by virtue of its specific characteristics and relationship with surrounding buildings, would have an unacceptable impact on the amenity of neighbouring occupiers which ought to be protected in the wider public interest.
- 9.42 Although dwellings on the site would occupy an elevated aspect (up to *circa* 1.5m) in relation to properties on Moorview Way, the level of separation, orientation, fenestration arrangement and scale of the proposed dwellings would ensure that the development does not have any undue effects on the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Similarly, commensurate spacing would be achieved between dwellings within the site in order to ensure appropriate living conditions for future occupiers.
- 9.43 All detached garages would be of a single storey height reaching 2.6m to eaves and 4.5m to ridge. None of these garages would be positioned adjacent to existing dwellings on Moorview Way and their siting and height would ensure that they do not appear as oppressive or imposing features in the outlook of surrounding properties.

Highways:

- 9.44 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related to and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.45 In addition, the fifth development principle for site SK013 set out in ELP policy SP5 indicates that:
- Access to the site is to be gained from Moorview Way. A traffic impact assessment will be required.
- 9.46 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access:

- 9.47 Vehicle access is to be gained through the easterly extension of Aldersley Avenue into the site from its current junction with The Oval and Hillside Crescent. The existing crossroad junction would be realigned to give priority to traffic travelling along on Aldersley Avenue and the creation of priority (give way) junctions for The Oval and Hillside Crescent. Visibility splays of 2.4m x 40m would be achieved at the crossroad junction with Aldersley Avenue. All existing garages would be demolished to provide a 5.5m wide estate road flanked by 2m footway. Traffic calming features would be introduced along the estate road in the form of speed humps and raised tables to slow vehicles when approaching internal and external junctions.
- 9.48 Additional access for pedestrians and cycles would be achieved through the provision of three separate linkages permeating through the northern boundary onto the footpath running between Moorview Way

and Shortbank Close. Two linkages would be 2m in width and a third would be 4.5m wide to provide a secondary access for emergency vehicles (with vehicle access restricted by a demountable bollard).

- 9.49 The Local Highway Authority have raised no objections to the proposed means of access to the site subject to conditions requiring details of access construction, junction realignment, visibility splays and delivery of off-site highway works.
- 9.50 ELP policy SP5 suggests that access to the site should be gained from Moorview Way. A number of objections have been received from neighbouring residents concerning any proposed means of vehicle access between the site and Moorview Way. The application is accompanied by a Transport Assessment (TA) which includes a design for the realigned crossroad junction onto Aldersley Avenue and the junction capacity assessment in the TA demonstrates that this access is suitable to serve the volume of traffic generated by the development. This is not contested by the Local Highway Authority who consider that a single point of access onto Aldersley Avenue is acceptable, subject to the introduction of appropriate traffic calming measures on the approach to the crossroad junction.
- 9.51 Notwithstanding the limited weight that can be attached to ELP policy SP5, it is not considered that there is any specific justification to require vehicle access to be taken from Moorview Way. Therefore, access between the site and Moorview Way will be restricted to pedestrians, cycles and emergency service vehicles.
- 9.52 The proposed access arrangements would provide a safe and suitable means of access to the site for vehicles, cycles and pedestrians in accordance with CDLP policy T2 and the NPPF. Appropriate conditions have been imposed as recommended by the Local Highway Authority.

Traffic generation:

- 9.53 With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate 59 vehicle movements during the AM peak (8am-9am) and 61 vehicle movements in the PM peak (5pm-6pm). This equates to approximately 1 vehicle movement per minute during peak periods.
- 9.54 With reference to census data for workplace destinations of residents in Skipton, the TA includes an analysis of trip distribution and assignment onto surrounding highways and junctions. The development's effects on the capacity of the following junctions during the peak morning and evening periods has been assessed. This analysis includes an 'in combination' impact assessment which combines predicted development traffic with other committed developments at North Parade (112 dwellings) and Elsey Croft (107 dwellings):
- Aldersley Avenue/Shortbank Road;
 - Otley Road/Newmarket Street/Brougham Street;
 - Newmarket Street/High Street/Swadford Street; and
 - Swadford Street/Keighley Road.
- 9.55 The TA identifies that the development trip generations demonstrate that the maximum predicted peak hour quantum of trips at the Newmarket Street/High Street/Swadford Street and Swadford Street/Keighley Road junctions are 23 and 17 vehicles respectively. As the level of trips falls below the 30-movement threshold set out in DCLG guidance where further junction capacity analysis would be required, the TA concludes that the development would not have any material impact on the operation of these two junctions.
- 9.56 With respect to the Aldersley Avenue/Shortbank Road and Otley Road/Newmarket Street/Brougham Street (mini-roundabout) junctions the TA indicates that, in the worst case scenario (during the busiest 15 minute period), the development is predicted to increase the average queue by 1 vehicle and the average delay by 7 seconds at the mini-roundabout junction. The TA suggests that this impact will be imperceptible and "certainly not severe" as both junctions will continue to operate within capacity for 'with' and 'without' development flows. Accordingly, the TA concludes that no off-site mitigation works are required to alleviate the development's effects on surrounding junctions.

- 9.57 The TA includes an analysis of accident data for the 5 year period between 01.01.12 and 31.05.16 which covers areas on Shortbank Road and Newmarket Street up to the junction of Newmarket Street/Otley Road, including Aldersley Avenue and the proposed site access. The TA indicates that, over the 5 year period, there have been a total of 3 recorded accidents within the study area, all of which were 'slight' (i.e. none 'serious' or 'fatal'). Accordingly, the TA concludes that there is no specific accident concern in the area which would be exacerbated by the development.
- 9.58 The traffic generation, trip distribution, junction capacity and accident analysis undertaken in the TA provide a proportionate assessment of the development's impact on the surrounding highway network, both individually and in combination with other committed developments in the locality. The Local Highway Authority have not raised any objections to the conclusions set out in the TA and it is noted that the site is allocated for a development of up to 100 dwellings in the ELP. The TA demonstrates that the proposed development would not have a "severe" impact on the capacity of the surrounding highway network, either adjacent to or further away from the site. Accordingly, the development would not create conditions prejudicial to highway safety and is in compliance with the requirements of CDLP policy T2 and the NPPF.
- 9.59 The applicant has submitted a Travel Plan (TP) in support of the application. The TP considers the site's accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future occupiers to travel by more sustainable modes of transport. The TP indicates that the implementation, monitoring and review of the TP will be achieved through the appointment of a Travel Plan Co-ordinator. The implementation of the TP can be secured through condition.

Parking:

- 9.60 The overwhelming majority of dwellings would benefit from a minimum of two in-curtilage parking spaces, with all properties having at least one space (excluding garage provision). Six visitor parking spaces would also be provided within laybys to the side of the estate road. The Local Highway Authority consider the level of parking provision to be sufficient. A condition has been imposed requiring the parking spaces for each dwelling to be constructed before the associated dwelling is first brought into use.

Developer contributions and viability:

- 9.61 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.62 A development of the size proposed would be required to make contributions towards the delivery of affordable housing (at a rate of up to 30% of the total, subject to viability) and open space in accordance with ELP policy H2, policy SRC2 of the CDLP and the NPPF. The Local Education Authority (NYCC) have also requested an off-site financial contribution towards the provision of new primary school places.
- 9.63 With respect to ensuring that contributions to be achieved through planning obligation do not prejudice a scheme's viability, paragraphs 173 and 205 of the NPPF state that:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Affordable Housing:

- 9.64 Paragraph 7 of the NPPF refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 indicates as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and to create sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations.
- 9.65 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP (as updated following the Full Council meeting on 19.12.17) seeks affordable housing at a minimum rate of 30% for schemes of 11 dwellings or more. The weight which can be attached to ELP policy H2 has been tested at a recent public inquiry relating to an appeal at Elsey Croft, Skipton (appeal reference APP/C2708/W/16/3150511). Paragraph 9 of the Inspector's decision concludes as follows in this respect:
- "Policy H2 of the emerging *Craven Local Plan* seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, it is at a very early stage of preparation with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and so I am of the view that the policy can carry no more than very limited weight."
- 9.66 Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the 'very limited weight' which can be attached to ELP policy H2 (though its requirements have changed since the abovementioned appeal), the delivery of affordable housing is an objective of the NPPF and so is a material consideration which must be given significant weight.
- 9.67 The Council's Strategic Housing Market Assessment (SHMA) identifies a need for 145 affordable dwellings per annum in the district. While this cannot translate into a policy requirement, it is nevertheless clear that the evidence in the SHMA provides a strong indication of ongoing need for affordable housing in the district.
- 9.68 Taking all the above into account, it is considered that a requirement for 30% of the dwellings to be provided as affordable housing is justified in this case.
- 9.69 The applicant has provided a viability appraisal which outlines estimated build costs for the development and anticipated values/revenues. The appraisal indicates that the development would incur significant abnormal costs associated principally with the proposed land re-contouring works, retaining structures and bespoke foundations required to deal with topographical changes across the site.
- 9.70 The viability appraisal has been assessed by the District Valuation Office (DVO) and numerous alternations have been made to cost and revenue estimates as a result of negotiations occurring over several months. Following these negotiations, the DVO concludes that the development is capable of delivering affordable housing at a rate of 18.56% of the total (equating to 18 units). However, as the calculation in the DVO's report included an off-site contribution for education which, for the reasons set out below, cannot be required from this development, the level of affordable housing has increased to 20% of the total (equating to 20 units) in order to offset the omission of the education contribution. This position is accepted by the Council's Strategic Housing Service.
- 9.71 The applicant has identified 20 units (equating to 20% of the total) to be delivered as affordable homes in 2 pockets to the northeast and northwest corners of the site. These would comprise a mix of 14 x 2 bed; and 6 x 3 bed dwellings. The Council's Strategic Housing Service have indicated their support for this mix and distribution of affordable housing and consider that their tenure should include a split of 6

shared ownership units (the Alnwick and Bickleigh house types) and 14 affordable rented units (the Hanbury and Brampton house types).

- 9.72 The scheme's provision for 20 of the dwellings to be delivered as affordable housing, and the inclusion of an appropriate mix and distribution of that housing, is a substantial social benefit which weighs heavily in favour of the proposal. The delivery of affordable housing is to be secured through a planning obligation as set out in the resolution below.

Open Space

- 9.73 CLDP policy SRC2 requires new residential developments to provide local open space "within or close to the site" commensurate with the size and nature of the development.
- 9.74 The submitted plans include the provision of approximately 2.7 hectares of informal open space on the site and connections through to the recreation ground on Shortbank Close. The Council's Sports Development Officer considers that on-site provision is sufficient to meet the development's requirements for informal play, but that an off-site contribution of £140,000 is necessary to meet the balance of youth and adult play and recreational space requirements under policy SRC2 which would not be met through the proposed on-site provision. This contribution would be used for the provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.
- 9.75 The delivery of the on-site public open space can be secured through an appropriately worded planning condition which will set alongside the wider landscape management plan for the site. The payment of the off-site contribution of £140,000 is to be secured through a planning obligation as set out in the resolution below.

Education

- 9.76 The Education Authority (NYCC) have requested that the applicant makes a contribution of £329,703 towards the provision of new primary school places in the area. Whilst paragraph 72 of the NPPF indicates support for developments that ensure "a sufficient choice of school places [are] available to meet the needs of existing and new communities", this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis for these, there is presently no adopted Local Plan policy to support this requirement. Accordingly, there are insufficient grounds to require the applicant to make the financial contribution requested by the Education Authority in accordance with the Community Infrastructure Levy Regulations.

Other matters:

Flooding

- 9.77 The site falls wholly within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as it is over 1 hectare in area a Flood Risk Assessment (FRA) has been submitted with the application.
- 9.78 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".
- 9.79 The submitted FRA considers the site's risk of flooding from separate sources. As the whole of the site fall within flood zone 1, the risk from fluvial flooding is considered to be low. The FRA notes that the watercourse running on higher ground along the southern boundary (Jenny Beck) is "in a small valley and has a limited catchment area. Any flows in the beck are therefore contained within this valley and would not reach the proposed residential development."
- 9.80 The FRA indicates that flood risks from overland flows and rainwater would be mitigated by a combination of: (i) flows from higher land to the south being channelled around the site via Jenny Beck; (ii) the introduction of storm water attenuation systems to deal with discharges up to a 1 in 100 year

rainfall event (including allowances for climate change and urban creep); (iii) the inclusion of an overland flow flood route; (iv) the setting of floor levels for the dwellings a minimum of 300mm above existing ground levels.

9.81 The submitted FRA includes an indicative drainage strategy for the development based on the following principles:

- The geology of the site, and specifically the depth of overlying clays, means that infiltration systems and soakaways are not feasible.
- A surface water discharge rate to the existing watercourse of 5 l/s/ha (14.5 l/s for the whole site) is proposed. This is below the current agricultural discharge rate and, accordingly, represents a betterment in comparison to the existing scenario. In order to reduce the discharge rate to this level, estimated volumes of storm water attenuation storage are 504 m³ for the 1 in 30 year storm and 724 m³ for the 1 in 100 year storm, with the latter rising to 1067 m³ when factoring in a 30% allowance for climate change.
- Attenuation systems can take the form of open swales, ponds or detention basis, or engineering solutions including underground tanks and over-sized pipes to store storm water and limit the rate of discharge from the site.
- If the site is developed with attenuation systems and an agreed discharge rate reduced to agricultural rates of discharge, there would be no increase in the flood risk to properties off site or in the drainage networks downstream of the site.
- Risks from overland flows can be minimised by providing a flood water route through the site to direct flood flows away from existing and proposed housing.
- The floor levels of the proposed buildings should be a minimum of 300mm above the existing ground level.

9.82 Neither the LLFA or Yorkshire Water have raised any objections to the proposed drainage scheme. Instead, conditions have been recommended requiring: (i) no discharge of surface water to the local surface water sewer; (ii) the submission of a detailed drainage strategy to restrict surface water discharge from the site to a rate of 5 litres per second per hectare as set out in the FRA, including appropriate flow attenuation mechanisms and 30%/10% allowances for climate change and urban creep respectively; (iii) a flood routing plan to deal with exceedance of peak rainfall events. This can be controlled through condition. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

Ecology

9.83 The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.84 The application is accompanied by an ecological survey which includes an impact assessment of the development's effects on protected habitats and species and sets out necessary mitigation measures. The survey identifies that the site is dominated by semi-improved grassland used by grazing animals which is of low ecological value. Habitats of greatest value include strips of 'less improved' grassland, trees and riparian habitats straddling watercourses alongside the southern boundary and to the west of the site. The ecology survey identifies that these areas have the potential to provide habitats for breeding amphibians (though not great crested newt), bats and common birds (associated with perimeter trees). No evidence of badger or water vole was present on the site. A separate survey for bats and white-clawed crayfish on the site concludes that:

- Bats – “Survey results suggest that bats do not have any dependence on Jenny Beck and that potential impacts to it during the construction or operation of the proposed development do not require specific mitigation in respect of this group. Bats clearly roost in local housing and commute across the Site to their foraging grounds. The current proposals do not present impacts on features which could be important to bats and it is likely that in the longer term they could benefit local populations by providing structures such as homes and gardens to roost in and forage around. The proposals should incorporate integrated roost features as there is a good chance of their uptake.”
- Crayfish – “Given that no crayfish were observed within the impact footprint, specific precaution relating to direct impacts should not be required. However, although no crayfish were observed during this survey, the presence of bull head in the stream and the potential for crayfish to occur down-stream means that precautionary mitigation should still be put in place. Mitigation would involve the retention of the maximum extent of open watercourse within the site as is possible. Measures should also be put in place to prevent the release of silt or pollution from the site into the watercourse during construction or operation of the Site. These measures should be secured through the conditioning of a suitable Construction Environment Management Plan CEMP detailing measures such as silt traps and settlement areas, and a suitable Drainage Plan showing the interception, storage and settlement of surface water.”

9.85 The ecology survey concludes that the development will not impact adversely on any protected habitats and species as the most important habitat features (the perimeter grassland, trees and watercourse, will be retained as a buffer of open space. In terms of mitigation, the ecology survey includes recommendations with respect to:

- The preparation of an Ecological Management Plan.
- Appointment of an Ecological Clerk of Works to advise in minimising the loss of and/or translocation of valuable grassland habitat.
- A construction Environment Management Plan.
- Avoiding clearance of vegetation during the bird breeding season (March to August).

9.86 The proposed development layout follows the principles set out in the ecology survey by retaining existing trees to the perimeter of the site and incorporating buffers of open space within areas identifies as valuable grassland and riparian habitats alongside the watercourse. Biodiversity enhancements would also be delivered through the provision of additional landscaping along the boundaries of the developed site and around the banks of the watercourse.

9.87 Natural England have not raised any objections to the development based on its potential effects on designated statutory nature conservation sites. With respect to local, site-specific impacts, the Yorkshire Wildlife Trust have indicated that conditions should be imposed to secure the mitigation measures set out in the ecology survey. In particular, conditions are recommended with respect to the provision of: (i) and Ecological Management Plan; and (ii) the presence of an Ecological Clerk of Works during the construction phase.

9.88 The site is not designated for its nature conservation value and has habitats of limited value which are unlikely to support any protected species. The development layout would ensure that habitats of greatest importance are preserved and appropriate mitigation measures would be put in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraph 109 of the NPPF.

Trees

9.89 Criteria (1) and (2) of CDLP policy ENV10 state that the Council will seek to safeguard trees protected by a preservation order and within conservation areas from harm or unjustifiable loss.

9.90 Groups of trees to the southwest of the site bordering Lytham Gardens and to the northwest bordering the Shortbank Close recreation ground are protected by TPO. The proposed development would

ensure a significant stand-off distance with these specimens in order to avoid any adverse effects on TPO trees. The Council's Tree Officer has recommended that conditions are attached to any permission granted requiring the installation of protective fencing around those trees to be retained and the submission of a detailed landscaping scheme to supplement the indicative scheme set out in the landscape masterplan.

Archaeology

- 9.91 Paragraph 128 of the NPPF requires applicants to assess the significance of any heritage assets with archaeological interest affected by developments through appropriate desk-based and, where necessary, field evaluations. In addition, paragraph 141 of the Framework requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance.
- 9.92 The application is accompanied by an archaeological desk-based assessment which has been evaluated by the County Archaeologist. The desk based assessment concludes that the site has archaeological potential for prehistoric to Roman remains and recommends that field evaluation is required to confirm the site's archaeological potential.
- 9.93 The County Archaeologist agrees with the approach set out in the desk-based assessment and concludes that as "the type of archaeology expected [i.e. domestic evidence from the prehistoric and Romano-British periods] would be unlikely to form a constraint on development" the necessary field evaluations could be secured through a planning condition requiring these to be carried out before any development commences. Therefore, measures can be put in place in order to ensure that the development does not unacceptably impact on heritage assets with archaeological significance and that arrangements are made for the recording of any assets which would be lost in accordance with the requirements of the NPPF.

10 Conclusion

- 10.1 The application seeks full planning permission for a residential development of 98 dwellings and *circa* 2.7 hectares of open space on an irregularly shaped parcel of land extending to approximately 5.7 hectares on the south-eastern fringe of Skipton. The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore within an area of open countryside. The land is, however, identified as a housing allocation (site reference SK013) for up to 100 dwellings under policy SP5 of the Emerging Local Plan (ELP).
- 10.2 The site occupies a sustainable location for housing which is well connected and accessible to services in Skipton. The scheme, with respect to the quantum and layout of housing and green infrastructure, follows the general development principles identified in ELP policy SP5. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 10.3 The proposed development, by virtue of its location, size and scale, would result in a significant incursion of urbanisation into the open countryside which would erode its openness and diminish some of the characteristics of the Moorland landscape of which it forms a component. Nevertheless, the harm to the surrounding landscape would be substantially mitigated by the siting of housing in relation to the built-up edge of the settlement, the use of topographical changes to minimise its visual impact and the provision of deep, undeveloped buffers of open space to the southern and western areas of the site, including the introduction of landscaping within these areas. The layout, scale, density, design and materials of the housing would be compatible with the character of the area and surrounding buildings, and the spacing and relationship of the proposed dwellings with neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of surrounding occupiers through loss of outlook, overshadowing or overlooking.
- 10.4 The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient

operation of the surrounding highway network, either adjacent to or further away from the site. The development would deliver appropriate contributions towards affordable housing and open space commensurate with the scheme's viability and measures can be put in place to ensure that the proposal has no adverse effects with respect to trees, flooding, ecology and archaeology.

- 10.5 The benefits arising as a result of the development would outweigh any adverse effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11 Recommendation

- 11.1 That, subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:

- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 20 of the dwellings (equating to 20% of the total) to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution identified on drawing no. AAS-2015-002J.
- (ii) A financial contribution of £140,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

Authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Time limit for commencement (T)

1. The development must be begun not later than the expiration of three years from the date of this permission.

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

Approved plans (L)

2. This permission relates to the following plans:

- Drawing no. AAS-2015-001A – Scale 1:1250 location plan.
- Drawing no. AAS-2015-002J – Proposed planning layout.
- Drawing no. AAS-2015-003A – Proposed site sections.
- Drawing no. AAS-2015-004A – Proposed street scenes.
- Drawing no. AAS-AN-WD16 – The Alnwick.
- Drawing no. AAS-BK-WD16 – Bickleigh.
- Drawing no. AAS-BR-WD16 – The Brampton.
- Drawing no. AAS-CD-WD16 – Chedworth.
- Drawing no. AAS-CCA-WD16 – Clayton corner.
- Drawing no. AAS-CR-WD16 – Craggside.
- Drawing no. AAS-HB-WD16 – Hanbury.
- Drawing no. AAS-HB(sp)-WD16 – Hanbury split level.
- Drawing no. AAS-HT-WD16 – Hatfield.
- Drawing no. AAS-RS-WD16 – Roseberry.
- Drawing no. AAS-RS(sp)-WD16 – Roseberry split level.
- Drawing no. AAS-RF-WD16 – Rufford.
- Drawing no. AAS-RF(sp)-WD16 – Rufford split level.
- Drawing no. AAS-SU-WD16 – Souter.
- Drawing no. AAS-WS-WD16 – Winster.
- Drawing no. AAS-WY-WD16 – Wycliff split level.
- Drawing no. SGD-01 – Single/double garage.

- Drawing no. SGD-02 – Single/double garage.

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

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

Before you commence development (P)

3. 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 before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of the National Planning Policy Framework.

4. 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 dwellings 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 surrounding area in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

5. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
 - (i) A phased programme and methodology of site investigation and recording to include:
 - The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area through a targeted archaeological evaluation and area excavation.
 - An assessment of the impact of the proposed development on the archaeological significance of any remains.
 - (ii) A programme for post investigation assessment to include:
 - Analysis of the site investigation records and finds.
 - Production of a final report on the significance of the archaeological interest represented.
 - (iii) provision for publication and dissemination of the analysis and report on the site investigation.
 - (iv) provision for archive deposition of the report, finds and records of the site investigation.
 - (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of construction works in order to record and advance the understanding of the

archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of the National Planning Policy Framework.

6. Notwithstanding any details submitted with the application, no development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of the National Planning Policy Framework.

7. No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 21st September 2016 have been addressed and/or mitigated. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: In order to limit opportunities for crime and disorder in accordance with the requirements of paragraphs 58 and 69 of the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.

8. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:
 - the proposed highway layout, including the highway boundary;
 - dimensions of any carriageway, cycleway, footway, and verges;
 - visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;
 - traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
 - b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level;
 - the proposed road channel and centre line levels;
 - full details of surface water drainage proposals.
- c) Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
 - cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
 - kerb and edging construction details;
 - typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

9. No development shall take place until a scheme for the layout, design and construction of the site access at the crossroad junction with Aldersley Avenue/The Oval/Hillside Crescent (the indicative layout of which is shown on drawing no. 14096/GA/01 forming Appendix D of the Transport Assessment) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:
- (i) Priority amendments to the crossroad junction and the provision of suitable visibility splays with eye and object heights of 1.05 metres.
 - (ii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
 - (iii) The first 5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
 - (iv) The prevention of surface water from the site discharging onto the existing or proposed highway.
 - (v) Tactile paving in accordance with current Government guidance.

The site access shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant heights referred to in (i) thereafter.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

10. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

Reason: In order to provide a safe and suitable means of access to the site for pedestrians in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

11. No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- (i) The provision of tactile paving.
- (ii) Unless otherwise agreed in writing with the Local Planning Authority, the provision of three footway connections to Moorview Way in the positions shown on drawing no. ASS-2015-002J. One of these connections shall be 4 metres wide to provide a shared footway, cycleway and emergency access with lockable bollard.

The duly approved off-site highway works shall be implemented and made available for use: in the case of (i), before any of the dwellings to be served by the relevant area of tactile paving are first occupied; and in the case of (ii) before 25% of the dwellings are first occupied.

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

12. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- (a) hours of work for site preparation, delivery of materials and construction;
- (b) arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- (c) details of areas designated for the loading, unloading and storage of plant and materials;
- (d) details of the siting, height and maintenance of security hoarding;
- (e) arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- (h) details for the routing of HGVs to the site to avoid Skipton town centre.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

13. No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to safeguard existing trees on/surrounding the site which are protected by Tree Preservation Order before any construction works commence in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.

14. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme 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) and shall follow the principles set out in the Flood Risk Assessment by Haigh Huddleston & Associates dated July 2016 (report reference E15/6358/FR01A Rev A). Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (j) Separate systems for the disposal of foul and surface water.
- (ii) Measures to ensure that no surface water is discharged to the public sewer network.
- (iii) Details of all attenuation and flow/volume control measures (including the use of SUDS where appropriate) to be implemented to ensure that the post development rate of surface water discharge from the site to any soakaway or watercourse generated during rainfall events up to and including the 1 in 100 year event does not exceed 14.5 litres/second for the whole site.
- (iv) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including the use of areas to hold or convey water).
- (v) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

Reason: To ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.

15. No above ground works shall take place until a scheme for the provision and future maintenance of the areas of Public Open Space shown on drawing no. AAS-2015-002J has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, layout, design, a schedule of works and future maintenance arrangements for the Public Open Space, and a timetable for its provision. The Public Open Space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as Public Open Space.

Reason: To ensure that the development contributes towards the provision and future maintenance of recreational open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on the character of the surrounding landscape is adequately mitigated in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2, policy SP5 of the Pre-publication Draft Craven Local Plan and the National Planning Policy Framework.

16. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) Details of the role, responsibilities and operations to be overseen by an Ecological Clerk of Works.
 - b) A description and evaluation of features to be managed.
 - c) Ecological trends and constraints on site that might influence management.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - h) Details of the body or organisation responsible for implementation of the plan including details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.
 - i) Ongoing monitoring and remedial measures including, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development continues to deliver the fully functioning biodiversity objectives of the LEMP.

The LEMP shall be implemented, and subsequently monitored, reviewed, managed and maintained, in accordance with the duly approved details and the timetable contained therein.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of the National Planning Policy Framework.

17. No development shall take place until a Construction Environment Management Plan (CEMP) setting out details of measures to protect watercourses within the site during construction has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) The extent of open watercourse(s) within the site to be retained and the parts to be culverted.
 - b) The siting, height and design of any protective barrier to provide a construction exclusion zone around the watercourse(s).
 - c) Measures to prevent the release of silt and pollution from the site into the watercourse both during and after construction.
 - d) A drainage plan showing the interception, storage and settlement of surface water.
 - e) A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved CEMP.

Reason: To ensure that appropriate mitigation measures are put in place 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.

During building works (c)

18. No clearance of any un-grazed grassland, trees, scrub or dense tall herbs in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive)

unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

19. Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall demonstrate compliance with the Landscape Masterplan forming Figure 1 of the Landscape and Visual Assessment by Pegasus Group dated August 2016 (report reference YOR.2422_007A) and shall include details of:
- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
 - (iii) the introduction of native planting buffers to the northern, eastern and southern edges of the development, and within the areas of open space to the south and west of the site;
 - (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i), (ii) or (iii); and
 - (v) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

20. Notwithstanding any details shown on the approved plans, within three months of development first taking place details of the siting, height, design, materials and finish of boundary treatments (including any retaining walls) for each plot shall be submitted for the written approval of the Local Planning Authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to the character and appearance of the site and its surroundings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

Before the development is occupied (O)

21. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those

expressly authorised by this permission shall be inserted in the north facing elevations of the dwellings on plots 4, 13, 14, 21, 22, 28 and 37 (as identified on drawing no. AAS-2015-002J); and all windows permitted in the north facing elevations of those plots pursuant to this permission shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: In order to safeguard the privacy of adjoining residents by minimising the potential for overlooking of neighbouring dwellings and their garden areas in accordance with the requirements of the National Planning Policy Framework.

22. The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. ASS-2015-002J before each associated dwelling is first occupied.

Reason: To ensure that suitable provision is made for vehicle access, parking and manoeuvring concurrently with the occupation of the dwellings in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

23. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'Optima' dated 25th August 2016 (report reference 14096) and shall contain:

- a) details of the appointment of a Travel Plan co-ordinator;
- b) a partnership approach to influence travel behaviour;
- c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- d) provision of up-to-date details of public transport services;
- e) continual appraisal of travel patterns and measures provided through the travel plan;
- f) improved safety for vulnerable road users;
- g) a reduction in all vehicle trips and mileage;
- h) a programme and timetable for the implementation of such measures and any proposed physical works;
- i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The travel plan shall thereafter be implemented in accordance with the duly approved details and the timetable contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of the National Planning Policy Framework.

Statement of Positive Engagement

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

Highways:

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

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 the Highway Authority.

It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Unsuspected contamination:

In the event that contamination is found at any time when carrying out the development that was not previously identified as part of the site investigations undertaken pursuant to the conditions of this permission, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the written approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for the written approval of the Local Planning Authority.

Environmental Health:

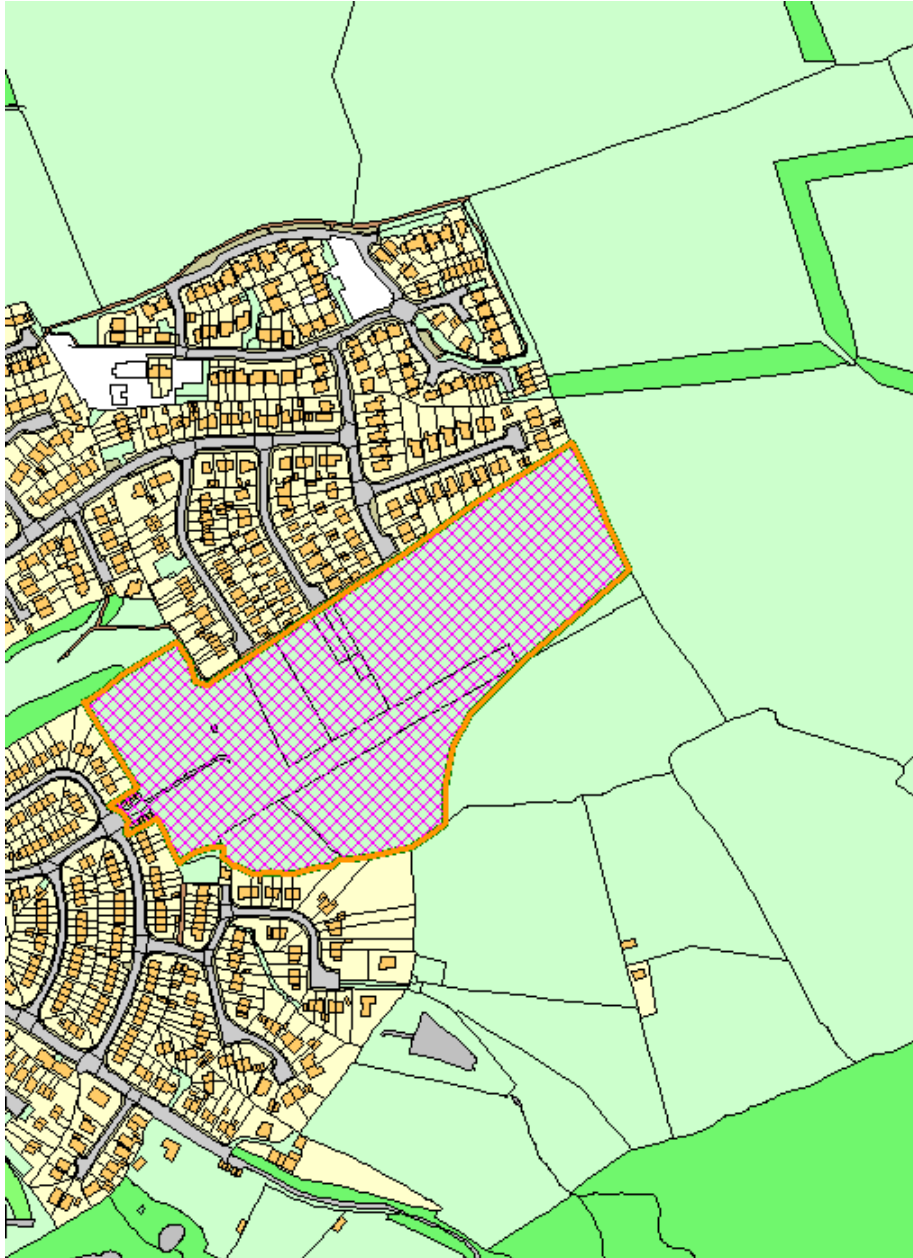
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

Yorkshire water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.



Application Number: 63/2016/17313

Proposal: Full application for the erection of 98 dwellings

Site Address: Aldersley Avenue Skipton BD23 2LH

On behalf of: Persimmon Homes West Yorkshire

REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 2017/18492/OUT

Proposal: Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved)

Site Address: Land Off Meadow Lane/Moorfoot Lane Cononley BD20 8LL

On behalf of: Mr Stephen Shelton

Date Registered: 30th October 2017

Expiry Date: 25th December 2017

Case Officer: Mr Matthew Taylor

The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.

1. Site Description

- 1.1 The application relates to an irregularly-shaped parcel of land measuring approximately 0.19 hectares in area to the west side of Moorfoot Lane, Cononley. The site comprises an area of open grassland enclosed by a dry stone walls to its perimeter and runs in a north-easterly direction between the existing dwelling of 'Overstone' (southwest) and the Skipton-Bradford railway line (northeast). While the site itself is relatively flat, ground level rises in a north-easterly direction along Moorfoot Lane up to a bridge crossing the railway line. This creates a retaining structure to the northeast corner of the site adjacent to the railway bridge.
- 1.2 The site located on the edge of, but outside, the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan and, accordingly, is within the open countryside. The site is also located on the edge of, but outside, the Cononley Conservation Area which follows the frontage of Meadow Lane to the south. A grade II listed barn ('Pear Tree Barn') which has recently been converted to a dwellinghouse is located on Meadow View opposite the proposed site access.
- 1.3 Planning permission was granted in outline for a residential development of 4 dwellings on the site on 23rd December 2015 (application reference 21/2015/15985). However, as the time limit for the submission of an application for approval of reserved matters pursuant to condition 2 of that permission expired on 23rd December 2017, this permission is not currently extant.
- 1.4 Surrounding uses include a detached bungalow ('Overstone') and split level single/two storey dwelling ('Cherry Trees') fronting onto Moorfoot Lane to the southwest; an adjoining, L-shaped parcel of open grassland to the west/northwest which benefits from an extant outline permission for a residential development of 15 dwellings (application reference 21/2016/16967) issued on 13th February 2017; two storey dwellings fronting onto Meadow Close further to the west; and a parcel of land to the east on the opposite side of Moorfoot Lane (the former St John's United Methodist Church and grounds) which benefits from extant, full planning permissions for residential development (references 21/2014/14583 and 21/2016/17028).
- 1.5 Access to the site is to be taken via an existing crossing onto Meadow Lane which has been formed as a means of access to a block of garages located to the northeast of the junction. These garages have

been erected as part of the conversion of Pear Tree Barn to residential use under planning permission 21/2015/15418.

2 Proposal

- 2.1 The application is submitted in outline and seeks permission for a residential development of four dwellings with associated garages. Access and layout are applied for at this stage, with matters of scale, external appearance and landscaping being reserved for later consideration.
- 2.2 The proposed dwellings would front onto a cul-de-sac branching in a northerly direction off Meadow Lane, with their rear elevations facing in an easterly direction towards Moorfoot Lane. The dwellings would be arranged in a staggered, crescent-shaped layout to follow the narrowing of the site to its northern end. The mix includes four detached, four-bedroom dwellings set in elongated plots with gardens to the front and rear. The two southernmost plots (nos. 3 and 4) would benefit from detached double garages, with the northern plots (nos. 1 and 2) incorporating attached garages. Plots 2, 3 and 4 would have driveways capable of providing 2-3 off-road parking spaces, with a single space provided for plot 1 (notwithstanding garage provision).
- 2.3 The proposed cul-de-sac would gain access from the existing junction onto Meadow Lane to the southern end of the site which affords visibility splays of 2m x 35m (easterly) and 2m x 60m (westerly). While the part of the cul-de-sac which would serve the proposed dwellings falls within the red line boundary of the application site (and, accordingly, is capable of being delivered independently as part of this development), part of this route (and an extension of it) is also proposed to serve the 15 dwellings permitted under application 21/2016/16967.
- 2.4 Existing dry stone boundary walls to the perimeter of the site are to be retained and incorporated as part of the development, with the layout showing a buffer of soft landscaping to be introduced alongside the eastern boundary with Moorfoot Lane.

3 Planning History

- 3.1 21/2015/15985 – Outline application for construction of 4 houses and garages – Approved 23.12.15.

4 Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').

4.2 National Policy:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.3 CDLP:

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
T2 – Road Hierarchy

5 Parish/Town Council Comments

- 5.1 *Cononley Parish Council* – Object to the application for the following reasons:
 - The current outline proposal is for 4 large dwellings only, each of four bedrooms. There is no provision for any affordable 1, 2 or 3 bedroom houses which are needed desperately in the village to permit young residents to remain in the village and also get a foot on the property ladder.

- The Parish Council understands that this site and the neighbouring site covered by planning application no: 21/2014/14241 are connected. This is because the developer of the land is the same natural person utilising different legal person vehicles to make both separate applications. That being so, the two sites should, and must in the Parish Council's opinion be considered as one. As a result, the two developments combined exceed the number of non-affordable houses permitted in a single development. The Parish Council is gravely concerned that this is a deliberate attempt by the developer to circumvent the requirements for affordable housing in a large single development.
- The access road to both development sites off Meadow Lane, is the same one, lending further weight to the Parish Council's concerns that these two sites comprise one single and large development.
- In the event that this application is allowed, the Parish Council urges that a footpath between Meadow Close and Moorfoot Lane (on the southern side of the site) be included in the development, thereby allowing resident pedestrians to access the site safely, in the anticipated increase in volume of cars in already over congested narrow street in this part of the village.

6 Consultations

6.1 *Environmental Health Officer (EHO)* – No objections. Comments as follows:

- No known contaminated land implications.
- Conditions should be attached limiting hours of construction, controlling noise and railway vibration for future occupiers, requiring a dust management plan and relating to the importation of clean topsoil to the site.

6.2 *Network Rail* – No objection in principle but indicate that some protection measures should be put in place due to the development's proximity to the railway line. Conditions are recommended with respect to drainage, boundary fencing, method statements, soundproofing, lighting and landscaping.

6.3 *NYCC Highways* - No objections. Comments as follows:

- The design standard for the site is Manual for Streets and the required visibility splay is 35m x 2m. The available visibility is 35 m x 2m easterly and in excess of 35m westerly.
- Conditions are recommended concerning detailed plans of road and footway layout, construction of roads and footways prior to occupation of the dwellings, construction of the site access, pedestrian visibility splays, details of access, turning and parking, restricting the conversion of garages and a construction management plan.

6.4 *Yorkshire Water* – No objections. Recommend that conditions are attached to any permission granted requiring that:

- The site is drained on separate systems for foul and surface water.
- A scheme for the disposal of surface water is submitted, the rate of which should be limited to 3 litres per second if discharged to a public sewer. The developer should also provide evidence to demonstrate that surface water disposal via infiltration or a watercourse is not reasonably practical before discharging to a sewer.

7 Representations

7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP and affects the character and appearance of the conservation area, notices were also posted on site and in the local press. Two letters of representation have been received in respect of the application. The points made in the letters are summarised as follows:

- This site adjoins a site owned by the same developer which is also subject to a planning application. Together the two developments exceed the size which would normally result in social housing being required as part of the development. Therefore, the social housing

requirement should be applied as this is not a case of small scale infill but a large overall development.

- The site access is at a narrow and dangerous point. The access road shown appears to be for two developments not just for this one thus demonstrating the need to treat both applications as one development.
- There are too few houses and they are too large. The village requires more small homes within the price range of local people. This site is entirely 4 bedroom executive homes and therefore does not contribute to meeting the housing need.
- The Parish council requested on an earlier application that a footpath be provided at the southern extremity of the site. This needs to be included in the plans to enable residents to walk safely.
- The original plans submitted with the previous application included a footpath between the dwellinghouse at Overstone and the new development, leading from the new access off Meadow Lane to Moorfoot Lane. Moorfoot Lane has no pavement and is unadopted. There is constant farm traffic all year round and the route becomes busy with cars, caravans and motorhomes visiting the camp site over the railway bridge. Directing pedestrians out onto this road would be dangerous. This footpath is not, however, shown as part of the new application and, as a result, there are no objections from the occupiers of Overstone. Instead, the plans show the provision of a pathway alongside the new access road that leads to Meadow Lane and this is much safer than leading pedestrians onto Moorfoot Lane.

Officer note: The submitted layout is the same as that approved under application 21/2015/15985. For clarity, neither the previous nor the current applications include the provision of a new pedestrian access through the site onto Moorfoot Lane.

8 Main Issues

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP and the representations received, it is considered that the main issues in this case are:

1. The principle of residential development on the site.
2. The development’s effects on the character and appearance of the area, including the Cononley Conservation Area and nearby listed buildings.
3. The development’s impact on the amenity of surrounding occupiers.
4. The scheme’s effects on highway safety.
5. Whether the development is required to make contributions towards the delivery of affordable housing and public open space as a result of ‘site splitting’.

9 Analysis

Procedural matters

9.1 The application is submitted in outline with matters of access and layout having been applied for at this stage. Accordingly, the only matters which would be fixed as part of this application are: (i) the amount of development (the number of dwellings in this case); (ii) the means of access to the site; and (iii) the layout of buildings, routes and open spaces, including their siting and orientation. Matters of scale,

external appearance and landscaping are reserved for future consideration and are not before the Council for detailed assessment as part of this application.

- 9.2 This application follows a recent planning permission for the same development on the same site (reference 21/2015/15985) which was extant at the time this application was made valid. The only difference between the two schemes is that scale is no longer applied for as part of this application. The current proposal is, however, identical to application 21/2015/15985 with respect to matters of access and layout and the same drawing has been submitted to illustrate these.

Principle of development

Site designation and planning history:

- 9.3 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development.
- 9.4 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.5 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.7 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the Local Plan. However, this application follows a recent planning permission for the same development on the same site (reference 21/2015/15985) which was extant at the time this application was made valid. The current proposal is identical to application 21/2015/15985 with respect to the matters of access and layout which are applied for. As planning permission 21/2015/15985 was granted under the same policy context and housing land supply position as is now applicable to this scheme, it is not considered that there have been any material changes in the intervening period to indicate that an alternative approach should be taken with respect to the principle of development. It is not considered that the proposal would result in any additional harm or greater conflict with the objectives of CDLP policies ENV1 and ENV2 in comparison the form of development approved under application 21/2015/15985 and, accordingly, the principle of residential development is acceptable.

Housing Land Supply:

- 9.8 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.”
- 9.9 Paragraph 49 of the NPPF indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 9.10 The Council’s latest ‘Five Year Housing Land Supply Methodology and Report’ (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.
- 9.11 The abovementioned appeal provides the most up-to-date independent assessment of the Council’s housing land supply position. Paragraph 39 of the Inspector’s decision for that appeal concludes that:
- “As I find the evidence before me relating to housing land supply to be inconclusive I have adopted a precautionary approach on the basis that five year supply has not been demonstrated.”
- 9.12 Given the above, and as the Council’s position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.
- 9.13 Notwithstanding the above, it is not considered that a moratorium can be placed on housing development within the open countryside based purely on the presence of a 5 year supply of housing land in any case.

Conclusion concerning principle of development:

- 9.14 The site is located within an area of open countryside. However, planning permission has recently been granted for the same form of development on the same site under application reference 21/2015/15985 and this permission was extant at the time the current application was made valid. There have been no material changes in planning policy or circumstances since the granting of planning permission 21/2015/15985 to indicate that an alternative approach should be taken to the principle of development. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Character, appearance and heritage implications:

- 9.15 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.16 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.17 The site is also located in close proximity to the Cononley Conservation Area which flanks Meadow Lane and the access is located directly opposite a grade II listed building. These are “designated heritage assets” for the purposes of the definition in the NPPF. Paragraph 131 of the NPPF indicates that, in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- 9.18 With respect to a development's impact on the significance of designated heritage assets, paragraph 132 of the NPPF indicates that "great weight should be given to the asset's conservation" (proportionate to its importance) and identifies that "significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting".
- 9.19 Paragraph 133 of the NPPF states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent" unless this harm is outweighed by substantial public benefits. Paragraph 134 of the Framework indicates that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.20 In addition, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2) [which include "the planning Acts"], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 9.21 The site occupies an edge of settlement location which is closely related to the built-up fringe of Cononley. It is noted that extant planning permissions for residential development exist on adjoining land to the west/northwest and on the opposite side of Moorfoot Lane to the south/southeast. If implemented, these permissions would result in the site appearing as an 'island' of open land contained by housing on three sides and the railway line to the northeast. Aside from the visually-containing feature of the railway line, the presence of a three-storey mill building with attached lower-level industrial units (Horace Green Business Centre) and a campsite in close proximity on the eastern side of the railway limit uninterrupted views across open land to the east.
- 9.22 The proposed dwellings would be seen as a continuation of the pattern of built development along Moorfoot Lane from its junction with Meadow Lane/Main Street up to the railway bridge and the layout, density and plot sizes of the houses would closely reflect those of Overstone and Cherry Trees to the southwest. Similarly, existing dwellings to the west on Meadow Close as seen as a linear extension of built development between Meadow Lane and the Railway Line and the northern boundary of the site would be in broad alignment with the built-up edge of that cul-de-sac (notwithstanding that permission has been granted for infill development on land between the two).
- 9.23 Although the proposal would result in a degree of encroachment into open countryside away from the edge of the village, it would sit comfortably between and adjacent to existing and proposed housing to the west side of the railway line and would represent a 'rounding off' of the settlement in this location in order to avoid appearing as a sporadic or sprawling extension of built development outside the settlement. Accordingly, the development is not considered to conflict with the objectives of CDLP policies ENV1 and ENV2, or the core planning principle in paragraph 17 of the NPPF which requires the intrinsic character and beauty of the countryside to be recognised.
- 9.24 Although the site is located outside the Cononley Conservation Area, it has the potential to affect its setting by virtue of its proximity to it. The boundaries of the conservation area envelope the highway of Meadow Lane, buildings at the junction with Moorfoot Lane and properties to the north side of Main Street further to the east. Although parts of the development would be visible from within the conservation area – particularly along the access road at the junction with Meadow Lane and across the site of the former church on Main Street – these views would be substantially screened by the presence of intervening buildings. In particular, dwellings at Cherry Trees and Overstone would restrict inter-visibility from both vantage points and the new dwellings on the former site of St John's Church to the

south (part of which is within the conservation area) would restrict views out of/across the conservation area from Main Street. In addition, site-specific features which contribute to the character of the area (e.g. existing dry stone perimeter walls) would be retained as part of the scheme and additional landscaping added to the eastern boundary with Moorfoot Lane. Accordingly, providing that any application for approval of reserved matters includes the use of appropriate materials, boundary treatments and landscaping, there is no reason to conclude that the development would have a harmful impact on the significance and setting of the Cononley Conservation Area.

- 9.25 The closest listed building is Pear Tree Barn located opposite the site access on Meadow Lane. This property is viewed in conjunction with a collection of buildings approaching the junction with Main Street and there is limited inter-visibility between the site and this property. As the development access is already formed, and given the presence of intervening buildings between the proposed dwellings and the listed building, it is not considered that the development would have any adverse effects on the significance and setting of the listed building.

Amenity:

- 9.26 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.27 The closest dwelling (a bungalow known as ‘Overstone’) is located on Moorfoot Lane to the southwest. The dwelling proposed on plot 4 would be located alongside (and *circa* 3.5m from) the northern gable of Overstone which contains a single window. While it is unclear what type of room this window serves (and whether it is a ‘habitable’ room), it is a secondary opening to the main windows in the front (east facing) and rear (west facing) elevations of Overstone. It is also noted that windows in the southwest side of Overstone have a similar relationship with the taller northern gable of ‘Cherry Trees’.
- 9.28 The front and rear walls of plot 4 would be in broad alignment with those of Overstone and the siting and layout of this dwelling in relation to the neighbouring bungalow would not create an unacceptable sense of enclosure or oppressive outlook for the occupiers of this property. The remaining 3 plots would follow a northerly trajectory extending up to the railway line and their layout, orientation and spacing in relation to both existing and proposed dwellings (including those permitted on the adjoining site to the west) would ensure that they have no undue effects on residential amenity through overlooking, loss of outlook or overshadowing.
- 9.29 Part of the site’s north-eastern boundary adjoins a railway line. While no objections have been received from Network Rail or the Council’s EHO, it is considered expedient to impose conditions requiring mitigation measures to be put in place with respect to matters concerning noise and vibration in order to ensure appropriate living conditions for future occupiers.

Highways:

- 9.30 Criterion (3) of CDLP policy EVN2 states that development will only be permitted in the open countryside where “rural access roads can accommodate the traffic likely to be generated by the proposal”.
- 9.31 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.32 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 9.33 Access to the site is proposed from a recently-established junction onto Meadow Lane to the southern end of the site. Although the part of the access required to serve the development could be constructed independently (and is within the red line) the full extent of the cul-de-sac would also provide an estate road to a residential development of 15 dwellings on the L-shaped land to the west permitted under application 21/2016/16967. Accordingly, should both permissions be implemented, this route would form a shared means of access for up to 19 dwellings.
- 9.34 The existing access onto Meadow Lane provides for visibility splays of 2m x 60m westerly and 2m x 35m easterly. The Local Highway Authority have indicated that this is in excess of the requirement set out in Manual for Streets (2m x 35m in both directions) and, accordingly, the proposed means of access is considered to be safe and suitable for the volume of traffic that would be served by it.
- 9.35 Objectors and the Parish Council have indicated that, if approved, the application should include a condition requiring that a new footway is introduced along the northern edge of Meadow Lane (southern fringe of the site) to provide pedestrian access between the junctions with Meadow Close and Moorfoot Lane.
- 9.36 Condition 18 of planning permission 21/2015/15985 (relating to this site) included a requirement for a pedestrian footway to be provided between the site access and Moorfoot Lane “unless the County Highway Authority advise that the provision of such a footway is undesirable and detrimental to pedestrian and highway safety”. This condition was not, however, requested by the Local Highway Authority as part of application 21/2015/15985 and, once again, is not requested as part of this application. Condition 16 of planning permission 21/2016/16967 (relating to the site) requires the provision of a footway link between Meadow Lane and Meadow Close to the west of the access.
- 9.37 Meadow Lane narrows to the east of the newly constructed site access (towards its junction with Moorfoot Lane) and it is unclear whether there is sufficient space to deliver a footway within the highway due to the resultant narrowing of Meadow Lane required to facilitate this. Although this is not a specific request of the Local Highway Authority, for the purposes of consistency a condition requiring the provision of a footway link between the site access and Moorfoot Lane has been imposed in substantially the same form as condition 18 of planning permission 21/2015/15985. The wording of the condition does, however, provide for the omission of such a footway if it is subsequently found to be unfeasible.
- 9.38 The proposed development would not result in a level of additional traffic generation that would have a severe residual cumulative impact on the capacity of the surrounding highway network and adequate off-road parking would be provided within the curtilage of each dwelling. While plots 2, 3, and 4 would provide a minimum of 2 parking spaces on driveway approaches to integral garages, as plot 1 would provide only one driveway parking space it is considered expedient to impose a condition preventing the conversion of this garage to habitable living accommodation as recommended by the Local highway Authority.
- 9.39 Given the above, the proposed development would not have any adverse effects on highway safety and is therefore in accordance with the requirements of CDLP policies ENV2, T2 and the NPPF.

Planning contributions and site splitting:

- 9.40 Both the Parish Council and objectors opine that this application is intrinsically linked with the 15 dwelling development permitted on adjoining land to the west pursuant to planning permission 21/2016/16967. Reference is made to the shared site access and the relationship of the two applicants in order to support the assertion that the two sites should be considered as a single development of 19 dwellings.
- 9.41 Paragraph 031 of the ‘Planning Obligations’ chapter to the NPPG was inserted on 19 May 2016. The guidance in paragraph 031 follows an order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out within a Written Ministerial Statement dated 28 November 2014. This policy states that “there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.” These circumstances are stated as follows:

- Developments of 10 units or less, **and** which have a maximum combined gross floorspace of no more than 1000 square metres.
- Developments of 5 units or less in “rural areas” as defined in section 157(1) of the Housing Act 1985 (which includes National Parks and Areas of Outstanding Natural Beauty). Contributions from schemes of between 6 and 10 units in rural areas should only be in the form of cash payments which are commuted until after completion of the units.
- Development consisting only of the construction of a residential annex or extension to an existing home.

9.42 The site is not in a “rural area” for the purposes of the definition above. In any case, the proposed development of 4 dwellings falls below all unit number thresholds where affordable housing and other infrastructure contributions could be sought as identified in the PPG. While scale is not applied for in this case, indicative values show a combined gross floorspace of 968 sqm for the 4 dwellings, thus falling below the 1000 sqm threshold which forms the second criteria.

9.43 The gist of the Parish Council’s case is that the submission of separate applications on land to the west (21/2016/16967) and east (this application) of the proposed estate road is intended to avoid contributions towards affordable housing being aggregated across both sites (i.e. the submission of two separate applications is an attempt at ‘site splitting’ to avoid the need for contributions by keeping below the threshold set out in the PPG).

9.44 This scheme and application 21/2016/16967 are submitted by two different applicants. Despite the Parish Council’s assertions concerning site splitting as a means of circumventing contributions (specifically for affordable housing), it is noted that condition 4 of planning permission 21/2016/16967 requires 40% of the 15 dwellings permitted by that approval to be affordable. If considered in combination, this proposal and application 21/2016/16967 would deliver a combined total of 19 dwellings. Therefore if, as the Parish Council have suggested, there was a deliberate intention to split the two sites in order to keep the number of dwellings below the threshold in the PPG, it is much more likely that separate applications for 9 and 10 dwellings on the sites would have been submitted in order that (subject to floorspace), neither would exceed the 11-unit threshold in the PPG. This is not, however, the case. Application 21/2016/16967 will deliver 15 units subject to a condition requiring 40% to be affordable and this application will deliver 4 dwellings on a separate site by a different applicant. While the two sites may share a means of access and part of an estate road, both could be brought forward independently of the other and this proposal is not reliant on 21/2016/16967 being implemented for its access.

9.45 In addition to the above, the result of a recent appeal following the Council’s refusal of permission for a residential development on the nearby former St John’s Church site (application reference 21/2014/14583) due to ‘site splitting’ in similar circumstances is also relevant. In allowing that appeal (reference APP/C2708/W/15/3004588) the Inspector concludes, at paragraphs 9, 11 and 12 of their decision as follows:

- “In my experience, and based on my own observations, the species composition of the grassland; the patina of the wall; and the lack of any openings linking the two sites suggest that they have been in separate use for some considerable length of time. In a physical sense at least, the sites cannot be viewed as anything other than two separate land parcels. Consequently, I can find no reasonable grounds to suggest that any physical subdivision has taken place. However, it is an undisputed fact that the adjacent site is owned by the wife of the appellant and that the layout of the approved development is such that a central, shared access would enable the development of the appeal site along with the adjacent one.”
- “Whilst there appears to be an opportunistic aspect to the appellant’s proposal, I accept that it would be reasonable to provide a link to the appeal site given the undisputed long-term interest that the appellant has in its development. Whilst the ownership of the adjacent site by his wife is suggestive, I do not find this to be a sufficiently compelling demonstration of an intention to develop the sites in tandem even if the application for the development of the adjacent site was submitted after the introduction of the Framework. Collaboration between adjacent landowners seeking to develop sites is not uncommon and can be for purely practical reasons, such as

taking advantage of shared infrastructure. Consequently, I find that a plausible alternative explanation is present in this particular instance.”

- “Given the above, I conclude that there are insufficient grounds to establish that a financial contribution to provide affordable housing is necessary to make the development acceptable.”

9.46 Having regard to the physical separation of the application land from the adjacent site by a dry stone wall and the Parish Council’s suggestions concerning the relationship between the two applicants, there are a number of similarities between this scheme and the abovementioned appeal which did not support the Council’s conclusions in respect of ‘site splitting’. Accordingly, it is not considered that any contributions towards affordable housing (or any other infrastructure contributions) are required to make the development acceptable in this case and there is no reason to take a different approach to that for planning permission 21/2015/15985, under which permission was allowed for the same development on the same site and under the same policy context without the requirement for any such contributions.

10 Conclusion

10.1 The application seeks outline permission (with access and layout) for a residential development of 4 dwellings on an edge-of-settlement site to the north-eastern end of Cononley. Although the site falls outside Development Limits, the principle of development has been established through the approval of an application for the same development on the same site under application 21/2015/15985. There have been no material changes in planning policy or circumstances since the granting of planning permission 21/2015/15985 to indicate that an alternative approach should be taken to the principle of development. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

10.2 The development would encroach into an area of open countryside beyond the edge of the village and would result in a loss of openness and urbanisation outside existing Development Limits. However, the proposal’s effects on wider landscape character would be significantly mitigated by its layout and siting in relation to existing and proposed housing developments on the southwest side of the railway line, and its relationship with the built-up edge of the village. Accordingly, it is not considered that any adverse environmental effects on the character and appearance of the area would significantly and demonstrably outweigh the economic and social benefits the development would bring through the delivery of additional housing, particularly in the absence of a five year supply.

10.3 The development’s layout and siting in relation to the Cononley Conservation Area and nearby listed buildings would ensure that it has no harmful impact on the significance of these designated heritage assets. The spacing and relationship of the proposed dwellings with neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. In addition, the proposed development, by virtue of its size, is not required to make any contributions towards affordable housing or any other infrastructure.

10.4 The benefits arising as a result of the scheme would outweigh any adverse effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11. Recommendation

11.1 That authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Time limit for commencement (T)

1. Application for approval of reserved matters must be made not later than three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans (L)

2. This permission relates to the following plans:
 - Scale 1:1250 Location plan received 30th October 2017.
 - Drawing no. 2590A – Scale 1:500 block plan.

Any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the means of access to the site, the layout of the development, the maximum number of dwellings and the site area.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

Before you commence development (P)

3. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the scale and external appearance of the buildings and the landscaping of the site (hereinafter referred to as the “reserved matters”).

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

4. Any application for approval of reserved matters shall include details of attenuation measures to be put in place to mitigate the effects of noise and vibration from passing railway traffic on future occupiers of the dwellings. The attenuation measures shall demonstrate compliance with the requirements of BS8233:2014: ‘Guidance on Sound Insulation and Noise Reduction for Buildings’ and shall ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07:00 and 23:00 hours, and 0.26m/s^{1.75} between 23:00 and 07:00 hours as calculated in accordance with BS 6472-1:2008: ‘Guide to Evaluation of Human Exposure to Vibration in Buildings’. The duly approved attenuation measures shall be implemented before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to prevent noise and vibration from having an adverse impact on the amenity and living conditions of future occupiers of the development in accordance with the requirements of the National Planning Policy Framework.

5. Any application for approval of reserved matters shall include a scheme for the layout, design and construction of a pedestrian footway between the junction of the site access with Meadow Lane and Moorfoot Lane unless the Local Highway Authority advise that the provision of such a footway is undesirable and/or detrimental to highway safety.

Reason: To investigate the potential for the delivery of a safe pedestrian route for future occupiers of the development and neighbouring residential sites utilising the same access in the interests of improving pedestrian connectivity and highway safety in accordance with the requirements of Craven

District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

6. No development shall take place until a scheme including details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) tactile paving;
- (ii) vehicular, cycle, and pedestrian accesses;
- (iii) vehicular and cycle parking;
- (iv) vehicular turning arrangements;
- (v) manoeuvring arrangements;
- (vi) loading and unloading arrangements.

The development shall be implemented in accordance with the duly approved scheme and the areas for access, parking, manoeuvring and turning shall be made available for use before any of the dwellings are first occupied.

Reason: To ensure that adequate provision is made for access, parking and manoeuvring as part of the development in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

7. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:

- the proposed highway layout, including the highway boundary;
- dimensions of any carriageway, cycleway, footway, and verges;
- visibility splays;
- the proposed buildings and site layout, including levels;
- accesses and driveways;
- drainage and sewerage system;
- lining and signing;
- traffic calming measures;
- all types of surfacing, including tactiles, kerbing and edging.

- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level;
- the proposed road channel and centre line levels;
- full details of surface water drainage proposals.

- c) Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
- cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
- kerb and edging construction details;
- typical drainage construction details.

- d) Details of the method and means of surface water disposal.

- e) Details of all proposed street lighting.

- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

8. No development shall take place until a scheme for the design and construction of the site access at the junction with Meadow Lane (the position of which is shown on drawing no. 2590A) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- (i) Splays giving clear visibility of at least 35 metres in both directions measured along both channel lines of Meadow Lane from a point measured 2 metres down the centre line of the access road. The eye and object heights shall be 1.05 metres.
- (ii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
- (iii) Any gates or barriers to be erected a minimum distance of 4.5 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- (iv) The first 4.5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (v) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (vi) Tactile paving in accordance with current Government guidance.

The site access shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant height referred to in (i) thereafter.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

9. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

Reason: In order to provide a safe and suitable means of access to the site in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

10. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- (a) hours of work for site preparation, delivery of materials and construction;
- (b) arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- (c) details of areas designated for the loading, unloading and storage of plant and materials;
- (d) details of the siting, height and maintenance of security hoarding;
- (e) arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- (h) details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

11. Any application which seeks approval for the reserved matter of landscaping pursuant to this permission shall include a landscaping scheme for the site which contains details of:
- (i) any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) the introduction of a landscaping buffer along the south-eastern boundary of the site with Moorfoot Lane.
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
 - (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure suitable retention and strengthening of landscaping on the site in the interests of visual amenity, to provide a buffer with adjoining land and to provide suitable biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

12. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) Separate systems for the disposal of foul and surface water.
 - (ii) If discharge to a public sewer is proposed: (a) evidence shall be provided to demonstrate that other means of surface water disposal (e.g. via infiltration and/or to a watercourse) have been investigated and why they have been discounted; (b) the means by which the surface water discharge rate to any sewer is to be restricted to a maximum of 3 litres per second.

- (iii) Details of the rate of surface water discharge from the site which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.
- (iv) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

Reason: To ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.

Ongoing conditions (F)

13. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the garage for the dwelling on plot 1 (as identified on drawing no. 2590A) hereby approved shall be retained as such thereafter and shall not be converted to provide additional living accommodation unless a separate planning permission has first been granted on application to the Local Planning Authority.

Reason: To ensure that adequate off-road car parking provision is made and retained as part of the development in order to avoid obstruction of the surrounding highway network in the interests of road safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

Statement of Positive Engagement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

Noise:

During construction there is a potential for noise nuisance to nearby residential properties. In order to minimise any effects in this regard, the applicant is advised to limit operating times for construction to:

- 8:00am to 6:00pm Monday to Friday.
- 8:00am to 1:00pm Saturday.
- No Sunday or Bank Holiday working.

Topsoil:

The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil. The Local Planning Authority reserves the right to require the applicant to provide details of the supplier(s) and confirmation on the source(s) of any topsoil material.

Network Rail:

The applicant's attention is drawn to Network Rail's response dated 14th November 2017 which, in addition to conditions attached to this permission, identifies a number of requirements for developments undertaken adjacent to the operational railway line.

The applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass which is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

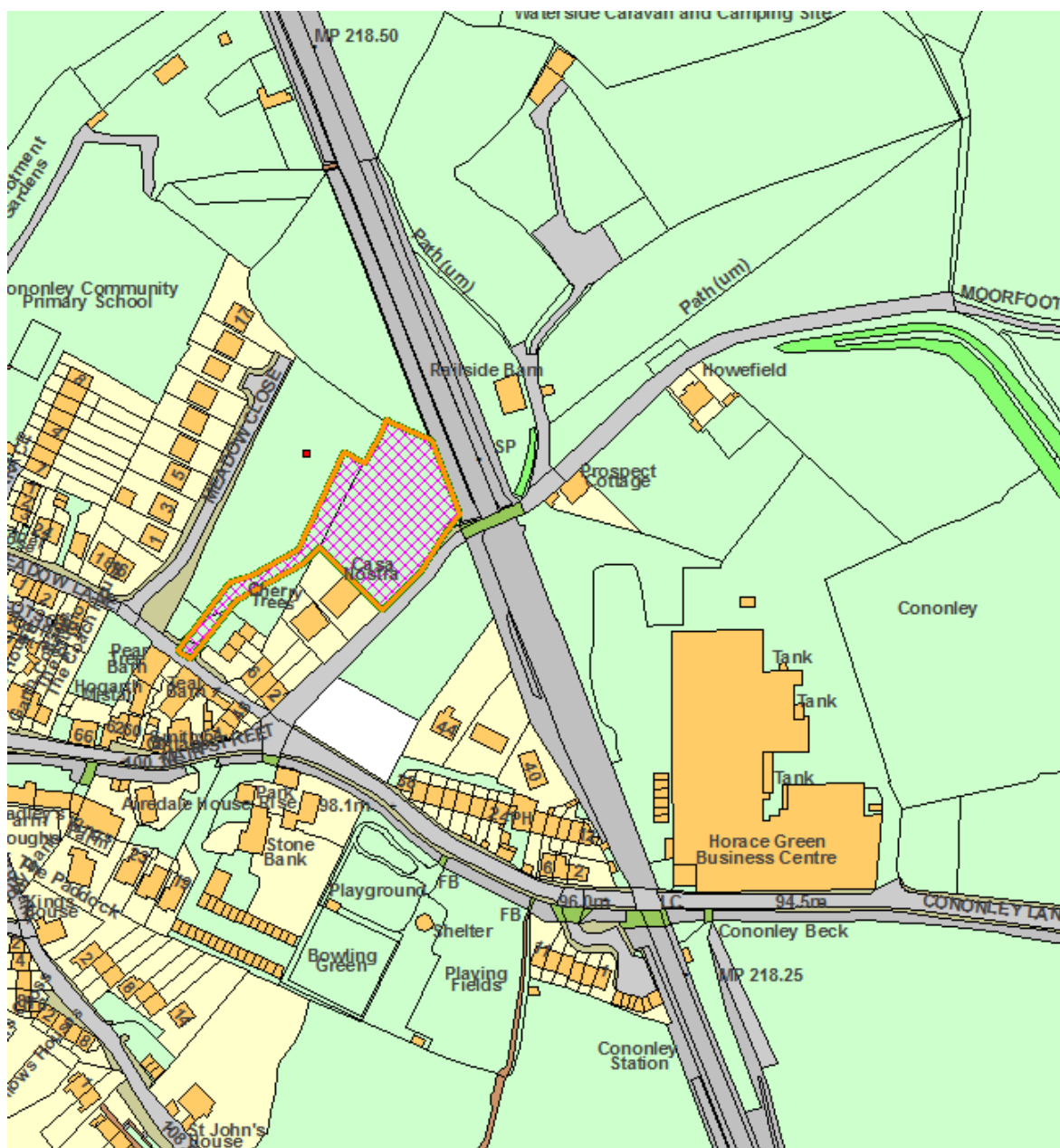
Highways:

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

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 the Highway Authority.

Works of repair to the adopted highway as a result of damage caused by construction traffic may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level.

It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.



Application Number: 2017/18492/OUT

Proposal: Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved)

Site Address: Land Off Meadow Lane/Moorfoot Lane Cononley BD20 8LL

On behalf of: Mr Stephen Shelton

REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 2017/18704/FUL

Proposal: Change of use of building from two holiday cottages to one residential dwelling (resubmission of refused planning application reference 42/2017/18093)

Site Address: Dales Valley View Cottage Swinden Hellifield BD23 4LS

On behalf of: Mr Richard Barron

Date Registered: 3rd November 2017

Expiry Date: 29th December 2017

Case Officer: Mr Matthew Taylor

The application has been referred to the Planning Committee at the request of Councillor Chris Moorby following its publication on the 7 day notice. Councillor Moorby's reason for calling the application in to the committee is given as follows:

"Housing would be an appropriate alternative use to holiday let cottages and could generate less traffic. The proposed dwelling will also contribute to the shortfall in housing provision within the district."

1. Site Description

- 1.1 The application relates to the site of Dale Valley View Cottage and Barn – a pair of semi-detached, two storey properties located within an area of Open Countryside as defined on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. The two buildings have been converted to separate, three-bed holiday cottages pursuant to planning permission 67/2003/3284 and sit in spacious grounds on elevated land to the west side of a gravel track.
- 1.2 The external walls of the buildings are finished in random stone with timber windows and doors to three elevations. The buildings follow a substantial rectangular footprint and are topped by a dual-pitched roof with a stone slate covering. An open-sided outbuilding is located to the north of the buildings and is built into a banking which forms the northern boundary. A low retaining wall flanks the side and rear elevations of the building and a gravel courtyard extends around the perimeter. The buildings back onto a field to the west which, other than the retaining wall, has an open boundary to the site. In spite of this, the red line boundary for application 67/2003/3284 does not include this land within the curtilage of the buildings.
- 1.3 The site is accessed via a single lane track to the east which forms part of a Public Right of Way (PROW – footpath no. 05.40/1/1) merging with Mill Lane to the north and, laterally, the A682 to the west. There is a distance of approximately 0.55km between the site access and the junction of Mill Lane with the A682. The closest surrounding uses include a small collection of dwellings and agricultural buildings located approximately 180m to the north at the junction with Mill Lane. The closest of these – Manor House – is a grade II listed building.

2 Proposal

- 2.1 The application seeks full planning permission to change the use of the two existing holiday cottages to a single, five-bed dwellinghouse providing permanent residential accommodation. The proposal does

not include any external alterations to the existing building and its curtilage would follow established boundaries (excluding the adjoining open field to the west beyond the retaining wall to the rear yard).

2.2 The proposal is a resubmission of a previously refused application (reference 42/2017/18093) for the same form of development. Although the current application seeks permission for the same use, scale and type of development which was refused under application 42/2017/18093, it is accompanied by the following supporting information which did not form part of the refused application:

- Existing and proposed site plan, floor plans and elevations.
- Transport Statement by VTC (Highway & Transportation Consultancy).
- Supporting Planning Statement by Rural Solutions.

2.3 The abovementioned documents seek to provide additional information to demonstrate that the Council's reason for refusal of application 42/2017/18093 has been overcome.

3 Planning History

3.1 67/2003/3284 – Conversion of agricultural barn to two holiday cottages – Approved 14/08/2003.

3.2 42/2017/18093 – Change of use from 2 holiday cottages to one residential dwelling – Refused 3.07.17 for the following reason:

- The application buildings occupy a remote location in the open countryside which, by virtue of its distance from and poor access to local services and facilities, is incapable of meeting the everyday needs of permanent occupants without undue reliance on travel by private motor vehicle. Therefore, the proposed conversion of the holiday cottages to permanent residential accommodation would create an isolated dwelling in the countryside and increase the number and frequency of less sustainable trips in conflict with the core planning principle of the National Planning Policy Framework which requires developments to make the fullest possible use of public transport, walking and cycling. The applicant has failed to demonstrate the presence of any special circumstances to outweigh the harm which would arise in this regard. The proposed development is therefore contrary to the requirements of paragraphs 17, 29 and 55 of the National Planning Policy Framework.

4 Planning Policy

4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').

4.2 National Policy:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.3 CDLP:

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
EMP14 – Rural Buildings for Tourism Related Use
H8 – Rural Buildings for Residential Use
T2 – Road Hierarchy

5 Parish/Town Council Comments

5.1 *Hellifield Parish Council* - No objections.

6 Consultations

6.1 *Environmental Health* - No objections and no known contaminated land implications.

6.2 *NYCC Highways* – No objections. Comments as follows:

- Visibility is in excess of 215m northerly.
- Visibility is 95m southerly which is acceptable for estimated vehicle speeds.
- There is also a certain amount of traffic generation trade off.

6.3 *NYCC Rights of Way Officer* – No objections. Recommends that an informative note is attached to any permission granted reminding the applicant that the right of way should not be obstructed as a result of the development.

7 Representations

7.1 The appropriate neighbouring properties have been notified of the application by letter. In addition, as the only means of access to the site would be along a PROW, notices have been posted near the site and in the local press as the development is considered to affect the setting of a PROW. Three letters of objection have been received in response to this publicity. The points made in the letters are summarised as follows:

- The National Planning Application Validation Requirements set out in the Planning Practice Guidance, state that the red line of the application site “*should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)*”. The submission fails to include the access to the highway within the red line and therefore the application is invalid.

Officer note: The red line boundary abuts an existing public right of way to the east of the site. No changes to this route are proposed as part of the application (e.g. to alter visibility or to create a new access) and there is an established point of access between the site and this public right of way. Therefore, access to the site can be gained via the existing PROW (as with the existing holiday cottages) and it is not necessary for this route to be incorporated within the red line boundary.

- The site plan does not identify all buildings, roads and footpaths on land adjoining the site including access arrangements, nor does it identify all public rights of way crossing or adjoining the site which are affected.

Officer note: The submitted drawings meet the national validation requirements set out in the PPG and provide sufficient information for the Local Planning Authority to determine the application.

- The Applicant's Agent has ticked the box “No” against the question “do the proposals require any diversions/extinguishments/and/or creation of rights of way”. This in itself invalidates the application on account of the fact there is only a right of way for agricultural purposes to the applicant's property as was pointed out at the time of the last application. The applicant does not have a lawful right of way to access the property for a residential use, and permission will not be given for such an access. The proposal would therefore require the creation of a new right of way. As there is no realistic prospect of this right of way being granted planning permission should not be granted.
- As the site relies on access over land which is outside the ownership of the applicant (and should be within the red line boundary) the incorrect certificate of ownership has been submitted. Therefore, the application is invalid as certificate B should have been completed and the relevant notice served on the adjoining landowners.

Officer note: Objectors do not dispute that the land shown within the red line boundary falls within the applicant's ownership and no evidence has been provided to demonstrate otherwise. For the reasons given above, the PROW from which the property takes access does not need to be included within the red line boundary and, accordingly, a different ownership certificate is not required.

- The applicant only has a right of access up Mill Lane and past the existing properties for agricultural purposes. There is no right of access for a dwellinghouse. Accordingly, planning permission should not have been granted for the conversion of the barn to holiday

accommodation in 2003 and, without a right of access, the current application should be refused as it is invalid for the same reason.

- The application is invalid as the Agricultural land Declaration has not been complied with. Another party has recently become the agricultural tenant of the land through which the access track runs (over which the applicant has no right of way) and they have not been notified. The new tenancy commenced on 14th September 2017 as a result of the Agricultural Lands Tribunal decision to terminate the applicant's tenancy on 13th September 2017. The applicant is still illegally occupying the land in question.

Officer note: As the access track to the site is not located within the red line boundary there is no requirement for the applicant to serve notice on any landowner or agricultural tenant with an interest in land adjoining, but outside, the application site boundary.

- The proposed change of use does not take into account the current, non-agricultural activities (mainly equestrian and haylage supplier) and the potential traffic disturbance this will create. The applicant does not state the extent of surrounding land, which should be marked blue on the plan, which on its own is unlikely to provide a full-time income from livestock farming.
- There are two public footpaths affected by the development, both of which are regularly obstructed. One is chained and locked by the applicant. Recent excavation and building works by the applicant have put the tracks and public rights of way into further disrepair. There is no mention of these public footpaths in the application.
- The application describes that foul sewage will be disposed of by means of a mains sewer. There is no mains sewer in this area. Similarly, the application again states that surface water will be disposed of by means of a main sewer when none exists.
- The application states that the site cannot be seen from a public road or public footpath. This is untrue and misleading as a public footpath runs adjacent to the site and the site is also clearly visible from the A682 main road.
- Council refuse collections have ceased to visit all four properties that use Mill Lane. Council refuse vehicles were damaged as a result of the disrepair to the access from the A682. There is no other access route.
- On page 9 at 1.8, the applicant claims that he "currently resides in rented accommodation at Swinden Manor where he has been a private tenant all of his life". This is untrue since the farm tenancy of Swinden Manor, where the applicant has been the farm tenant since 1998, was terminated on the 13th September 2017 and the applicant has been illegally occupying the farm since that date. It is also misleading to state as he does that "their tenancy at Swinden Manor ends imminently" as it actually terminated before the Planning Application was submitted.
- On-site parking states four spaces for cars. Vehicles currently in use at the applicant's household include three cars, one large horse transporter, livestock/horse trailer, tractor, JCB digger with attachments, quadbike and trailer/s. There is no provision for these on the plan and no provision on the applicant's land at the time of application. The generalisation and potential for sustainable trips as stated in 4.6 of the Transport Statement is not a true reflection of the applicant's household existing transport use. As any cyclist or driver who is familiar with the A682 will know, this is a dangerous road and is not a safe cycling route. More vehicular activity from the applicant's household has been witnessed than that of any holiday visitors.
- There is no public transport from the application site, nor from the A682. The nearest would be the villages of Hellifield, Long Preston or Gisburn. Private car or taxi is the only realistic alternative.
- Whilst the site marked in red may be 20 metres or more from a watercourse, the applicant's land adjacent does incorporate a stream (Long Preston Beck) which may be subject to water run-off from the steep banking. This feeds a major water course (River Ribble). Water run-off has also become increasingly worse from the land adjacent the site, down the track between Bailiffs House and Swinden Manor Farm House and down Mill Lane.

Officer note: The whole of the site falls within flood zone 1 as defined on the Environment Agency's Flood Map and there would be no change in the vulnerability classification of the use as a result of the development. Therefore, no further consideration needs to be given to flood risk.

- On page 28 of the proposal, it is claimed that the development will “provide an additional new detached family home for the local housing market in later years”. This is unsupportable on account of the fact that the access through Swinden Manor Farm is for agricultural purposes only making the property unsaleable in the unlikely event of planning permission being granted.
- The effect of granting planning permission for this application, notwithstanding the absence of a right of way to the property for the purposes proposed, would also have an unacceptable impact on the occupiers of Swinden Manor Farmhouse and the Bailiff's Cottage with traffic driving backwards and forwards past these houses.
- Tourism is the greatest employment sector in Craven (14% in 1992). This is backed up by the 2013 Visit England and Visit Britain visitor economy facts. The loss of the holiday cottages would have an adverse impact on the rural economy due to a reduction in tourist visits to the area.

8 Main Issues

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, its planning history, the representations received in objection to the application and the nature of the development applied for, it is considered that the main issues in this case are:

1. Whether the proposal would result in the creation of a new isolated home in the countryside, having particular regard to the suitability of its location in terms of access to everyday services and facilities by a range of modes of transport; and, if so, whether there are any material considerations sufficient to amount to the special circumstances required to justify it.
2. Whether the reason for refusal of application 42/2017/18093 has been overcome through the provision of additional information.
3. The development's effect on the rural economy.

9. Analysis

Principle of development:

9.1 The site falls outside the Development Limits defined on the CDLP Proposals Map and, accordingly, is within the Open Countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the Open Countryside and prevent this from being spoilt by sporadic development. The policy states that appropriate small scale development which has a rural character will only be permitted in the Open Countryside where it:

- Clearly benefits the rural economy;
- Helps to maintain or enhance landscape character;
- Is essential for the efficient operation of agriculture or forestry; or
- Is essential to the needs of the rural community.

- 9.2 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.3 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised. However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities, with the caveat that local planning authorities should “avoid new isolated homes in the countryside unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.”
- 9.4 Whilst the proposed development does not fall comfortably within any of the categories identified in CDLP policy ENV1, CDLP policy H8 sets out 11 criteria which, if satisfied, would allow the conversion of rural buildings to residential use. In addition, paragraph 55 of the NPPF makes clear that housing can be permitted in rural areas providing that it does not result in the creation of isolated homes in the countryside unless there are special circumstances.
- 9.5 In this case, the application relates to two existing holiday cottages which are already in a form of residential use and have been created under a separate planning permission (67/2003/3284). However, condition 3 of that permission places a restriction on the occupation of the holiday cottages in order that they cannot be used as permanent residential accommodation. This condition reads as follows:
- “The two holiday cottages hereby approved shall be used as temporary holiday accommodation only and shall not be used either as permanent residential accommodation or to provide a second home.*
- Reason: The proposed two holiday cottages have been permitted only because their use for temporary holiday accommodation will provide some clear economic benefits for the rural economy.”*
- 9.6 CDLP policy ENV1 does not explicitly identify the creation of new housing in the Open Countryside as an appropriate form of development. In addition, none of the criteria in policy H8 make reference to the test of isolation set out in paragraph 55 of the NPPF. In any case, as the building has already been converted to a form a type of residential use (albeit with restricted, non-permanent occupancy), it is not considered that policy H8 is of direct relevance in this case. Similarly, as the application seeks full planning permission for the building’s conversion to residential use (rather than to remove condition 3 of the previous permission), CDLP policy EMP14 which relates to the conversion of rural buildings for tourism use – and which would have formed the basis for imposing condition 3 of planning permission 67/2003/3284 – is of no particular relevance to the principle of conversion to permanent residential use.

- 9.7 There is a degree of conflict between the provisions of CDLP policies ENV1 and H8 when considered against paragraph 55 of the NPPF. Having regard to paragraph 215 of the Framework, in these circumstances it is considered that paragraph 55 of the NPPF should take precedence. Accordingly, the main issue in this case is whether the proposal would result in the creation of a new isolated home in the countryside, and, if so, whether there are any material considerations sufficient to amount to the special circumstances required to justify it.

Site location, isolation and special circumstances:

- 9.8 The eleventh bullet point to paragraph 17 of the NPPF identifies that one of the core planning principles of the Framework is to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling”. Paragraph 29 of the NPPF indicates that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- 9.9 The cottages are not part of a village or a defined settlement and there are only a small number of other dwellings in the vicinity, though these are organised in a cluster away from the site approximately 180m to the north at the junction with Mill Lane. The closest defined settlement to the site is Hellifield, the boundary of which lies due north along the A682 approximately 3km (1.8 miles) away by road. Although constrained in size, Hellifield benefits from a health centre, primary school, train station and a modest collection of local shops.
- 9.10 Access between the site and Hellifield is via the A682. The site is connected to the A682 by the route of Mill Lane and a PROW which take the form of a rough, informally surfaced, single lane track. There are no bus stops on the A682 between the site and Hellifield and the shortest travel distance on foot is via unlit public rights of way crossing rough terrain and surrounding fields over a distance of approximately 2.5km.
- 9.11 Although the existing cottages already provide a form of residential accommodation, their conversion to a permanently-occupied dwellinghouse would fundamentally alter the requirements of future occupiers in terms of the need to access services and facilities. In particular, additional requirements would arise in terms of the need to access shops, employment, education and healthcare facilities. Permanent occupiers would need more frequent and regular access to these types of facilities when compared to tourists, who would only be visiting for short periods. There are also likely to be seasonal variations in demand for the existing tourist accommodation when the cottages would be vacant, which would not be the case for permanent residents. In this respect, there is a clear material difference between the existing holiday cottage use and an unrestricted, permanently-occupied dwelling.
- 9.12 Owing to the site’s remote location, the distance between the cottages and the closest settlement of Hellifield, the lack of available public transport provision and the nature of potential walking and cycling routes into the village, the development would be poorly related to existing services and facilities in the closest settlement and is unlikely to encourage trips by modes of transport other than private motor vehicle. Whilst paragraph 29 of the Framework recognises that measures to maximise sustainable transport vary between urban and rural areas, the location of the development provides little realistic choice in modes of travel.
- 9.13 The proposed development is not capable of meeting the needs of future permanent occupiers with respect to access to services and facilities to meet the everyday requirements of future residents without undue reliance on travel by private motor vehicle. Accordingly, it would result in the creation of an isolated dwelling in the countryside in conflict with the objectives of paragraph 55 of the NPPF and would increase the number and frequency of less sustainable trips contrary to the core planning principle outlined in the eleventh bullet point to paragraph 17 which requires developments to make the fullest possible use of public transport, walking and cycling.
- 9.14 The conversion of the existing holiday cottages to permanent residential accommodation would result in an intensification in the use of the building which would magnify the effects of permanent residency in this isolated location. In particular, it would result in a significant increase in the number and frequency

of less sustainable trips over and above current levels associated with the existing use. Paragraph 55 of the NPPF states that isolated homes in the countryside should only be permitted in special circumstances, with four circumstances identified in this regard. The applicant has not sought to demonstrate that any of these circumstances are applicable in this case and, given the existing use of the buildings as holiday cottages, it is not considered that any would be applicable to this scheme.

Comparison with refused application 42/2017/18093:

9.15 This scheme is a resubmission of a previously refused application (reference 42/2017/18093) for the same development on the same site. As identified in paragraph 2.2, the current application is supported by a Transport Statement (TS) and Supporting Planning Statement (SPS) which seek to demonstrate that the reason for refusal of application 42/2017/18093 has been overcome. Additional supporting plans (which did not form part of the refused application) also clarify that the current holiday accommodation comprises 2 three-bed cottages and that the proposed permanently-occupied residence would provide a five-bed dwellinghouse.

9.16 The gist of the applicant's case is set out within the Transport Statement (TS) which, at paragraph 6.6, concludes that "the proposed change of use of the 2 holiday cottages to a single dwelling [...] is likely to reduce the total private car mileage that is associated with the site and encourage more sustainable forms of travel". Each of these matters are addressed in turn below:

Mileage:

9.17 The TS includes a comparison of estimated mileage from car-borne journeys associated with the 2 existing holiday cottages and the proposed permanent dwellinghouse. The TS estimates the total annual private car mileage generated by the 2 existing holiday cottages at 35,590 miles (Table 1), compared with 11,364 miles for the owners of the proposed dwelling (Table 2). With reference to these figures paragraph 4.2 of the TS concludes that "the proposed change of use to a single dwelling for the owners will, clearly, generate a significantly lower number of annual private car miles than the existing 2 holiday cottages corresponding to 24,226 less private car miles per annum (68% less)".

9.18 There are, however, a number of issues with the methodology used for the mileage comparison contained within the TS as follows:

- The calculation of annual mileage associated with the holiday cottages includes travel between the permanent residences of tourists and the cottages. Notwithstanding that no evidence has been provided to substantiate the figure of 31,980 miles attributed to this category (paragraph 3.4 of the TS acknowledging that "the exact origin of the visitors is not known"), this mileage relates to journeys which occur outside the day-to-day operation of the current holiday cottage use (i.e. they are not miles accrued during the actual use and occupation of the holiday cottages). Accordingly, this mileage should be discounted as, unlike a permanently-occupied dwelling where all trips would be directly related to the occupation of the property, it would not be incurred in connection with the everyday use of the application buildings. It is noted that the 31,980 mile figure attributed to tourist journeys travelling to/from their home to the cottages contributes over 88% of the overall total in Table 1. If this category is discounted, the residual figure associated with the actual day-to-day occupation of the cottages would drop to 3,610 miles. This compares to figures of 11,364 (7,754 or 68% greater than the existing) and 23,444 (19,834 or 85% greater than the existing) for the proposed permanently-occupied dwelling as indicated in Table 2 and paragraph 4.4 of the TS.
- The TS, at paragraph 3.2, states that "the 2 holiday cottages are available for year-round lets and have a high level of occupancy during the main holiday periods". However, on both occasions when officers have visited the site (24th May 2017 and 16th November 2017), the holiday cottages have been unoccupied. Moreover, the website which allows bookings for the cottages to be made (<https://www.sykescottages.co.uk/cottage/Lake-District-Cumbria-The-Lake-District-Swinden/Dales-Valley-View-Cottage-941301.html#duration=7&calendar=2018-01&changeover=5>) shows no bookings for 2018 (it is not possible to view historical bookings) and there are only 3 reviews on TripAdvisor (https://www.tripadvisor.co.uk/Hotel_Review-g1441447-d6000771-Reviews-Dales_Valley_View_Holiday_Cottages-Hellifield_North_Yorkshire_England.html) – the last of which was in April 2015. Although paragraph 3.3 of the TS recognises that occupancy levels vary

significantly throughout the year and the calculation in Appendix 2 assumes annual occupancy of each cottage at 50%, there is no site-specific evidence to substantiate this level of occupancy or the assertion in paragraph 3.3 of the TS that “the holiday cottages have a, relatively, high level of use”. It should be possible to provide the applicant’s records of bookings in order to demonstrate precisely how many days of the year the holiday cottages have been occupied (e.g. over the last 5 years) in order to allow a site-specific analysis without making assumptions concerning the level of occupancy.

- The mileage figure for the proposed use identified in Table 2 of the TS has been calculated based on the applicant’s own estimation of his household’s travel requirements. Despite the fact that the application seeks permission for the creation of a five-bedroom dwellinghouse, the estimation of mileage is based on a household of two people (the applicant and his partner) with limited journeys to the site by visitors. As set out in paragraph 015 of the ‘Use of Planning Conditions’ chapter to the PPG (reference ID 21a-015-20140306), it is an established principle of the planning system that planning permission runs with the land rather than a specific individual and the grant of planning permission “solely on grounds of an individual’s personal circumstances will scarcely ever be justified”. The potential for the dwellinghouse to be occupied by other owners in the future is acknowledged in paragraph 4.3 of the TS, with paragraph 4.4 presenting a ‘worst case scenario’ of 4 adults (all car drivers) generating an annual mileage of 23,444. While the correct mileage figure is likely to fall somewhere between 11,364 and 23,444 it is apparent that, in either case, this would be substantially greater than the 3,610 miles carried forward from Table 1.
- The TS makes non site-specific generalisations concerning the level of occupancy of the holiday cottages (paragraph 3.3) and average car-based travel distances for people in “rural villages, hamlets and isolated dwellings” (paragraph 4.3). Clearly, these factors will vary considerably between sites depending on their specific characteristics and the availability of services locally. In estimating mileage for the existing and proposed uses, the TS does not include any evidence concerning the current level of occupancy of the existing holiday cottages or the distances travelled to access local services.

- 9.19 The TS attempts to assess the relative effects of the two uses through a quantitative comparison of private car mileage. Notwithstanding the flaws in the TS’s methodology as identified above, this approach fails to recognise the fundamental and material differences between the nature of the existing and proposed uses and how they would operate (having particular regard to the purpose, frequency and number of trips).
- 9.20 Firstly, unlike permanently occupied dwellings, it is common for holiday cottages to occupy remote, rural locations which are isolated from services that would otherwise be required to serve the everyday needs of permanent residents. Indeed, such remote settings are often a desirable prerequisite for holiday accommodation intended to support the rural economy and this type of use, with restricted occupancy conditions, is supported by both local and national planning policies. Indeed, planning permission 67/2003/3284 was granted on this basis. In contrast, it is a core planning principle of the NPPF that housing should be directed towards locations which maximise opportunities for sustainable travel in order to reduce reliance on journeys by private car, with paragraph 55 identifying a specific requirement to “avoid new isolated homes in the countryside”. Accordingly, the comparison in the TS is not made on a ‘like-for-like’ basis. Instead, it attempts to equate the effects of a use which is, as a matter of principle, appropriate in a remote and isolated location (the existing holiday cottages) with one which, in the same location, the NPPF specifically seeks to avoid (the proposed dwellinghouse).
- 9.21 Secondly, by attempting to attribute a aggregated mileage figure to each use, the TS ignores the qualitative aspects concerning the differing purposes, frequency and number of journeys associated with the two uses. The differences in the need for and nature of trips associated with each use are identified in paragraph 9.11 of this report. It could not, however, fail to be the case that permanent occupiers of the proposed dwelling would make more frequent trips to access everyday services to meet their daily needs than those associated with tourists occupying the cottages on a temporary, short-term basis.

- 9.22 The SPS, at paragraph 7.6, contends that the proposal would “result in a demonstrable benefit in terms of road safety [due to] a reduction of vehicular movements between Mill Lane and the A682”. Notwithstanding that neither the Local Planning Authority or the Local Highway Authority have raised any objections to the application on the grounds of highway safety (and this does not form part of the reason for refusal of application 42/2017/18093, nor is paragraph 32 of the NPPF mentioned in that reason), the SPS attempts to equate the number of vehicle movements to the site with the mileage estimations set out in the TS. This assumption is, however, fundamentally flawed. For example, it is clear that the bulk of the mileage estimated for the holiday cottages in Table 1 of the TS relates to travel to the site by tourists to and from their home location. However, even if the mileage incurred on those journeys is very high, this still equates to only 2 vehicle movements to the site (one on arrival and one on departure). In contrast, a permanent occupier accessing employment, shops and services in Hellifield could travel far fewer miles, but make 6 two-way trips a day. Accordingly, it does not follow that travelling more miles translates to a greater number of vehicle movements at the site.

Sustainable travel:

- 9.23 The closest identified settlement to the site is Hellifield. The site's distance from and accessibility to services is Hellifield is set out in paragraphs 9.9 and 9.10 of this report. Paragraph 2.1 of the TS states that the site is located “approximately 2 kilometres south of Hellifield”. While this may be an accurate reflection of distance ‘as the crow flies’, travel distances by road (approximately 3km) and via walking routes (*circa* 2.5km) are significantly greater.
- 9.24 Paragraph 4.6 of the TS indicates that the proposal “is also likely to increase the potential for sustainable trips to be made to, and from, the site” as a result of opportunities for cycling to Hellifield and planned trips by public transport “at Hellifield, Gisburn and Skipton as part of work trips or shopping trips. These trips could include a cycling trip between the towns and the property or a short car trip which is supported by the Local Transport Plan for North Yorkshire (2016 – 2045).” Paragraph 2.1 of the TS identifies that the site is located “6 kilometres north east of Gisburn [and] the market town of Skipton is located approximately 12 kilometres south east of the site”. Given these distances and the lack of any public transport between the site and Hellifield (which provides the only point of connection with Gisburn and Skipton), it is evident that there is little prospect of future residents travelling from the site directly to the towns of Gisburn and Skipton other than by private car. While there may be a limited prospect of trips by sustainable modes of transport between the site and Hellifield (most notably by cycling and walking due to the lack of any bus stops on the A682), the fact that there are no footways or street lighting on the A682, and that alternative routes are via public footpaths crossing rough terrain across agricultural fields, would significantly restrict possibilities for travel by walking and cycling – particularly at night and/or in inclement weather. It is, therefore, apparent that the overwhelming majority of journeys to and from the site would be made by private car. It is also unclear how, as suggested in the TS, the proposed dwellinghouse would promote greater use of sustainable transport modes in comparison to the existing holiday cottages. Instead, it is more likely to be the case that tourists visiting the holiday cottages would engage in trips by walking and cycling associated with recreational countryside pursuits in comparison to permanent residents of the proposed dwellinghouse.
- 9.25 Reference is made in the TS and SPS to the ‘Local Transport Plan for North Yorkshire’. Notwithstanding that this document does not form part of the development plan for Craven (and, accordingly, is not a basis for decision making on planning applications), paragraph 5.1 of the TS cites a single paragraph from the document which identifies the challenges associated with reducing reliance on travel by private car in rural parts of the County to conclude, at paragraph 5.2, that “this shows that the use of a private car in a rural area is acceptable and recognises that residents will need to use a private car for some trips”. Whilst paragraph 29 of the NPPF recognises (in a similar manner to the Local Transport Plan for North Yorkshire) that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas”, this is not a mandate to encourage unsustainable development in areas where opportunities for travel by sustainable modes of transport are lacking simply because there is no alternative. Instead, the Framework seeks to avoid introducing housing developments in locations which are isolated from such services and facilities.

- 9.26 The SPS, at paragraph 7.3, opines that “the application cannot be described as truly ‘isolated’ because, whilst it may be relatively distant from services, the site is within a cluster of established residential dwellings and buildings in Swinden and is within cycling distance of Hellifield”. Although the term ‘isolated’ is not defined in the NPPF, paragraph 55 of the Framework makes clear that the term is intrinsically linked to locating housing “where it will enhance or maintain the vitality of rural communities” and the example of sharing services in neighbouring smaller settlements is given. In this case, the proposed building is located approximately 180m south of an existing hamlet of dwellings which do not form an identified settlement and have no services to meet the everyday needs of occupiers. The fact that there are other isolated dwellings located nearby does not prevent the application property from being isolated and does not justify a proliferation of new isolated homes in the countryside.

Conclusion:

- 9.27 For the reasons set out above, the additional information provided in support of the application fails to demonstrate that the development would not result in the creation of a new isolated home in the countryside contrary to the requirements of paragraph 55 of the NPPF and the core planning principle in paragraph 17 which requires developments to make the fullest possible use of public transport, walking and cycling. In addition, the applicant has failed to demonstrate that any of the special circumstances set out in paragraph 55 of the NPPF which would allow the creation of a new isolated home in the countryside are applicable. Therefore, the reason for refusal of application 42/2017/18093 has not been overcome.

Impact on the rural economy

- 9.28 The original planning permission for the holiday cottages was granted on the basis that it would benefit the rural economy through the provision of tourism facilities in accordance with CDLP policy EMP14. The objectives of this policy are broadly consistent with paragraph 28 of the NPPF which states that planning “should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”.
- 9.29 The applicant has not provided any evidence concerning the viability of the existing use as holiday cottages. Therefore, it is unclear what contribution this makes to the rural economy with respect to supporting local shops, services and visitor attractions, and whether any harmful effects would arise from the loss of this tourist accommodation to permanent residential use. In particular, it is noted that the development would result in the replacement of 2 three-bed holiday cottages with a single, five-bed dwelling and, accordingly, there is the potential for an overall net reduction in spend in the local area as a result. This would, however, depend on the level of occupancy of the cottages.
- 9.30 Despite the lack of evidence provided by the applicant in this regard, there is, equally, no substantive evidence to suggest that the existing cottages perform a particularly important function with respect to supporting the local economy. Indeed, and as identified in paragraph 9.18, it is noted that bookings for the holiday cottages are limited in 2018. Similarly, there is no objectively assessed need or specific evidence of a local shortfall in tourist accommodation in the area. Although it is the case that visitors to the cottages would spend in the local area, future permanent residents of the proposed dwelling would also make a similar contribution to the local economy. It is, therefore, likely to be the case that the development would have a neutral impact on the vitality and viability of the local economy in comparison to the existing use of the buildings. Accordingly, there is not considered to be any significant or demonstrable conflict with paragraph 28 of the Framework in this regard.

Other matters

- 9.31 The objector has indicated that the applicant has no rights of access along the track approaching the site from the north as this land falls outside their ownership. While this may be the case, the access to the site from the A682 is a designated public right of way and, accordingly, access along it should not be obstructed by the landowner. Moreover the use of the buildings as a permanently occupied dwellinghouse would not be significantly different from the current arrangement which allows the same route to be used as the means of vehicular access to the holiday cottages. The proposed change of use to a single dwellinghouse would not give rise to a substantial increase in the volume of traffic using the lane in comparison to the existing use. Therefore, the development would not have any demonstrable

adverse effects on highway safety. Similarly, given the low number and frequency of vehicle movements likely to be associated a single dwelling, it is not considered that passing traffic would have any undue effects on the amenity of neighbouring occupiers in the group of dwellings to the north at the junction of Mill Lane as a result of added noise and disturbance.

- 9.32 The objector has indicated that the applicant is no longer a tenant of the land and only has a right of way to the property for agricultural purposes, which does not allow a lawful access to the property for residential use. The objector (as landowner) has also indicated that this right of access would not be granted. Notwithstanding that the application is recommended for refusal for other reasons, these are matters dealt with by legislation which sits outside the planning system and any grant of planning permission would not override separate legal issues concerning rights of access and/or land ownership.

10 Conclusion

- 10.1 The application seeks to convert two existing holiday cottages into a single, permanently-occupied dwellinghouse. The existing buildings occupy a remote location in the open countryside a significant distance from the closest facilities in the settlement of Hellified (*circa* 3km away by road and 2.5km on foot). There is no public transport provision between the site and Hellifield and the intervening distance and nature of routes between the two would result in future occupiers being unduly reliant on travel by private motor vehicle. Accordingly, the development would result in the creation of a new isolated home in the countryside and, by virtue of its permanent occupation, would increase the number and frequency of less sustainable trips in conflict with one of the core planning principles of the NPPF which requires developments to make the fullest possible use of public transport, walking and cycling. The applicant has not demonstrated the presence of any special circumstances to outweigh the harm which would arise in this regard.

11. Recommendation

- 11.1 That planning permission is **refused** for the following reason:
1. The application building occupies a remote location in the open countryside which, by virtue of its distance from and poor access to local services and facilities, is incapable of meeting the everyday needs of permanent occupiers without undue reliance on travel by private motor vehicle. Therefore, the proposed conversion of the holiday cottages to permanent residential accommodation would create an isolated dwelling in the countryside and increase the number and frequency of less sustainable trips in conflict with the core planning principle of the National Planning Policy Framework which requires developments to make the fullest possible use of public transport, walking and cycling. The applicant has failed to demonstrate the presence of any special circumstances to outweigh the harm which would arise in this regard. Therefore, the proposal is in conflict with the requirements of paragraphs 17, 29 and 55 of the National Planning Policy Framework and does not represent sustainable development.

Statement of Positive Engagement

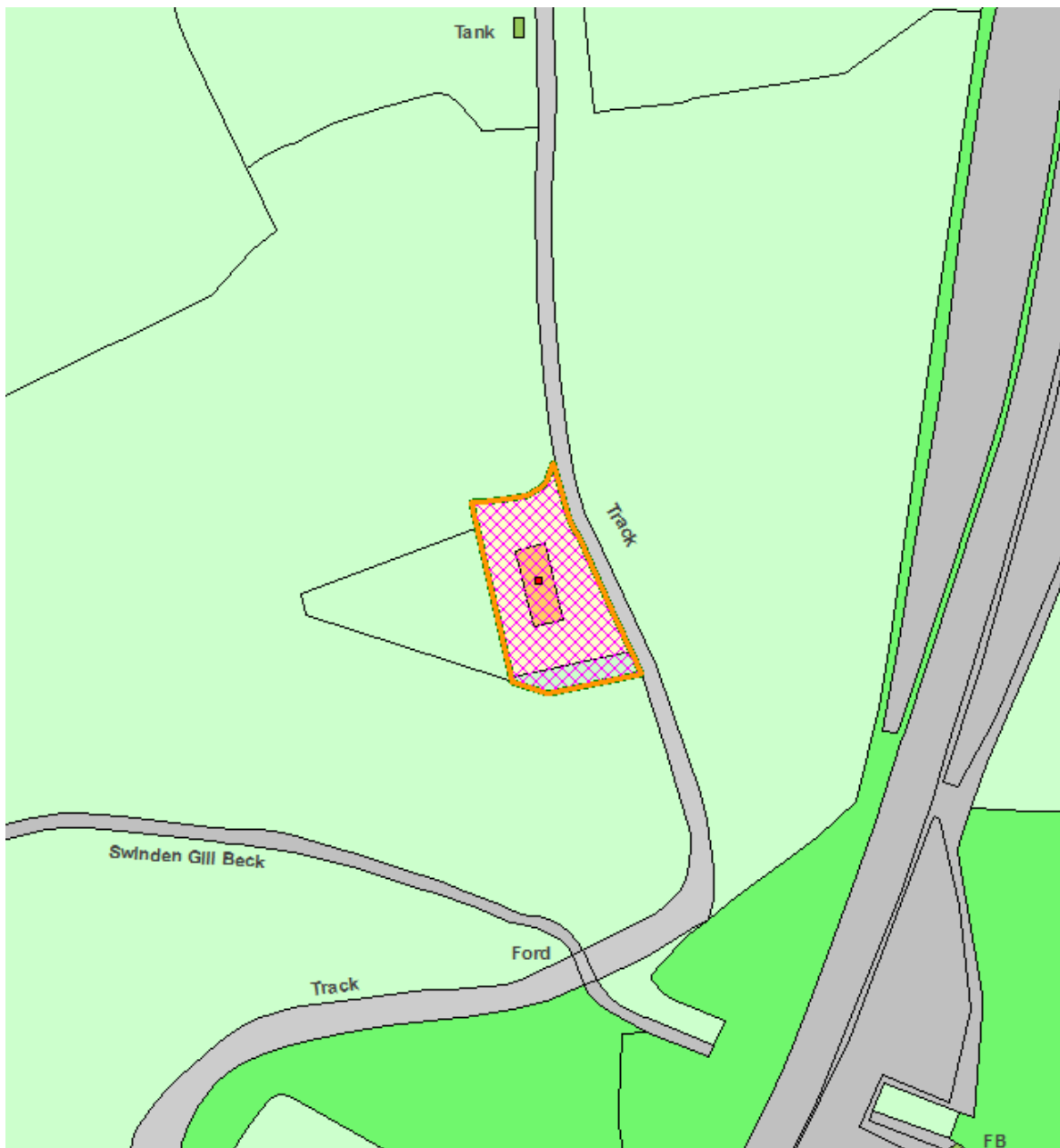
The proposal would not improve the economic, social and environmental conditions of the area and it does not comply with the development plan. Therefore, it does not comprise sustainable development. There were no amendments to the scheme or conditions which could reasonably have been imposed to make the development acceptable and, accordingly, it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

For the avoidance of doubt, this decision relates to the following plans:

- Scale 1:2500 location plan received 3 November 2017.
- Scale 1:200 proposed site plan received 3 November 2017.
- Scale 1:100 proposed floor plans received 3 November 2017.

- Scale 1:100 proposed elevations received 3 November 2017.



Application Number: 2017/18704/FUL

Proposal: Change of use of building from two holiday cottages to one residential dwelling (resubmission of refused planning application reference 42/2017/18093)

Site Address: Dales Valley View Cottage Swinden Hellifield Skipton BD23 4LS

On behalf of: Mr Richard Barron

REPORT TO PLANNING COMMITTEE ON 15th January 2018

Application Number: 2017/18661/FUL

Proposal: Erection of a chalet to provide rented holiday accommodation

Site Address: 3 The Bailey Skipton BD23 1AP

On behalf of: Mr Mark Webb

Date Registered: 2nd November 2017

Expiry Date: 28th December 2017

Case Officer: Mr Sam Binney

This application has been referred to the Planning Committee by Councillor Whitaker due to the nature of the proposal, as well as highway and pedestrian safety concerns

1. Site Description

- 1.1 The site is part of an existing residential garden to the rear of 3 The Bailey, Skipton. The dwelling is two storeys and is part of a row of terraced properties fronting The Bailey to the north.
- 1.2 Surrounding the site are residential properties to the east, Skipton Castle walls to the north, an agricultural field to the west and the car park to the rear of the Town Hall to the south. There are 2 highways in close proximity to the site; The Bailey to the north, and Rectory Lane to the east.
- 1.3 The application site is within development limits and the designated Skipton Conservation Area.

2. Proposal

- 2.1 The proposal seeks planning permission for the erection of a 'Shepherd's Hut' at the southern end of the garden for the purposes of holiday accommodation. The hut will measure 6.4m in length and 2.69m in width. It will have a curved roof at a height of 2.7m to the eaves and 3.1m at the highest point from ground level.
- 2.2 The hut is set on wheels with the internal floor level being 0.65m above ground level with steps to the entrance. The roof for the hut will be black corrugated steel with corrugated steel cladding to the walls. The cladding colour will be "Wedgewood Blue" The hut will have 5 No. timber framed window openings and 1 set of timber framed double doors all with a cream finish.

3. Planning History

- 3.1 No planning history since 1974.

4. Planning Policy Background

- 4.1 Saved Local Plan Policies EMP16 and EMP19 of the Local Plan.
- 4.2 National Planning Policy Framework (NPPF).
- 4.3 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 Skipton Town Council: No comments received within the statutory consultation period.

6. Consultations

6.1 No other consultations necessary.

7 Representations

7.1 Site Notice dated 10/11/2017.

7.2 Press Notice published 16/11/2017.

7.3 Notification letters sent to 5 neighbouring properties.

7.4 8 letters of representation have been received; 7 in support (from 5 different properties) and 1 in objection. A summary of the letters is outlined below:

Objections

- Concerns over noise levels from Alexander's (formerly Goldie's).
- Concerns over traffic levels.

Support

- The location of the site is good as it is close to the town.
- Plenty of car parking available.
- Hut will be in a secluded area of the garden.
- There will be no interference with any locals.
- It will bring in tourists and help bring in money to the local shops.

8 Summary of Principal Planning Issues

8.1 The principle of development.

8.2 Impact upon neighbour amenity.

9 Analysis

9.1 Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." It is considered that there are many instances where the development plan policies are in accordance with the NPPF, including saved Local Plan policies EMP16 and EMP19. It is accepted that while the proposal is not a typical static caravan or chalet, the principle of the development remains the same. The criteria of these policies are therefore considered to be relevant.

9.3 The NPPF at paragraph 14 advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- a) 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; or
- b) specific policies in this Framework indicate development should be restricted.'

9.4 The proposed holiday let is located on the edge of a residential area and in a sustainable location in Skipton. Skipton High Street is located approximately 200m to the south-west of the site with access from The Bailey to the north or from Rectory Lane to the east. The site is in a location which is within walking distance of a number of services including shops and public houses. In this location the principle of a holiday let is considered to comply with the aims and objectives of the NPPF. The proposal is therefore considered to be acceptable in view of the NPPF.

9.5 Saved Local Plan Policy EMP16 has 9 criteria that any proposals for chalet development need to comply with in order to be permitted. Some of the criteria are more suitable for larger sites for static caravans, or extensions to such sites. The remaining criteria include the site being well screened by

landform or existing landform; scale of development being in context with its surroundings; the chalets satisfactorily blend into the landscape; will not have an unacceptable impact on the character or setting of settlements or the amenity of local residents; the traffic generated can be satisfactorily accommodated on the highway network; the proposal is well-related to the highway; and will not have an adverse impact on sites of nature conservation value or archaeological or historical importance.

- 9.6 The site is well screened from public viewpoints and is a small form of development within the large rear garden area of 3 The Bailey. Additionally, the site is well related to the highway network with good access directly from The Bailey. It is considered that any additional traffic resulting from the proposed development would be satisfactorily accommodated on the local highway network. In terms of the principle of the development it is considered that the proposal would comply with the criteria of saved policy EMP16.

9.7 Neighbouring amenity;

- 9.8 The proposed shepherd's hut would be situated in the south-east corner of the site. The closest neighbouring properties are adjacent dwelling on The Bailey to the north, The Rectory to the east, and dwellings on Regent Drive to the south-east. The boundary treatment separating the proposed holiday let from the dwellings on The Bailey include a 2m high boundary wall and relatively dense landscaping. To the east and south-east the boundary treatment consists of dense landscaping and a 2m high timber fence. In order to get the holiday let in place, some low level shrubs would need to be removed and potential trimming to some branches of a tree.

- 9.9 It is considered that due to the separation distance of the site from neighbouring properties and the boundary treatment present, the openings of the proposed holiday let would not overlook neighbouring properties. As a result, the proposal would not have a significant adverse impact on neighbouring privacy and amenity.

9.10 Highways.

- 9.11 Saved Local Plan policy EMP16 states that development will be permitted provided that the traffic generated can be satisfactorily accommodated on the local highway network, and the proposal is well related to the highway and public transport networks.
- 9.12 The site is accessed directly to the north-west off The Bailey. The parking areas are sufficient for 5 vehicles currently, all of which would be retained. It is considered that this level of parking provision is sufficient for the existing requirements and for the level of traffic expected to be generated by the development and is therefore acceptable.

9.13 Noise Issues

- 9.14 One letter of representation has stated concern regarding noise levels from premises within the town centre. This proposal is not related to the premises in the town centre so is not considered as part of this application. However, noise impacts of the proposed development have been taken into consideration. It is considered that the anticipated noise created by the proposed development would be minimal and would not require conditions to control the levels of noise created by the development.

9.15 Other Issues.

- 9.16 The application proposes a holiday let accommodation in a backland location. While this is habitable accommodation, it would not be appropriate to use the building as a permanent residence. This is due to the design and siting of the proposed shepherd's hut, the lack of separate external amenity space, and to preserve the character of the area. Therefore, a condition will be attached to the planning permission restricting the use of the property to holiday let use only.

9.17 Conclusion;

- 9.18 Paragraph 14 of the NPPF advises that Local Planning Authority's should be '*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- 9.19 *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; or*
- 9.20 *Specific policies in this Framework indicate development should be restricted.'*
- 9.21 In this instance is it considered that there proposal is in accordance with local and national planning policy. Additionally, it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development and that planning permission should therefore be granted.

10 Recommendation

- 10.1 To grant planning permission.

Conditions

Time Limit for Commencement

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The permission relates to the following plans:
- Location Plan received 02nd November 2017.
 - Specification details received 01st November 2017.
 - Block Plan received 01st November 2017.
 - Hut Floorplan received 01st November 2017.
 - Proposed Shepherd Hut Elevations received 01st November 2017.

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

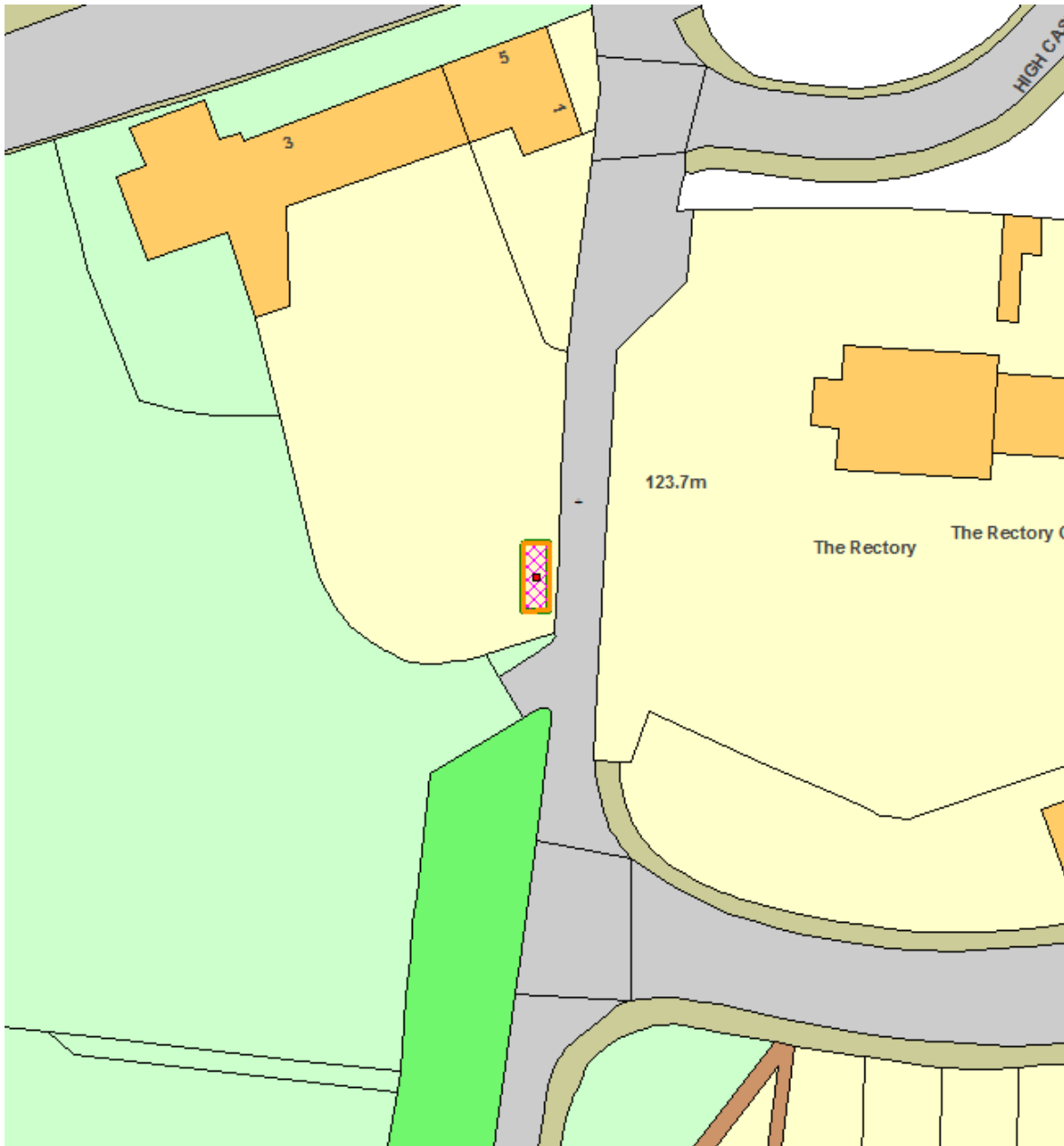
Ongoing Conditions

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification), the premises shall be used as holiday accommodation only and shall not be let, sold or otherwise occupied for any other purpose (including any other use falling within Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: The proposal is in a location that would not be acceptable for permanent occupation as a dwelling and the creation of a self-contained dwelling within this site would harm the character and appearance of the surrounding area. Additionally, it is considered that the proposal would lack sufficient outdoor amenity space to operate as a self-contained, unrestricted dwelling. This restriction is required pursuant to the provisions of National Planning Policy Framework.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



Application Number: 2017/18661/FUL

Proposal: Erection of a chalet to provide rented holiday accommodation

Site Address: 3 The Bailey Skipton BD23 1AP

On behalf of: Mr Mark Webb