

CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 18th December 2017

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REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 31/2016/17660

Proposal: Outline application for a residential development of up to 13 dwellings including associated landscaping and infrastructure (access and layout applied for with all other matters reserved)

Site Address: Land To West Of Raines Road And To The East Of Brackenber Lane Giggleswick

On behalf of: Burley Developments Group

Date Registered: 20th December 2016

Expiry Date: 21st March 2017

Case Officer: Mr Matthew Taylor

The application has been referred to the Planning Committee to be considered in tandem with another application for residential development on land to the east side of Raines Road (application reference 31/2016/17661) with which this proposal is closely linked.

1. **Site Description**

- 1.1 The application relates to an irregularly-shaped parcel of land extending to approximately 0.84 hectares in area to the west side of Raines Road, Giggleswick. The site presently comprises open grazing land and falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. Accordingly, the site is within the open countryside.
- 1.2 The site forms a strip of land running between Brackenber Lane (north) and Raines Road (south) which widens towards the western boundary. Ground level falls in a south-westerly direction across the site between higher ground on Brackenber Lane and lower lying land on Raines Road. The site tapers away to its southwest corner towards a triangular tip and its perimeter is marked by a combination of *circa* 1.5m dry stone walls (north, west and south) and lower post-and-wire fencing to the northeast.
- 1.3 The site forms part of a wider collection of open pastureland which extends in a southerly direction to the A65 and is divided into smaller, individual field parcels. The land is bounded by open fields to the southwest and is bordered by grazing land on the opposite sides of Brackenber Lane and Raines Road to the north and south respectively. An adjoining parcel of land to the northeast is presently being developed for 7 dwellings pursuant to planning permission 31/2016/16922. A rectangular parcel of land to the southeast of the site is the subject of a separate outline application for a residential development up to 12 dwellings (reference 31/2016/17661).
- 1.4 Aside from the 7 dwellings under construction on adjoining land to the northeast, surrounding properties include a group of bungalows on Brackenber Close to the northeast (opposite side of Raines Road); a mix of bungalows and two storey houses at a higher level on Brackenber Lane to the north; and a two storey dwellinghouse (The Harbour) close to the roundabout junction of Raines Road, Station Road and Brackenber Lane beyond the development site to the northeast.

2. **Proposal**

- 2.1 The application is submitted in outline and seeks permission for a residential development of up to 13 dwellings on the site. Access and layout are applied for at this stage, with matters of scale, external appearance and landscaping being reserved for later consideration (though indicative details of these have been submitted as part of the application).
- 2.2 Access to the site would be via an extension of the cul-de-sac serving the 7 dwelling development to the northeast which has an existing junction branching off the west side of Raines Road. The dwellings would be organised in two groups flanking the southeast (onto Raines Road) and northwest (onto Brackenber Lane) sides of the cul-de-sac. A parcel of open space measuring 700 square metres in area is to be delivered to the northeast corner of the site to provide a buffer with the adjoining development parcel and would be dissected by a footpath linking the site with a new footway on the west side of Raines Road.
- 2.3 The proposed dwellings would include 5 terraced plots flanking Raines Road, 2 semi-detached houses and 6 detached dwellings. An indicative mix of 3 x 2 bed; 6 x 3 bed; 3 x 4 bed; and 1 x 5 bed properties are proposed. One of the dwellings to the southwest corner of the site would be a single storey bungalow, with the remaining 12 plots being two storeys in height. Five of the dwellings – equating to 38% of the total and comprising the terrace flanking Raines Road – would be provided as affordable housing.
- 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 buffers of soft landscaping to be introduced alongside the western (to the adjoining field) and southern (onto a stretch of Raines Road at the tip of the site) boundaries.
- 2.5 The junction of the site access with Raines Road has been approved as part of application 31/2016/16922 with visibility splays of 2m x 45m (northeast) and 2m x 120m (southwest). The access would merge with a 4.5m wide estate road flanked by a 2m wide footway to the south-eastern edge. Ten plots would have a minimum of one in-curtilage parking space, with detached plots also benefiting from single or double garages. A parking courtyard providing 6 parking spaces for plots 9-11 would be provided to the southwest side of the terrace. A further two on-street parking spaces would be provided in a layby to the side of the estate road.

3. Planning History

- 3.1 31/2014/14217 – Outline residential development for 12 houses (all matters reserved) – Refused 04.03.14 for the following reason:
- It is considered that the application site, in the form proposed, would relate more to the open countryside than to the existing built-up area of the adjacent settlement of Giggleswick. The proposed development and loss of the undeveloped field would form a physical and visual incursion into open countryside and introduce an unsatisfactory linear built form of development along two prominent road frontages to the detriment of the character and appearance of the landscape and countryside setting to the village. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, it is a core planning principle of the NPPF (Paragraph 17) that planning should recognise the intrinsic character and beauty of the countryside and that good design should contribute positively to making places better for people (paragraph 56). In this case, when assessed against the policies in the Framework taken as a whole, the Local Planning Authority considers that the benefits do not demonstrably outweigh the adverse impact of the development, and that the development would be contrary to saved policy ENV1 of the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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
SRC2 – Provision of Recreation Space in New Housing Developments
T2 – Road Hierarchy

Pre-publication Draft Craven Local Plan June 2017 – Emerging Local Plan (ELP):

SP1 – Meeting Housing Need
SP4 – Spatial Strategy and Housing Growth
H2 – Affordable Housing

5. Parish/Town Council Comments

5.1 *Giggleswick Parish Council* – “objects strongly to the application”. Comments as follows:

- **Principle** – These applications have been submitted against a background of very strong opposition from the Parish Council and local people. The Parish Council is of the opinion that these applications should not be determined until Craven District (outside the Yorkshire Dales National Park) Local Plan has been adopted. Giggleswick has been designed as a Tier 4(b) village with a housing need of two dwellings per annum for the period 2015-2030. The draft Plan SP4: Spatial Strategy and Housing Growth states that the Giggleswick housing provision considers that a total of 40 dwellings are required to meet the housing need. These have already been built. The proposed developments are no longer relevant.
- **Highways** – *Development should be designed so that it can be accessible by pedestrians and transport modes other than the private car* (CDC’s Preferred Sites July 2016). The proposed 1.2m width pavement / footway – well below the recommendation of 2m – will make it very dangerous for pedestrians to access local transport (bus or train) and services. Diagrams in the Department Of Transport’s Government’s Manual for Streets show clearly that this pavement, and the width of the carriageway which will remain, is not feasible for these developments which, therefore, are not sustainable developments. The proposed pavement could not be classed as a ‘safe walking route’. NYCC (Highways) has indicated that this access road is too narrow. It already carries large volumes of traffic, both private cars and commercial vehicles. At the beginning and end of the school day, pupils are being driven to and from 3 schools: Giggleswick Primary School, Settle College and Giggleswick School. Vans and lorries of varying sizes and weights, many of them HGVs, travel to and from the Sowarth Industrial Estate at all hours of the day and night. Station Road and Raines Road form the only way into and out of Settle for HGVs.
- **Visual impact** – *Development should form a complementary and valued addition to the adjacent built up area of Giggleswick* (CDC’s Preferred Sites July 2016). ‘Complementary’ and ‘valued’ are subjective words and the Parish Council is of the opinion that they are wrong in describing these sites, which are “in a prominent location” according to the document mentioned above. Given the prominent location, a planning application for 12 houses on site SG085 (31/2014/14217) was refused in March 2014 for the following reasons:
 - “The proposed development and loss of the undeveloped field would form a physical and visual incursion into open countryside and introduce an unsatisfactory linear built form of development along two prominent road frontages to the detriment of the character and appearance of the landscape and the countryside setting of the village. Notwithstanding the overarching economic and social benefits of housing provision

within the National Planning Policy Framework, it is a core planning principle of the NPPF (paragraph 17) that planning should recognise the intrinsic character and beauty of the countryside and that good design should contribute positively to making places better for people (paragraph 56). In this case, when assessed against the policies in the Framework, taken as a whole, the Local Planning Authority considers that the benefits do not demonstrably outweigh the adverse impact of the development". The Parish Council is of the opinion that the same could be said about these planning applications 17660 and 17661.

- These fields are not brownfield sites. The land on both fields is classified as Grade 3 (good) agricultural land and is the best available in our local area. *Natural England's Agricultural Land Classification: protecting the best and most versatile agricultural land* states that 'local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality'. The Government has also reaffirmed the importance of protecting our soils including the 'protection of best and most versatile agricultural land'. The Emerging Local Plan states that, *wherever possible, grade 3 land should be safeguarded and development should be located on lower-graded land. Development on grade 3 land will require justification, on grounds that the need for development outweighs the loss of agricultural value.* The Parish Council is of the strong opinion that the grounds for this proposed development do not outweigh the loss of agricultural land.
- Both these sites are visible from the neighbouring Yorkshire Dales National Park and will impact the setting and special qualities of the National Park and Area of Outstanding Natural Beauty (as referenced in Natural England's report).
- **Flooding** – The Parish Council objects to a housing development on this site, SG086, because it is subject to flooding from Tams Beck, which runs alongside the eastern boundary of the field, and from surface water. According to the Environment Agency, the eastern end of the site falls within Flood Zone 3a. This area is 12 % of the field. One of the SFRA Recommendation B criteria states: *If 10% or greater of any residential site or essential infrastructure site is within Flood Zone 3a, only water compatible and less vulnerable uses of land are appropriate in this zone.* SG086 Land to the east of Raines Road and immediately south of Brackenber Close, Giggleswick, has been listed as a site where Recommendation B should apply and where application of the Exception Test would be required.

6. Consultations

- 6.1 *Environmental Health (CDC)* – No objections and no contaminated land implications. Recommend that conditions are attached to any permission granted requiring:
- Hours of construction to be limited to 8am – 6pm Monday to Friday and 8am to 1pm on Saturdays.
 - A dust mitigation plan.
 - Clean topsoil is brought onto the site.
- 6.2 *Forest of Bowland AONB Planning Officer* – No response to consultation dated 24.08.17.
- 6.3 *Housing (CDC)* – Comments as follows:
- I am satisfied with the provision of the 40% (5 units on each site) but the mix is still not acceptable. The SHMA shows the greatest need for smaller units with an emphasis on the provision of 1 beds. On phase 2 (west of Rains Road), I would want to see 1 of the 3 beds converted to a 2 bed and a further 3 bed converted to a 1 bed 60sqm house. On phase 3 (east of Rains Road) I would want to see one of the 3 beds replaced with a 1 bed 60sqm house instead. This will ensure we get a good mix of properties to suit the needs of people across the District which are predominately smaller 1 and 2 beds not 3 bed units.
- 6.4 *Lead Local Flood Authority (LLFA)* – Comments as follows:
- The planning application form states that surface water will be disposed of by means of soakaway.

- Documents submitted with the application do not provide any detail of surface water management and drainage proposals so we cannot assess the propriety of any proposals. The required detail can be found in North Yorkshire County Council SuDS Design Guidance. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate.

6.5 *Natural England – No objections.* Comments on application 31/2016/17661 as follows:

- Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.
- The proposed development is for a site within or close to a nationally designated landscape namely Forest of Bowland AONB and the Yorkshire Dales National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. We also advise that you consult both the relevant AONB Partnership or Conservation Board and the landscape advisor/planner for the National Park. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
- The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.
- The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

6.6 *North Yorkshire Police – No objection in principle.* Recommend that a condition be attached to any permission granted requiring full details of the crime prevention measures to be incorporated into the development at reserved matters stage to be attached to any permission granted.

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

- The design standard for the site is Manual for Streets and the required visibility splay is 45 metres northerly and 90 metres southerly. The available visibility is 45 metres northerly and 90 metres southerly.
- Transport Statement received 21/2/17 - principles agreed, but not regarding the A65 cycle improvement; the latter is an important location giving access between the site, the Yorkshire Dales Cycleway, and the lanes SW of the A65.
- With regard to footways, it is assumed that walls will be moved back to accommodate proposed 2m wide footways on Raines Rd between the accesses (see Fig 2 of Transport Statement).

- Conditions should be attached to any permission granted requiring:
 - Detailed plans of the road and footway layout.
 - Construction of roads and footways prior to occupation of the dwellings.
 - Construction of site access for construction vehicles.
 - Discharge of surface water.
 - Construction of the site access for residential traffic, including visibility splays.
 - Pedestrian visibility splays.
 - Off-site highway works to include: (i) 2m wide Footways as shown in Fig 2 in Transport Statement; (ii) tarmac cycleway / footway 2.5m wide between Raines Rd / A65 junction and Rathmell Rd / A65 junction; (iii) footway [min 1.5m wide] between site under construction [permission 31/2013/13627] and mini roundabout, including footway improvement at mini roundabout. Such works to be completed prior to first occupation of the proposed dwellings.
 - Provision of access, turning and parking areas prior to first occupation.
 - Removal of PD rights for garage conversion to living accommodation.
 - Precautions to prevent mud trailing onto the highway.
 - Restrictions on the timing of construction traffic and arrangements for on-site parking, storage and construction traffic access during development to form a construction management plan.

6.8 *Sports Development Officer (CDC) – Comments as follows:*

- The Sports Development officer is making a single consultation reply to applications 31/2016/17660 and 31/2016/17661 as they are clearly linked in relation to policy SRC2. The officer also notes that this scheme is an extension of a site that has planning permission for 7 units under application no: 31/2013/13807.
- The scheme comprises of 3 parcels, one of which already has approval for 7 units and the new applications are for an additional 12 and 13 units. Therefore under SRC2 policy I am assessing this application as a 32 unit housing development.
- The scheme is required to deliver a total of 1872 square metres of open space comprising 216 sqm of children's equipped play; 360 sqm of children's informal play; and 1296 sqm of youth and adult play space.
- The 2016 Open Space/Pitch Assessment highlights five sites within the catchment which are likely to be used by future occupiers of the development. Existing playing pitches are adequate to meet the needs generated by the development but the play and youth provision is not.
- The development is proposing 2 small open space sites on the eastern development (17661) and one on the western development (17660). The 2 on the eastern side are amenity greenspace: one is an easement requirement and one is a buffer/flood zone area. These are shown as 644m² and 1396m². The western side POS is 700m².
- They will have limited value in terms of meeting the play and recreation needs generated by the development, but act as a local amenity greenspace. The space would only meet the informal play requirement of the SRC2 policy (360m²) and partly meet some of the youth and adult provision. The agent and developer have accepted that this on site provision will only part meet the SRC2 policy requirement and have agreed to an off-site contribution to meet the equipped play and youth and adult play and recreation needs generated by the development.
- The on-site amenity space for 17660 needs to be combined with the 7 unit scheme permitted under application 31/2013/13807 and, accordingly, considered as a 20 unit scheme. A total of 700 sqm of on-site POS is proposed. The 700 sqm on-site POS has a value of £13,995 under SRC2 policy leaving a deficiency of £67,523 against the costs of providing the full open space needs of the development. The officer recognises that people from this scheme could go and visit and use the POS on the Eastern scheme. Therefore the officer considers that an off-site contribution of £33,760 is required in order to make this scheme acceptable in planning terms. A condition should also be attached to any permission granted requiring full

details of the on-site POS. A condition should also be attached to any permission granted requiring full details of the on-site POS.

6.9 *United Utilities (UU)* – No objections. Conditions should be attached to any permission granted requiring:

- Separate systems for foul and surface water drainage.
- The submission of a surface water drainage scheme which is based on the hierarchy of drainage options of the PPG.
- A public critical sewer crosses the site and UU will not grant permission to build over or within 4 metres of the centre line of it. The requirement for UU's permission is detailed within the guidance that supports Part H4 of the Building Regulations.
- Deep rooted shrubs and trees should not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

6.10 *Yorkshire Dales National Park* – No response to consultation dated 24.08.17.

6.11 *Yorkshire Wildlife Trust* – No objections. Comments as follows:

- The Trust welcomes the recommendations set out in the Planning Statement to incorporate native tree planting in the landscaping of the two sites. Any further proposals for ecological enhancement at the two sites are somewhat vague and it is therefore recommended that the proposed landscaping plan be conditioned with reference to the BS:42020:2013 landscape and ecological management plans (LEMPs) condition. The management plan should include improving connectivity of habitats to the wider environment through the planting of native trees and shrubs and species rich grassland.
- Further ecological enhancements could be provided through the installation of bird boxes, incorporation of roosting opportunities for bats and measures to avoid disturbance of wildlife.
- As the fields at the moment are not very ecologically diverse it would be possible to enhance the area which is consistent with the NPPF Paragraph 9, which suggests that sustainable development can be achieved through the planning system by moving from a net loss of bio-diversity to achieving net gains for nature.

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 is for major development, notices were also posted on site and in the local press. A second round of public consultation was undertaken in July 2017 following the submission of amended plans. A total of 28 letters have been received in objection to the application following both rounds of public consultation. One letter had also been received in support. The points made in the letters (the majority of which refer to both applications in combination) are summarised as follows:

Principle of development:

- The proposal attempts to take advantage of the delayed publication of the New Local Plan and should not be determined until that plan is adopted. If determined before then, full weight should be given to the latest version of the emerging local plan which identifies Giggleswick as a tier 4b settlement with a total housing requirement of 40 dwellings over the full plan period. As of June 2016, 24 of these have been built since 2012 with permission for another 13 being outstanding. This only leaves a requirement for 3 more before 2032.
- The developments have been removed as “preferred housing sites” in the revised version of the emerging local plan and Craven has a 5 year supply of housing land. The developments should therefore be refused as a matter of principle.

- Outline application 31/2014/14217 for 12 homes on land to the west of Raines Road was refused in January 2014. There has been no change in circumstances since this decision to conclude that an alternative decision should be reached.
- The sites are on grade 3 agricultural land which is the best in Craven and in accordance with policy ENV7 should not be released for housing. There are other brownfield sites available which should be built on first.
- There are a lack of shops and services (schools, emergency services, doctors etc.) to serve future occupiers of the development and very few employment opportunities as these are concentrated in the south of the district. The site is poorly related to surrounding public transport and pedestrian access into the village is difficult due to a lack of footways serving the site and the need to cross a mini-roundabout. Therefore, the site is not a sustainable location for housing and frequent trips away from the village by private car will be required.
- The applicant's planning statement makes the assumption that the houses would be occupied by families. However, most recently purchased dwellings in Giggleswick tend to be occupied by retired people outside the area due to younger families being unable to afford them. Therefore, the development would not deliver accommodation for families as the applicant has indicated.

Character and appearance:

- A modern, suburban housing development is not a suitable gateway into the YDNP and the development is not in-keeping with the character of the village.
- The development would extend the present boundaries of the village in a linear fashion resulting in a sprawl of ribbon development out into open countryside. The volume of new housing would adversely affect the nature and character of the village as a result of this encroachment.
- The sites will be visible from within the protected landscaped of the AONB and the YDNP. The response from Natural England indicates that both these designations will be affected by the development.
- As United Utilities will not allow planting to be introduced near the sewer which crosses the site the extent of landscaping shown on the plans could not be delivered and will not provide the 'buffer' referred to in the planning statement. Trees tall enough to even partially screen houses such as Hawthorn or Mountain Ash need to have an 11m spread. Trees which grow locally such as Ash have to be allowed 21m for canopy and roots so they can't be used for screening around the houses and the drain.
- Reference is made to retaining the existing dry stone walls to rear garden boundaries but the police have indicated that a 1.8m high boundary treatment will be required. This is likely to take the form of a fence which would be an obtrusive feature in the landscape.
- The development will have negative economic effects by eroding the landscape which makes Giggleswick an attractive destination for tourists.

Highways:

- The proposed means of access onto a busy, heavily-trafficked road (part of which is subject to a 60mph speed limit) in close proximity to a mini-roundabout would increase the risk of collisions around this junction. The Four Lane Ends junction is intrinsically unsuitable to cope with any more houses/people/pedestrians/traffic.
- There is only 90m of visibility to the south of the entrance to site B and this is outside the speed restriction zone. Traffic may be slowing for the junction but they can still be going much faster than 30mph.

- There are no footways or cycleways around the site and the development does not appear to be proposing to introduce these features to the correct width or in the right places. There is also no street lighting and a lack of pedestrian crossings over Station Road and Raines Road at the mini-roundabout. Therefore, it could not be considered sustainable as there is no pedestrian access. In any case, the road is too narrow to introduce footways on both sides.
- Proper pavements with passing space on each side of Raines Road would be essential and pedestrian refuges in the middle of both Station Road to the east and Raines Road to the east. There is simply not enough room to do this, so the development should not be allowed to go ahead.
- The level of parking provision averaging at 1.5 spaces per dwelling is not sufficient in this location where households often have more than 2 cars. This would lead to cars parking on Raines Road causing an obstruction to the highway.
- The Accident statistics used in the Transport Statement only go back 5 years. This is likely to be because if they went back just a few more years there have been a number of accidents including 3 fatalities and one accident right where the entrance to site B (17661) will be.
- There is a small minibus currently provided by NYCC which runs from Tosside to Horton three times a day (but not Sunday) around the hours of 10.00, 12.00 and 14.00. To reach the bus stop residents from Site B will have to cross 3 roads to ensure 'safe' passage. The other bus is the Skipton to Kirkby Lonsdale service which runs approximately every 2 hours with the final bus from Giggleswick to Skipton leaving at 15.20. No bus on Sundays. There is also no effective pavement at the bus stop from Settle to the proposed development.

Flooding:

- One of the sites (east of Raines Road) is located on the floodplain and in flood zone 3. It is also subject to flood risk from surface water. The Strategic Flood Risk Assessment includes the eastern site as one of only five in Craven which would need to meet the Exception Test as 12.1% is in flood zone 3a. Parts of the housing will also fall within flood zone 2 and this could change to become flood zone 3 due to climate change.
- The eastern site frequently suffers from surface water flooding during periods of heavy rainfall. Land drains installed within the field have had little effect in reducing this.
- The proposed flood defence wall to the eastern site could have the effect of causing flooding to properties north of the site on Brackenber Close and could trap surface water on the estate itself.
- Increasing the impermeable area of the site will increase the potential for surface water flooding elsewhere.

Other:

- The land supports many species of plants, animals and bird life and these habitats would be lost as a result of the development.
- The plans mention 'affordable housing'. It is, however, very unlikely that these would be taken by local young people as they would be given to retired people.
- Construction of the approved 7 dwelling development is taking place at a very slow pace and in a disruptive, untidy and unnecessarily loud manner. These dwellings are also completely out of character with the largely single storey surroundings that they 'infill'.

7.2 The single letter of support opines that the development will "improve the look of the village".

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. The development's impact on flood risk.

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 maximum 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. Although indicative details of scale and landscaping have been provided and could be controlled through this application by the imposition of planning conditions, 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 The layout initially submitted with the application showed a development of 20 dwellings on the eastern site (application 31/2016/17661) and 14 dwellings on the western site (application 31/2016/17660). The applicant subsequently submitted amended plans in July 2017 reducing the number of dwellings on the eastern site to 12 and on the western site to 13. The scale of dwellings has also been reduced by introducing 6 bungalows on the eastern site and 1 bungalow on the western site. Subsequent minor amendments to the internal road, footpath and parking layout were also made in October 2017. For the avoidance of doubt, the recommendation of Officers is based on the amended layout plan received on 19 October 2017 (drawing no. 178/66/20 Rev I).

Policy context:

9.3 A number of objectors have made reference to the weight which should be attached to the Emerging Local Plan (ELP). The consultation document 'Preferred Sites for Housing' dated 22nd July 2016 identified three adjacent parcels of land to the east and west of Raines Road as preferred housing sites - site references SG085 (west of Raines Road); SG086 and SG087 (east of Raines Road). The site of this application is broadly consistent with the southern area of parcel SG085 which, along with the 7 dwelling development permitted under application 31/2016/16922 (which formed the northern area of SG085), was identified in the consultation paper as capable of "provid[ing] for approximately 26 dwellings at a density of 35 dwellings to the hectare".

9.4 In contrast, the 'Pre-publication Draft Craven Local Plan' consultation document dated 14th June 2017, which has superseded the Preferred Sites for Housing consultation paper, does not bring forward sites SG085-087 as housing allocations in the latest version of the ELP. The background paper 'Residential Site Selection Process' published June 2017 which forms part of the evidence base to the latest version of the ELP identifies that site SG085 "performs satisfactorily in the Sustainability Analysis" and is "deemed sustainable in order to enter the Pool of Sites (with mitigation measures and recommendations)" subject to Stage 2 analysis. The Stage 2 analysis

concludes that “the site passes all four District Level Analyses. It can be potentially a Preferred Site, but Giggleswick is not to be allocated any Preferred Sites under the draft Local Plan”.

9.5 Objections received between the publication of the Preferred Sites for Housing consultation paper (which includes the site as preferred housing allocation) and the release of the Pre-publication Draft Local Plan opine that no weight should be attached to the 2016 version of the ELP due to its early stage of preparation. Conversely, objections received following the publication of the latest version of the ELP in June 2017 (which omits the site as a housing allocation) suggest that the ELP should be given full weight.

9.6 The weight to be afforded to the June 2017 version of the ELP has been assessed at two recent appeals – a Public Inquiry at Eley 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”. Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, 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’). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.

Principle of development

Site designation:

9.8 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.”

9.9 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.

9.10 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.

9.11 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”, with paragraph 29 of the Framework also recognising that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

9.12 The proposal does not fall comfortably into any of the categories of development permissible within the open countryside as 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.

Sustainability of location:

9.13 Paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.”

9.14 In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the PPG identify that:

- “It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.”
- “Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so **blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided** unless their use can be supported by robust evidence” (emphasis added).

9.15 Paragraphs 34 and 38 of the NPPF state that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).
- “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties” (emphasis added).

9.16 The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:

- “The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

9.17 Objectors have suggested that there are a lack of services in Giggleswick capable of supporting a development of the size proposed. Particular reference is made to a lack of shops, services, employment opportunities and limited access to public transport.

9.18 The site occupies an edge of settlement location on the southwestern periphery of the village. Whilst it is recognised that the availability of local shops and services in Giggleswick itself is limited – though there are two schools and a pub – the town centre of Settle which provides various shops and services is located approximately 1.2km to the northeast further along Station Road. There is

also a large supermarket (Booths) and an industrial estate within *circa* 1km. In terms of public transport, Settle Railway Station is also located approximately 1km away and there are bus stops at the junction of Station Road and Raines Road a short distance to the north of the site. Although these stops are served by limited services, other bus stops within the centre of Settle (on Duke Street) offer services with a greater frequency.

9.19 As identified in paragraphs 34 and 38 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within rural areas is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid “new isolated homes in the countryside”.

9.20 The proposed development occupies an edge of settlement location which is closely related to existing dwellings on the periphery of Giggleswick. Shops, services and employment opportunities in Settle are available within a reasonable walking distance, as are public transport connections by bus and rail. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.

Housing land supply:

9.21 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.”

9.22 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.”

9.23 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.

9.24 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.”

9.25 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.

9.26 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.

Agricultural Land Classification:

- 9.27 The site presently forms pastureland for grazing animals and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map. The definition in Annex 2 of the NPPF defines 'best and most versatile agricultural land' (BMV) as "land in grades 1, 2 and 3a of the Agricultural Land Classification". Paragraph 112 of the NPPF stipulates that:
- "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".
- 9.28 There is no extant Local Plan policy relating to the loss of BMV (policy ENV11 of the CDLP was not 'saved' under the Direction from the Secretary of State). Nevertheless, paragraph 122 of the NPPF affords some protection in cases involving "significant development of agricultural land" and identifies a preference for the use of poorer quality land.
- 9.29 The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. Moreover, grade 3 is split into two categories – 3a and 3b – with only the former classified as BMV for the purposes of the definition in the NPPF.
- 9.30 The site has not been surveyed by Natural England and there is no site-specific information to determine whether it is classified as grade 3a or 3b (and, accordingly, whether it is BMV). Nevertheless, it is apparent from the 1:250000 scale ALC map that the grade 3 classification extends a significant distance to the south/southwest of the site (including over the A65).
- 9.31 Given this wider context, and the fact that the development parcel is under 1 hectare in area and is separated from larger adjoining fields by intervening dry stone walls, it is considered that the site's individual value for agriculture is limited. Even if operating on the assumption that the land falls in grade 3a and is BMV, the NPPF does not place an absolute embargo on the use of such land for development. Instead, it is only where "significant development of agricultural land" is thought to be necessary that land of a lower quality should be preferred. In this case the area assumed to be BMV is relatively small and it could not be reasonably contended that it represents an essential component in the viability of an agricultural holding. Therefore it is not considered that its loss can be regarded as 'significant' and it should not be an overriding consideration in the determination of the application.
- Conclusion on principle:***
- 9.32 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. Nevertheless, the development would occupy an edge of settlement location which, relative to its rural setting, is reasonably well related to existing shops, services and employment opportunities in Giggleswick and Settle, including public transport connections by bus and rail, 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. The proposed development would not result in a significant loss of the District's best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing in the absence of a five year supply.
- 9.33 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

- 9.34 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.
- 9.35 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.
- 9.36 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.
- 9.37 The first bullet point to paragraph 109 of the NPPF also indicates that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes".
- 9.38 The site currently comprises open pastureland and is classified as a "valley pasture landscape" of "flat open floodplain with stone walls" in the 'Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal' (October 2002). Paragraph 4.3.2 of the Landscape Appraisal identifies 7 key characteristics of this landscape type as follows:
- Distinctive flat alluvial floodplain containing meandering river channel;
 - Broad, open floodplain valley providing extensive views framed by high ground;
 - Medium to large-scale landscape with limited vegetation and an open character;
 - Strong pattern of medium-scale fields of lush improved pasture enclosed by a network of dry-stone walls;
 - Limited vegetation of isolated and scattered trees along field boundaries and river;
 - Open valley contains important transport corridors, and floodplain is often crossed or bounded by road, rail, and canal, marking the boundary to higher ground;
 - Some river banks are artificially raised.
- 9.39 The north-eastern boundary of the site flanks the periphery of the 7 dwelling development permitted under application 31/2016/16922. These properties are at a relatively advanced stage of construction and are all two storeys in height. In contrast, the remaining three boundaries of the site (all of which are longer than the north-eastern perimeter) are viewed alongside and/or against the backdrop of open fields separated by dry stone walls.
- 9.40 While land to the north of Brackenber Lane follows an undulating pattern providing a backdrop of hillsides on higher ground, adjoining fields to the southwest follow a consistent cross fall from Brackenber Lane down to Raines Road and land to the east of Raines Road is generally flat. Individual field parcels are separated by relatively low dry stone walls which, in combination with the

topography and openness of the landscape, allow expansive views when approaching Giggleswick from the A65 to the southwest along Brackenber Lane and Raines Road. In short-distance views, the site tapers to a narrow triangular shape at its southwest corner and its topography is seen stepping down away from elevated vantage points on Brackenber Lane to the north. As a result, the site is seen a distinctive component of the wider open valley pasture which marks the transition between urban and rural landscapes on the fringe of the village. The site makes a substantial contribution to the character of this landscape on the periphery of the settlement, with its openness being an essential and defining characteristic of this.

- 9.41 The 7 dwelling development permitted under application 31/2016/16922 was considered to represent a 'rounding off' of the settlement as its southwestern boundary chamfered to broadly align with the built-up edge of Brackenber Close on the east side of Raines Road. In contrast, the proposed scheme would result in a significant, longitudinal extension of built development away from the edge of the village. The visual impact of this incursion into the open countryside would be compounded by the land's irregular shape where it tapers into a narrow triangular section to the southwest corner alongside Raines Road and by the change in levels between Brackenber Lane and Raines Road which would result in the development sprawling across lower-lying land away from the built-up edge of the village.
- 9.42 The development includes the introduction of a V-shaped landscaping buffer along the south/southwestern boundary. As identified by objectors, the whole of the buffer to the southern boundary (that flanking Raines Road) is shown to be planted within the easement of a sewer which crosses the site and United Utilities have indicated that they would not allow the introduction of deep-rooted trees or shrubs within this easement. As the position of the sewer would prevent the introduction of any landscaping along the boundary with Raines Road, the rear elevations of the houses on plots 7-13 would be prominently in view and heavily exposed from the approach along Raines Road. Although it may be possible to introduce a significant proportion of the landscaped buffer to the western boundary with the adjoining field, such a narrow and linear strip of planting to the edge of the field boundary would appear considerably contrived and would, in itself, conflict with the openness of the surrounding pastureland.
- 9.43 The proposed development, by virtue of its siting, size, shape, layout and surrounding topographical changes, would be seen as a protruding 'finger' of urbanisation sprawling onto lower lying land away from the built-up edge of the settlement. The substantial harmful visual effects that the development would have on the character and appearance of the area could not be satisfactorily mitigated through the introduction of planting which, where it could be introduced, would create an inherently artificial and inorganic enclosure that is uncharacteristic of and in stark contrast to the openness of the surrounding landscape. Accordingly, it is concluded that the adverse impacts to the character and appearance of the area which would arise from granting planning permission would significantly and demonstrably outweigh the benefits, even in the absence of a 5 year supply of housing land. The proposal does not, therefore, represent sustainable development.
- 9.44 Objectors have made reference to the development's negative effects on the landscapes of the YDNP and the Forest of Bowland AONB and have referred to comments from Natural England in support of these assertions. The boundary of the YDNP is located approximately 1.2km to the east of the site and the edge of the Forest of Bowland AONB is *circa* 850m to the north. With respect to the YDNP, the town of Settle forms a substantial pocket of urbanisation which intervenes between the site and the National Park. Similarly, the closest boundary with the AONB is located on the northern side of Giggleswick and there is intervening development on Station Road, Raines Road and Craven Bank Lane which provides an urban buffer between the site and the AONB.
- 9.45 Although Natural England have identified the potential for the development to affect the YDNP and AONB by virtue of their proximity to them, they have not objected to the application on landscape character grounds. Instead, Natural England have recommended that the Council consults with the YDNP and AONB to utilise their expertise in determining whether the proposal is likely to affect the statutory purposes of these designations. Neither the YDNP nor the AONB planning officer have commented on the application when consulted and, in the absence of any objections from those

bodies, it is not considered that the development would prejudice the statutory purposes of the AONB or the YDNP. In addition, given the presence of substantial buffers of built development between the site and these designated landscapes, it is not considered that the proposal would prejudice the conservation of landscapes of scenic beauty in conflict with paragraph 115 or 116 of the NPPF.

Amenity:

- 9.46 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”.
- 9.47 The application seeks approval for the matter of layout and indicative details have also been provided with respect to building scale. In particular, the submitted layout indicates that 12 plots would be two storeys in height, with one bungalow to plot 8 in the southwest corner. The closest neighbouring dwellings are those to the northeast forming part of the development approved under application 31/2016/16922. Two plots from that development would border the site – one running side-by-side with plot 1 and one backing onto the area of public open space and side of plot 13 beyond. The layout would ensure separation distances of 8.5m and 37m respectively between these dwellings and their siting and orientation would ensure that the development would have no adverse effects on future occupiers through overshadowing, loss of outlook or overlooking.
- 9.48 The 7 dwellings approved under application 31/2016/16922 provide a buffer between the site and other neighbouring dwellings on Brackenber Lane and Brackenber Close. Given the development’s spacing with these dwellings and the presence of intervening buildings between them, it is not considered that the scheme would have any undue effects on the amenity of other neighbouring occupiers.

Highways:

- 9.49 Criterion (3) of CDLP policy ENV2 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”.
- 9.50 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.
- 9.51 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:

- 9.52 Vehicle access is proposed from an existing priority (give way) junction onto Raines Road which was approved as part of application 31/2016/16922. The cul-de-sac served by that access would be extended in a south-westerly direction through the adjoining site to serve the development. Visibility splays of 2.4m x 90m (southerly) and 2.4m x 45m (northerly) would be available at the junction of the site access with Raines Road.
- 9.53 Pedestrian access between the site and the mini-roundabout junction with Station Road/Brackenber Lane would be achieved through the provision of an L-shaped 2m wide footway through an area of public open space extending onto Raines Road which would merge with a 1.2m wide footway running in a north-easterly direction between the edge of the access approved under application 31/2016/16922 and the mini-roundabout junction. This 1.2m wide footway connection was approved

as part of application 31/2016/16922 and its construction is required by condition 7 of that permission.

- 9.54 Speed restrictions on Raines Road change from 30mph to the north of the proposed access to 60mph to the south of the junction, though the site access itself is located wholly within the 30mph zone. As a result the Local Highway Authority consider that, in order to meet the requirements in Manual for Streets, a visibility splay of 2.4m x 90m is only required in the southbound direction. Visibility northbound (where a 30mph speed restriction is in place) can be reduced to 2.4m x 45m.
- 9.55 Objectors opine that pedestrian access to the site cannot be satisfactorily achieved as there is insufficient space within the highway to accommodate footways of the necessary width. In particular, objectors consider the 1.2m wide footway to the west side of Raines Road to be insufficient and suggest the need for 2m wide footways on both sides of Raines Road along with two additional pedestrian refuges at the mini-roundabout junction with Station Road.
- 9.56 It should be noted that the 1.2m wide section of footway shown to run in a north-easterly direction between the access for application 31/2016/16922 (which is also proposed to serve the development submitted under application 31/2016/17660) and the roundabout junction with Station Road was deemed acceptable and permitted as a means of pedestrian access for the 7 dwelling development approved under application 31/2016/16922. Part of this footway would be delivered within an existing highway verge, though it is apparent that there would also need to be some narrowing of the existing 7.2m wide carriageway on the approach to the mini-roundabout.
- 9.57 The Local Highway Authority (LHA) identify the need to deliver the 2m wide footways to the east and west sides of Rains Road around the site access as shown in Figure 2 of the Transport Statement. The LHA note that sections of the existing dry stone wall will need to be repositioned in order to allow the construction of these footways, but all those works can take place within the applicant's land. Although the LHA considered the 1.2m wide footway connection with the roundabout junction to be sufficient for the 7 dwellings proposed under application 31/2016/16922, they recommend that this should be increased by 0.3m in width to 1.5m in order to serve the additional 13 dwellings proposed under this application (and the 12 proposed under application 31/2016/17661). It is not considered that the additional 0.3m width of footway required by the LHA to the west side of Raines Road would result in an unacceptable narrowing of the carriageway in this location in comparison to the 1.2m stretch approved under application 31/2016/16922. Moreover, as this stretch of footway is proposed to serve a further 25 dwellings above and beyond the 7 permitted under application 31/2016/16922, it is not considered that this is an excessive requirement by the LHA. An appropriate condition could be imposed to secure the delivery of 2m and 1.5m wide footways as recommended by the LHA.
- 9.58 The LHA have not identified the need for any additional pedestrian refuges to be introduced at the roundabout junction between Raines Road, Station Road and Brackenber Lane, and it is unclear if, following the introduction of the 1.5m wide footway to the west side of Rains Road, there is sufficient space within the highway for these features. The accident analysis in the Transport Statement also shows only 1 slight accident between a car and a cyclist in the last 5 years at this roundabout junction. In any case, the LHA do not consider such crossings to be necessary to allow a safe and suitable means of pedestrian access to the site.
- 9.59 Objectors have made reference to what they consider to be deficiencies in the Transport Statement's investigation of accident data in the locality. In particular, objectors have criticised the Transport Statement for only considering accident data over a 5 year period prior to the submission of the application and have provided an extract from the 'Crash Map' showing a greater number of accidents (including two fatalities at the junctions of Raines Road and Brackenber Lane with the A65) for data covering the "last 12 years".
- 9.60 Paragraph 015 of the 'Travel Plans, Transport Assessments and Statements' chapter to the PPG sets out the information requirements to be included in Transport Assessments and Statements. With respect to accident data, the PPG indicates that "an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area" is required.

Accordingly, the accident analysis in the submitted Transport Statement meets the requirements in the PPG and it is not necessary to analyse data over a longer period. Indeed, part of the reason for this is that historical data is not always reflective of existing highway conditions and often does not capture the effects of more recent improvements made to highway infrastructure in response to incidents such as fatal accidents.

Traffic generation:

- 9.61 The submitted Transport Statement assesses the effects of applications 31/2016/17660 and 31/2016/17661 in combination and is based on the original site layout which involved a development with a combined total of 34 dwellings across both sites. With reference to the Trip Rate Information Computer System (TRICS) database, the Transport Statement estimates that the two developments would generate 15 vehicle movements during the AM peak (8am-9am) and 17 vehicle movements in the PM peak (5pm-6pm). This equates to 1 vehicle movement every 4 minutes during peak periods. The Transport Statement also estimates a total of 137 vehicle movements for both developments during a typical weekday between 7am and 7pm.
- 9.62 As this level of traffic generation is below the 30 two-way peak trip threshold set out in the DfT document 'Guidance on Transport Assessment', the Transport Statement concludes that further detailed traffic assessments are not required. This is not disputed by the LHA, nor are the trip generation figures set out in the Transport Statement. Accordingly, it is not considered that the level of traffic generated by the development would have a severe residual cumulative impact on the capacity of the surrounding highway network for the purposes of paragraph 32 of the NPPF.

Parking:

- 9.63 The layout indicates a minimum of one in-curtilage parking space for all but 3 of the dwellings. A further 7 plots would have driveways sufficient to provide two off-road parking spaces and 6 plots would have garages capable of providing further off road parking. Where in-curtilage spaces are not available (plots 9, 10 and 11), a parking courtyard incorporating 6 spaces would be provided to the side of plot 9. Two further parking spaces are proposed within a layby to one side of the estate road. If garage provision is included, the development would provide 31 off-road parking spaces across the site, averaging at 2.4 spaces per dwelling. The LHA have not raised any objections to the level of parking provision proposed, but have recommended that a condition is attached to any permission granted to prevent the conversion of garages to domestic accommodation. Accordingly, the level of parking provision is considered to be sufficient.

Flood Risk

- 9.64 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".
- 9.65 The whole of the site is located 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. Therefore, the sequential and exception tests set out in paragraphs 101 and 102 of the NPPF are not applicable in this case.
- 9.66 As the site is less than 1 hectare and is within flood zone 1, there is no requirement for a site-specific flood risk assessment. The Lead Local Flood Authority (LLFA) note that the application does not include details of surface water drainage and, instead, have drawn the Local Planning Authority's attention to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. United Utilities have also recommended conditions concerning foul and surface water drainage and commented that these should be based on the hierarchy of drainage options set out in the PPG.
- 9.67 As the application is in outline and does not meet the 1 hectare threshold where a site-specific flood risk assessment is required, it is not considered that the Local Planning Authority can insist on the

provision of a surface water drainage strategy at this stage. Instead, a condition could be imposed requiring these details to be submitted as part of any application for approval of reserved matters. As the proposal would result in the development of a greenfield site, any condition would require appropriate allowances to be made for climate change and urban creep in order to ensure that the post-development rate of surface water runoff would not exceed the pre-development (greenfield) rate. Therefore, appropriate measures could be put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere.

Other matters:

Developer contributions

Affordable Housing:

- 9.68 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.
- 9.69 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 40% 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 (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."
- 9.70 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.
- 9.71 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.
- 9.72 In this case, the application proposes the delivery of 5 affordable dwellings on the site which equates to 38% of the total (this being the closest figure to 40% which is practicable given the numbers applied for). The applicant has not submitted any financial evidence to contend, either in isolation or in combination with other contributions, that the requirement for 38% of the dwellings to be delivered as affordable housing would make the scheme unviable. Therefore, it is considered that this requirement for affordable housing is justified in this case.
- 9.73 The five units identified as affordable homes include two 2-bed units and three 3-bed units. CDC's Strategic Housing Service have raised concerns about the absence of one-bed units in this mix and consider that two of the 3-bed units should be substituted for 1 and 2 bed units in order to meet a need for smaller units identified in the SHMA.
- 9.74 Whilst the concerns of Strategic Housing are noted, as the application is in outline and matters of scale and external appearance (which would dictate the final size and configuration of the dwellings) have not yet been applied for, it is not considered that the development could be resisted on this basis. It is also noted that, in the absence of an adopted Local Plan policy (or an emerging one

which can carry any more than 'very limited' weight), there is a limited policy basis with which to control the size of an affordable housing offer. Indeed, this is a matter which the Inspector commented on as part of the Elsey Croft appeal and, at paragraph 38 of their decision, concluded that:

- "The Council have expressed concerns about the location and size of [the affordable units] but I do not consider these matters to be sufficient to render the proposed units unacceptable. Their provision would contribute towards the availability of such housing stock in the district to meet local housing needs and so would comply with guidance in the Framework."

9.75 Given the above, the scheme's provision for 5 of the dwellings (equating to 38% of the total) to be delivered as affordable housing is a substantial social benefit which weighs in favour of the proposal.

Open Space:

9.76 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.

9.77 The submitted plans include the provision of a total of 700 sqm of open space within the site. The Sports Development Officer (SDO) considers that the on-site amenity space for the development should be combined with the 7 unit scheme permitted under application 31/2016/16922 (as a 20 unit scheme). The 700 sqm on-site POS has a value of £13,995 under SRC2 policy leaving a deficiency of £67,523 against the costs of providing the full open space needs of the development. However, the SDO recognises that people from this scheme could use the POS for application 31/2016/17661 on the east side of Raines Road. Accordingly, a contribution of £33,760 towards the provision/enhancement of open space off the site is required to fully meet the open space needs of the development as set out under policy SRC2.

9.78 As the application is in outline and the nature of the on-site open space involves the provision of informal green space, the delivery of this element can be secured through condition. The payment of the off-site contribution of £33,760 would, however, need to be secured through a planning obligation.

Conclusion and mechanism for contributions:

9.79 It would be possible to control the provision and future maintenance of public open space on the site through an appropriately worded planning condition. However, it is considered that contributions towards the on-site provision of affordable housing and the off-site financial contribution towards open space would need to be secured through a planning obligation entered into pursuant to S106 of the Town and Country Planning Act.

9.80 As the application is recommended for refusal on other grounds, there is no mechanism in place to secure the on-site affordable housing and off-site public open space contributions. The applicant has, however, made clear that it is their intention to make these contributions in order to satisfy policy requirements. Accordingly, it is not considered necessary to attach a separate reason for refusal as there is agreement in principle between the applicant and the Local Planning Authority as to the level of these contributions and they could be formalised and secured through a planning obligation as part of any appeal. If the applicant was subsequently to change this position, then the absence of those contributions would form part of the Local Planning Authority's case at any such appeal.

Ecology

9.81 Objections have been received due to a perceived loss of wildlife habitat arising from the development. At present, the site is dominated by open pastureland and, aside from the perimeter dry stone wall, does not support any habitats of significant value.

9.82 The response from Natural England confirms that the proposal is unlikely to affect any statutorily protected nature conservation sites. In addition, the Yorkshire Wildlife Trust opine that the existing field is "not very ecologically diverse" and indicate that the level of additional landscaping and native

tree planting proposed to the edges of and within the site would, subject to the imposition of an appropriate landscaping condition, deliver ecological enhancements. Accordingly, it is not considered that the development would have any adverse ecological effects and is capable of delivering net gains in biodiversity through the provision of additional landscaping.

10. Conclusion

- 10.1 The application seeks outline permission (with access and layout) for a residential development of 13 dwellings. The site occupies an edge-of-settlement location which, relative to its rural setting, has reasonable access to local services in nearby settlements by modes of transport other than private car and would not result in the creation of new isolated homes in the countryside. The Council is unable to robustly demonstrate a 5 year supply of housing land and the proposed development would not result in a significant loss of the District's best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing in the absence of a five year supply. 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 site forms a distinctive component of the wider open valley pasture which marks the transition between urban and rural landscapes on the fringe of the village and makes a substantial contribution to the character of this landscape on the periphery of the settlement, with its openness being an essential and defining characteristic of this. The proposed development, by virtue of its siting, size, layout, shape and local topographical changes, would introduce a narrow, longitudinal and sporadic incursion of built development sprawling onto lower lying land away from the edge of the village. The development would relate poorly to the pattern of the neighbouring settlement and would result in an unacceptable erosion of its rural character and setting alongside two road frontages which form a prominent gateway into the village. The substantial harm the development would cause in this regard could not be satisfactorily mitigated.
- 10.3 The spacing and relationship of the proposed dwellings to 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 also incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects which would adversely affect highway safety. The applicant has also indicated their intention to deliver 5 new affordable homes (equating to 38% of the total) and would make provision for informal open space on the site and an off-site contribution towards open space in accordance with the relevant policies. Other measures would be put in place to ensure that the scheme has no adverse effects with respect to flooding and ecology. The absence of harm in this regard would not, however, outweigh the substantial adverse effects the development would have on the character and appearance of the area, which would significantly and demonstrably outweigh its benefits (including the delivery of additional housing in the absence of a 5 year supply). Accordingly, the proposal does not represent sustainable development and it is recommended that permission is refused.

11. Recommendation

- 11.1 That planning permission is **REFUSED** for the following reason:
1. The site comprises an irregularly shaped parcel of open pastureland located within an area of open countryside outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. The site forms a distinctive component of the wider open valley pasture which marks the transition between urban and rural landscapes on the fringe of the village and makes a substantial contribution to the character of this landscape on the periphery of the settlement, with its openness being an essential and defining characteristic of this. The proposed development, by virtue of its siting, size, layout, shape and local topographical changes, would introduce a narrow, longitudinal and sporadic extension of built development sprawling onto lower lying land away from the edge of the village. The development would relate poorly to the pattern of the neighbouring settlement and would result in an unacceptable erosion of its rural character and setting alongside two road frontages

which form a prominent gateway into the village. The substantial harm the development would cause to the character and appearance of the area could not be satisfactorily mitigated. Accordingly, the adverse impacts arising from granting planning permission would significantly and demonstrably outweigh the benefits and the proposal does not represent sustainable development. The proposed development is therefore contrary to the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV1 and ENV2, and paragraphs 17, 58, 64 and 109 of the National Planning Policy Framework.

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:

- Drawing no. 178.66(01)04 – Site location plan.
- Drawing no. 178/66/20 Rev I – Proposed site plan (amended plan received 19.10.17).
- Document titled 'Schedule of Areas' – Phase II dated 11.08.17.



Application Number: 31/2016/17660

Proposal: Outline application for a residential development of up to 13 dwellings including associated landscaping and infrastructure (access and layout applied for with all other matters reserved)

Site Address: Land To West Of Raines Road And To The East Of Brackenber Lane Giggleswick

On behalf of: Burley Developments Group

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 31/2016/17661

Proposal: Outline application for a residential development of up to 12 dwellings including associated landscaping and infrastructure (access and layout applied for with all other matters reserved)

Site Address: Land To East Of Raines Road And South Of Brackenber Close Giggleswick

On behalf of: Burley Developments Ltd

Date Registered: 20th December 2016

Expiry Date: 21st March 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 a broadly rectangular parcel of land measuring approximately 0.92 hectares in area to the east side of Rains Road, Giggleswick. The site presently comprises open grazing land and falls outside, but on the edge of, the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. Accordingly, the site is within the open countryside.
- 1.2 The site is relatively flat and is enclosed by a *circa* 1.5m high dry stone wall to its perimeter. The watercourse of Tems Beck runs in a north-south direction alongside the eastern boundary. The bank of the watercourse is marked by a linear belt of semi-mature trees and the far eastern end falls within flood zones 2 and 3 as identified on the Environment Agency's Flood Map. A caravan site incorporating approximately 5 pitches is located to the east on the opposite side of Tems Beck and a single-storey field barn falls outside the site which an adjoining field to the southwest.
- 1.3 The site is bounded by open fields to the south which extend down to the junction of Raines Road with the A65. A triangular-shaped parcel of land to the west forms an adjacent open swathe of pastureland, the northern edge of which is presently being developed for 7 dwellings pursuant to planning permission 31/2016/16922. The southern parcel of this land is the subject of a separate outline application for a residential development up to 13 dwellings (reference 31/2016/17660).
- 1.4 Land to the north of the site is occupied by a group of detached and semi-detached 'true' and dormer bungalows on Brackenber Close which flank the full length of the northern boundary. The gardens of nos. 1-6 Brackenber Close back onto the site, with a narrow route separating the bungalow of Haylands (which fronts onto Rains Road) from the land. The side garden of Haylands which faces the site contains three tall conifers.

2 Proposal

- 2.1 The application is submitted in outline and seeks permission for a residential development of up to 12 dwellings on the site. Access and layout are applied for at this stage, with matters of scale, external appearance and landscaping being reserved for later consideration (though indicative details of these have been submitted as part of the application).
- 2.2 The dwellings would front onto a cul-de-sac branching in an easterly direction off Rains Road and would be organised in two groups running parallel to the north and south sides of the estate road. Two detached plots would front onto a turning head at the eastern end. Two parcels of open space totalling 2040 square metres are to be delivered on the site. The first would comprise an area of 1396 square metres to the eastern end of the site which falls within flood zones 2 and 3. The second would measure 644 square metres to the north side of the estate road.
- 2.3 The proposed dwellings would include 4 terraced plots and 8 detached houses to provide a mix of 8 x 2 bed, 3 x 3 bed and 1 x 4 bed properties. Six of the dwellings would be single storey bungalows, with the remainder (a further six plots) being two storeys in height. Five of the dwellings – equating to 42% of the total and comprising the terrace of four and one bungalow – would be provided as affordable housing.
- 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 a buffer of soft landscaping to be introduced inside the boundary wall along the southern edge of the site.
- 2.5 The junction of the site access with Rains Road would provide visibility splays of 2.4m x 90m in both directions, with the entrance to the estate road comprising a 4.5m wide carriageway flanked by 2m wide footways on both sides before merging with a courtyard to the eastern end. A minimum of one in-curtilage parking space would be provided for each dwelling, with detached plots also benefiting from single or double garages.

3 Planning History

- 3.1 No history of planning applications on this site.

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
SRC2 – Provision of Recreation Space in New Housing Developments
T2 – Road Hierarchy

Pre-publication Draft Craven Local Plan June 2017 – Emerging Local Plan (ELP):

SP1 – Meeting Housing Need
SP4 – Spatial Strategy and Housing Growth
H2 – Affordable Housing

5 Parish/Town Council Comments

5.1 *Giggleswick Parish Council* – “objects strongly to the application”. Comments as follows:

- **Principle** – These applications have been submitted against a background of very strong opposition from the Parish Council and local people. The Parish Council is of the opinion that these applications should not be determined until Craven District (outside the Yorkshire Dales National Park) Local Plan has been adopted. Giggleswick has been designed as a Tier 4(b) village with a housing need of two dwellings per annum for the period 2015-2030. The draft Plan SP4: Spatial Strategy and Housing Growth states that the Giggleswick housing provision considers that a total of 40 dwellings are required to meet the housing need. These have already been built. The proposed developments are no longer relevant.
- **Highways** – *Development should be designed so that it can be accessible by pedestrians and transport modes other than the private car* (CDC’s Preferred Sites July 2016). The proposed 1.2m width pavement / footway – well below the recommendation of 2m – will make it very dangerous for pedestrians to access local transport (bus or train) and services. Diagrams in the Department Of Transport’s Government’s Manual for Streets show clearly that this pavement, and the width of the carriageway which will remain, is not feasible for these developments which, therefore, are not sustainable developments. The proposed pavement could not be classed as a ‘safe walking route’. NYCC (Highways) has indicated that this access road is too narrow. It already carries large volumes of traffic, both private cars and commercial vehicles. At the beginning and end of the school day, pupils are being driven to and from 3 schools: Giggleswick Primary School, Settle College and Giggleswick School. Vans and lorries of varying sizes and weights, many of them HGVs, travel to and from the Sowarth Industrial Estate at all hours of the day and night. Station Road and Raines Road form the only way into and out of Settle for HGVs.
- **Visual impact** – *Development should form a complementary and valued addition to the adjacent built up area of Giggleswick* (CDC’s Preferred Sites July 2016). ‘Complementary’ and ‘valued’ are subjective words and the Parish Council is of the opinion that they are wrong in describing these sites, which are “in a prominent location” according to the document mentioned above. Given the prominent location, a planning application for 12 houses on site SG085 (31/2014/14217) was refused in March 2014 for the following reasons:
- “The proposed development and loss of the undeveloped field would form a physical and visual incursion into open countryside and introduce an unsatisfactory linear built form of development along two prominent road frontages to the detriment of the character and appearance of the landscape and the countryside setting of the village. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, it is a core planning principle of the NPPF (paragraph 17) that planning should recognise the intrinsic character and beauty of the countryside and that good design should contribute positively to making places better for people (paragraph 56). In this case, when assessed against the policies in the Framework, taken as a whole, the Local Planning Authority considers that the benefits do not demonstrably outweigh the adverse impact of the development”. The Parish Council is of the opinion that the same could be said about these planning applications 17660 and 17661.
- These fields are not brownfield sites. The land on both fields is classified as Grade 3 (good) agricultural land and is the best available in our local area. *Natural England’s Agricultural Land Classification: protecting the best and most versatile agricultural land* states that ‘local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality’. The Government has also reaffirmed the importance of protecting our soils including the ‘protection of best and most versatile agricultural land’. The Emerging Local Plan states that, *wherever possible, grade 3 land should be safeguarded and development should be located on lower-graded land. Development on grade 3 land will require justification, on grounds that the need for development outweighs the loss of agricultural value.* The Parish Council is of the strong opinion that the grounds for this proposed development do not outweigh the loss of agricultural land.

- Both these sites are visible from the neighbouring Yorkshire Dales National Park and will impact the setting and special qualities of the National Park and Area of Outstanding Natural Beauty (as referenced in Natural England's report).
- **Flooding** – The Parish Council objects to a housing development on this site, SG086, because it is subject to flooding from Tems Beck, which runs alongside the eastern boundary of the field, and from surface water. According to the Environment Agency, the eastern end of the site falls within Flood Zone 3a. This area is 12 % of the field. One of the SFRA Recommendation B criteria states: *If 10% or greater of any residential site or essential infrastructure site is within Flood Zone 3a, only water compatible and less vulnerable uses of land are appropriate in this zone.* SG086 Land to the east of Raines Road and immediately south of Brackenber Close, Giggleswick, has been listed as a site where Recommendation B should apply and where application of the Exception Test would be required.

6 **Consultations**

- 6.1 *Environmental Health (CDC)* – No objections and no contaminated land implications. Recommend that conditions are attached to any permission granted requiring:
- Hours of construction to be limited to 8am – 6pm Monday to Friday and 8am to 1pm on Saturdays.
 - A dust mitigation plan.
 - Clean topsoil is brought onto the site.
- 6.2 *Environment Agency* – No objections. Comments as follows:
- Provided the proposed development is in accordance with the Planning Statement (Rural Solutions Limited November 16 2016) section 2.10, with all development located in Flood Zone 1, then we have no objections.
 - All surface water drainage details must be agreed with the Lead Local Flood Authority before development commences.
- 6.3 *Forest of Bowland AONB Planning Officer* – No response to consultation dated 24.08.17.
- 6.4 *Housing (CDC)* – Comments as follows:
- I am satisfied with the provision of the 40% (5 units on each site) but the mix is still not acceptable. The SHMA shows the greatest need for smaller units with an emphasis on the provision of 1 beds. On phase 2 (west of Rains Road), I would want to see 1 of the 3 beds converted to a 2 bed and a further 3 bed converted to a 1 bed 60sqm house. On phase 3 (east of Rains Road) I would want to see one of the 3 beds replaced with a 1 bed 60sqm house instead. This will ensure we get a good mix of properties to suit the needs of people across the District which are predominately smaller 1 and 2 beds not 3 bed units.
- 6.5 *Lead Local Flood Authority (LLFA)* – Comments as follows:
- The planning application form states that surface water will be disposed of by means of soakaway.
 - Documents submitted with the application do not provide any detail of surface water management and drainage proposals so we cannot assess the propriety of any proposals. The required detail can be found in North Yorkshire County Council SuDS Design Guidance. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate.
- 6.6 *Natural England* – *No objections.* Comments as follows:
- Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

- The proposed development is for a site within or close to a nationally designated landscape namely Forest of Bowland AONB and the Yorkshire Dales National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. We also advise that you consult both the relevant AONB Partnership or Conservation Board and the landscape advisor/planner for the National Park. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
- The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.
- The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

6.7 *North Yorkshire Police* – No objection in principle. Recommend that a condition be attached to any permission granted requiring full details of the crime prevention measures to be incorporated into the development at reserved matters stage to be attached to any permission granted.

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

- The design standard for the site is Manual for Streets and the required visibility splay is 45 metres northerly and 90 metres southerly. The available visibility is 45 metres northerly and 90 metres southerly.
- Transport Statement received 21/2/17 - principles agreed, but not regarding the A65 cycle improvement; the latter is an important location giving access between the site, the Yorkshire Dales Cycleway, and the lanes SW of the A65.
- With regard to footways, it is assumed that walls will be moved back to accommodate proposed 2m wide footways on Raines Rd between the accesses (see Fig 2 of Transport Statement).
- Conditions should be attached to any permission granted requiring:
 - Detailed plans of the road and footway layout.
 - Construction of roads and footways prior to occupation of the dwellings.
 - Construction of site access for construction vehicles.
 - Discharge of surface water.
 - Construction of the site access for residential traffic, including visibility splays.
 - Pedestrian visibility splays.
 - Off-site highway works to include: (i) 2m wide Footways as shown in Fig 2 in Transport Statement; (ii) tarmac cycleway / footway 2.5m wide between Raines Rd / A65 junction and Rathmell Rd / A65 junction; (iii) footway [min 1.5m wide] between site under construction [permission 31/2013/13627] and mini roundabout, including footway improvement at mini roundabout. Such works to be completed prior to first occupation of the proposed dwellings.

- Provision of access, turning and parking areas prior to first occupation.
- Removal of PD rights for garage conversion to living accommodation.
- Precautions to prevent mud trailing onto the highway.
- Restrictions on the timing of construction traffic and arrangements for on-site parking, storage and construction traffic access during development to form a construction management plan.

6.9 *Sports Development Officer (CDC)* – Comments as follows:

- The Sports Development officer is making a single consultation reply to applications 31/2016/17660 and 31/2016/17661 as they are clearly linked in relation to policy SRC2. The officer also notes that this scheme is an extension of a site that has planning permission for 7 units under application no: 31/2013/13807.
- The scheme comprises of 3 parcels, one of which already has approval for 7 units and the new applications are for an additional 12 and 13 units. Therefore under SRC2 policy I am assessing this application as a 32 unit housing development.
- The scheme is required to deliver a total of 1872 square metres of open space comprising 216 sqm of children's equipped play; 360 sqm of children's informal play; and 1296 sqm of youth and adult play space.
- The 2016 Open Space/Pitch Assessment highlights five sites within the catchment which are likely to be used by future occupiers of the development. Existing playing pitches are adequate to meet the needs generated by the development but the play and youth provision is not.
- The development is proposing 2 small open space sites on the eastern development (17661) and one on the western development (17660). The 2 on the eastern side are amenity greenspace: one is an easement requirement and one is a buffer/flood zone area. These are shown as 644m² and 1396m². The western side POS is 700m².
- They will have limited value in terms of meeting the play and recreation needs generated by the development, but act as a local amenity greenspace. The space would only meet the informal play requirement of the SRC2 policy (360m²) and partly meet some of the youth and adult provision. The agent and developer have accepted that this on site provision will only part meet the SRC2 policy requirement and have agreed to an off-site contribution to meet the equipped play and youth and adult play and recreation needs generated by the development.
- The on-site amenity space for application 17661 is 2040 sqm and has a value of £40,800 under policy SRC (£20 per sqm). The 2040 sqm on-site POS for this development is in excess of the 702 sqm required but the quality of the provision will not be able to fully meet the SRC2 policy requirements for play and recreation for children, youth and adults. Due to the local deficiencies and identified future needs for open space for play and recreation the officer considers that this proposal will impact upon existing POS provision particularly for children's play and youth provision. Therefore an off-site contribution of £24,450 would be required in order to ensure that the scheme meets policy SRC2. A condition should also be attached to any permission granted requiring full details of the on-site POS.
- The on-site amenity space for 17660 needs to be combined with the 7 unit scheme permitted under application 31/2013/13807) and, accordingly, considered as a 20 unit scheme. A total of 700 sqm of on-site POS is proposed. The 700 sqm on-site POS has a value of £13,995 under SRC2 policy leaving a deficiency of £67,523 against the costs of providing the full open space needs of the development. The officer recognises that people from this scheme could go and visit and use the POS on the Eastern scheme. Therefore the officer considers that an off-site contribution of £33,760 is required in order to make this scheme acceptable in planning terms. A condition should also be attached to any permission granted requiring full details of the on-site POS.

6.10 *United Utilities (UU)* – No objections. Conditions should be attached to any permission granted requiring:

- Separate systems for foul and surface water drainage.

- The submission of a surface water drainage scheme which is based on the hierarchy of drainage options of the PPG.
- A 300mm diameter public sewer crosses this site and UU will not grant permission to build over or within 3 metres of the centre line of it. The requirement for UU's permission is detailed within the guidance that supports Part H4 of the Building Regulations.
- A 525mm diameter public sewer crosses this site and UU will not grant permission to build over or within 4 metres of the centre line of it. The requirement for UU's permission is detailed within the guidance that supports Part H4 of the Building Regulations.
- Deep rooted shrubs and trees should not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

6.11 *Yorkshire Dales National Park* – No response to consultation dated 24.08.17.

6.12 *Yorkshire Wildlife Trust* – No objections. Comments as follows:

- The Trust welcomes the recommendations set out in the Planning Statement to incorporate native tree planting in the landscaping of the two sites. Any further proposals for ecological enhancement at the two sites are somewhat vague and it is therefore recommended that the proposed landscaping plan be conditioned with reference to the BS:42020:2013 landscape and ecological management plans (LEMPs) condition. The management plan should include improving connectivity of habitats to the wider environment through the planting of native trees and shrubs and species rich grassland.
- Further ecological enhancements could be provided through the installation of bird boxes, incorporation of roosting opportunities for bats and measures to avoid disturbance of wildlife.
- As the fields at the moment are not very ecologically diverse it would be possible to enhance the area which is consistent with the NPPF Paragraph 9, which suggests that sustainable development can be achieved through the planning system by moving from a net loss of bio-diversity to achieving net gains for nature.

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 is for major development, notices were also posted on site and in the local press. A second round of public consultation was undertaken in July 2017 following the submission of amended plans. A total of 28 letters have been received in objection to the application following both rounds of public consultation. One letter had also been received in support. The points made in the letters (the majority of which refer to both applications in combination) are summarised as follows:

Principle of development:

- The proposal attempts to take advantage of the delayed publication of the New Local Plan and should not be determined until that plan is adopted. If determined before then, full weight should be given to the latest version of the emerging local plan which identifies Giggleswick as a tier 4b settlement with a total housing requirement of 40 dwellings over the full plan period. As of June 2016, 24 of these have been built since 2012 with permission for another 13 being outstanding. This only leaves a requirement for 3 more before 2032.
- The developments have been removed as “preferred housing sites” in the revised version of the emerging local plan and Craven has a 5 year supply of housing land. The developments should therefore be refused as a matter of principle.
- Outline application 31/2014/14217 for 12 homes on land to the west of Rains Road was refused in January 2014. There has been no change in circumstances since this decision to conclude that an alternative decision should be reached.

- The sites are on grade 3 agricultural land which is the best in Craven and in accordance with policy ENV7 should not be released for housing. There are other brownfield sites available which should be built on first.
- There is a lack of shops and services (schools, emergency services, doctors etc.) to serve future occupiers of the development and very few employment opportunities as these are concentrated in the south of the district. The site is poorly related to surrounding public transport and pedestrian access into the village is difficult due to a lack of footways serving the site and the need to cross a mini-roundabout. Therefore, the site is not a sustainable location for housing and frequent trips away from the village by private car will be required.
- The applicant's planning statement makes the assumption that the houses would be occupied by families. However, most recently purchased dwellings in Giggleswick tend to be occupied by retired people outside the area due to younger families being unable to afford them. Therefore, the development would not deliver accommodation for families as the applicant has indicated.

Character and appearance:

- A modern, suburban housing development is not a suitable gateway into the YDNP and the development is not in-keeping with the character of the village.
- The development would extend the present boundaries of the village in a linear fashion resulting in a sprawl of ribbon development out into open countryside. The volume of new housing would adversely affect the nature and character of the village as a result of this encroachment.
- The sites will be visible from within the protected landscaped of the AONB and the YDNP. The response from Natural England indicates that both these designations will be affected by the development.
- As United Utilities will not allow planting to be introduced near the sewer which crosses the site the extent of landscaping shown on the plans could not be delivered and will not provide the 'buffer' referred to in the planning statement. Trees tall enough to even partially screen houses such as Hawthorn or Mountain Ash need to have an 11m spread. Trees which grow locally such as Ash have to be allowed 21m for canopy and roots so they can't be used for screening around the houses and the drain.
- Reference is made to retaining the existing dry stone walls to rear garden boundaries but the police have indicated that a 1.8m high boundary treatment will be required. This is likely to take the form of a fence which would be an obtrusive feature in the landscape.
- The development will have negative economic effects by eroding the landscape which makes Giggleswick an attractive destination for tourists.

Highways:

- The proposed means of access onto a busy, heavily-trafficked road (part of which is subject to a 60mph speed limit) in close proximity to a mini-roundabout would increase the risk of collisions around this junction. The Four Lane Ends junction is intrinsically unsuitable to cope with any more houses/people/pedestrians/traffic.
- There is only 90m of visibility to the south of the entrance to site B and this is outside the speed restriction zone. Traffic may be slowing for the junction but they can still be going much faster than 30mph.
- There are no footways or cycleways around the site and the development does not appear to be proposing to introduce these features to the correct width or in the right places. There is also no street lighting and a lack of pedestrian crossings over Station Road and Raines Road at the mini-roundabout. Therefore, it could not be considered sustainable as there is no pedestrian access. In any case, the road is too narrow to introduce footways on both sides.

- Proper pavements with passing space on each side of Raines Road would be essential and pedestrian refuges in the middle of both Station Road to the east and Raines Road to the east. There is simply not enough room to do this, so the development should not be allowed to go ahead.
- The level of parking provision averaging at 1.5 spaces per dwelling is not sufficient in this location where households often have more than 2 cars. This would lead to cars parking on Raines Road causing an obstruction to the highway.
- The Accident statistics used in the Transport Statement only go back 5 years. This is likely to be because if they went back just a few more years there have been a number of accidents including 3 fatalities and one accident right where the entrance to site B (17661) will be.
- There is a small minibus currently provided by NYCC which runs from Tosside to Horton three times a day (but not Sunday) around the hours of 10.00, 12.00 and 14.00. To reach the bus stop residents from Site B will have to cross 3 roads to ensure 'safe' passage. The other bus is the Skipton to Kirkby Lonsdale service which runs approximately every 2 hours with the final bus from Giggleswick to Skipton leaving at 15.20. No bus on Sundays. There is also no effective pavement at the bus stop from Settle to the proposed development.

Flooding:

- One of the sites (east of Raines Road) is located on the floodplain and in flood zone 3. It is also subject to flood risk from surface water. The Strategic Flood Risk Assessment includes the eastern site as one of only five in Craven which would need to meet the Exception Test as 12.1% is in flood zone 3a. Parts of the housing will also fall within flood zone 2 and this could change to become flood zone 3 due to climate change.
- The eastern site frequently suffers from surface water flooding during periods of heavy rainfall. Land drains installed within the field have had little effect in reducing this.
- The proposed flood defence wall to the eastern site could have the effect of causing flooding to properties north of the site on Brackenber Close and could trap surface water on the estate itself.
- Increasing the impermeable area of the site will increase the potential for surface water flooding elsewhere.

Other:

- The small area of greenspace to the eastern end of the site relates poorly to the development and is likely to become neglected and unusable.
- The land supports many species of plants, animals and bird life and these habitats would be lost as a result of the development.
- The plans mention 'affordable housing'. It is, however, very unlikely that these would be taken by local young people as they would be given to retired people.
- Construction of the approved 7 dwelling development is taking place at a very slow pace and in a disruptive, untidy and unnecessarily loud manner. These dwellings are also completely out of character with the largely single storey surroundings that they 'infill'.

7.2 The single letter of support opines that the development will "improve the look of the village".

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. The development's impact on flood risk.

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 maximum 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. Although indicative details of scale and landscaping have been provided and could be controlled through this application by the imposition of planning conditions, 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 The layout initially submitted with the application showed a development of 20 dwellings on the eastern site (application 31/2016/17661) and 14 dwellings on the western site (application 31/2016/17660). The applicant subsequently submitted amended plans in July 2017 reducing the number of dwellings on the eastern site to 12 and on the western site to 13. The scale of dwellings has also been reduced by introducing 6 bungalows on the eastern site and 1 bungalow on the western site. Subsequent minor amendments to the internal road, footpath and parking layout were also made in October 2017. For the avoidance of doubt, the recommendation of Officers is based on the amended layout plan received on 19 October 2017 (drawing no. 178/66/20 Rev I).

Policy context:

9.3 A number of objectors have made reference to the weight which should be attached to the Emerging Local Plan (ELP). The consultation document 'Preferred Sites for Housing' dated 22nd July 2016 identified three adjacent parcels of land to the east and west of Raines Road as preferred housing sites - site references SG085 (west of Raines Road); SG086 and SG087 (east of Raines Road). The site of this application is broadly consistent with the area of parcel SG086 which was identified in the consultation paper as capable of "provid[ing] for approximately 33 dwellings at a density of 35 dwellings to the hectare".

9.4 In contrast, the 'Pre-publication Draft Craven Local Plan' consultation document dated 14th June 2017, which has superseded the Preferred Sites for Housing consultation paper, does not bring forward sites SG085-087 as housing allocations in the latest version of the ELP. The background paper 'Residential Site Selection Process' published June 2017 which forms part of the evidence base to the latest version of the ELP identifies that site SG086 "performs satisfactorily in the Sustainability Analysis" and is "deemed sustainable in order to enter the Pool of Sites (with mitigation measures and recommendations)" subject to Stage 2 analysis. The Stage 2 analysis concludes that "the site passes all four District Level Analyses. It can be potentially a Preferred Site, but Giggleswick is not to be allocated any Preferred Sites under the draft Local Plan".

- 9.5 Objections received between the publication of the Preferred Sites for Housing consultation paper (which includes the site as preferred housing allocation) and the release of the Pre-publication Draft Local Plan opine that no weight should be attached to the 2016 version of the ELP due to its early stage of preparation. Conversely, objections received following the publication of the latest version of the ELP in June 2017 (which omits the site as a housing allocation) suggest that the ELP should be given full weight.
- 9.6 The weight to be afforded to the 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”. Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, 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’). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.
- Principle of development
- Site designation:**
- 9.8 The site falls on the edge of, but 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.”
- 9.9 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.
- 9.10 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.
- 9.11 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”, with paragraph 29 of the Framework also recognising that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

9.12 The proposal does not fall comfortably into any of the categories of development permissible within the open countryside as 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.

Sustainability of location:

9.13 Paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.”

9.14 In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the PPG identify that:

- “It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.”
- “Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so **blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided** unless their use can be supported by robust evidence” (emphasis added).

9.15 Paragraphs 34 and 38 of the NPPF state that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).
- “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties” (emphasis added).

9.16 The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:

- “The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

9.17 Objectors have suggested that there is a lack of services in Giggleswick capable of supporting a development of the size proposed. Particular reference is made to a lack of shops, services, employment opportunities and limited access to public transport.

9.18 The site occupies an edge of settlement location on the southwestern periphery of the village. Whilst it is recognised that the availability of local shops and services in Giggleswick itself is limited – though there are two schools and a pub – the town centre of Settle which provides various shops and services is located approximately 1.2km to the northeast further along Station Road. There is also a large supermarket (Booths) and an industrial estate within *circa* 1km. In terms of public transport, Settle Railway Station is also located approximately 1km away and there are bus stops at

the junction of Station Road and Raines Road a short distance to the north of the site. Although these stops are served by limited services, other bus stops within the centre of Settle (on Duke Street) offer services with a greater frequency.

9.19 As identified in paragraphs 34 and 38 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within rural areas is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid “new isolated homes in the countryside”.

9.20 The proposed development occupies an edge of settlement location which is closely related to existing dwellings on the periphery of Giggleswick. Shops, services and employment opportunities in Settle are available within a reasonable walking distance, as are public transport connections by bus and rail. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.

Housing land supply:

9.21 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.”

9.22 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.”

9.23 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.

9.24 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.”

9.25 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.

9.26 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.

Agricultural Land Classification:

- 9.27 The site presently forms pastureland for grazing animals and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map. The definition in Annex 2 of the NPPF defines 'best and most versatile agricultural land' (BMV) as "land in grades 1, 2 and 3a of the Agricultural Land Classification". Paragraph 112 of the NPPF stipulates that:
- "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".
- 9.28 There is no extant Local Plan policy relating to the loss of BMV (policy ENV11 of the CDLP was not 'saved' under the Direction from the Secretary of State). Nevertheless, paragraph 122 of the NPPF affords some protection in cases involving "significant development of agricultural land" and identifies a preference for the use of poorer quality land.
- 9.29 The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. Moreover, grade 3 is split into two categories – 3a and 3b – with only the former classified as BMV for the purposes of the definition in the NPPF.
- 9.30 The site has not been surveyed by Natural England and there is no site-specific information to determine whether it is classified as grade 3a or 3b (and, accordingly, whether it is BMV). Nevertheless, it is apparent from the 1:250000 scale ALC map that the grade 3 classification extends a significant distance to the south/southwest of the site (including over the A65).
- 9.31 Given this wider context, and the fact that the development parcel is under 1 hectare in area and is separated from larger adjoining fields by intervening dry stone walls, it is considered that the site's individual value for agriculture is limited. Even if operating on the assumption that the land falls in grade 3a and is BMV, the NPPF does not place an absolute embargo on the use of such land for development. Instead, it is only where "significant development of agricultural land" is thought to be necessary that land of a lower quality should be preferred. In this case the area assumed to be BMV is relatively small and it could not be reasonably contended that it represents an essential component in the viability of an agricultural holding. Therefore it is not considered that its loss can be regarded as 'significant' and it should not be an overriding consideration in the determination of the application.

Conclusion on principle:

- 9.32 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. Nevertheless, the development would occupy an edge of settlement location which, relative to its rural setting, is reasonably well related to existing shops, services and employment opportunities in Giggleswick and Settle, including public transport connections by bus and rail, 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. The proposed development would not result in a significant loss of the District's best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing in the absence of a five year supply. 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

- 9.33 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.
- 9.34 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.
- 9.35 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.
- 9.36 The first bullet point to paragraph 109 of the NPPF also indicates that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes".
- 9.37 The site currently comprises open pastureland and is classified as a "valley pasture landscape" of "flat open floodplain with stone walls" in the 'Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal' (October 2002). Paragraph 4.3.2 of the Landscape Appraisal identifies 7 key characteristics of this landscape type as follows:
- Distinctive flat alluvial floodplain containing meandering river channel;
 - Broad, open floodplain valley providing extensive views framed by high ground;
 - Medium to large-scale landscape with limited vegetation and an open character;
 - Strong pattern of medium-scale fields of lush improved pasture enclosed by a network of dry-stone walls;
 - Limited vegetation of isolated and scattered trees along field boundaries and river;
 - Open valley contains important transport corridors, and floodplain is often crossed or bounded by road, rail, and canal, marking the boundary to higher ground;
 - Some river banks are artificially raised.
- 9.38 The northern boundary of the site flanks and is contained by housing on Brackenber Close to the north. Dwellings on this cul-de-sac comprise 20th century 'true' and dormer bungalows laid out to a moderate density and finished in a combination of stone plinths and roughcast grey render. The corner bungalow at the junction of Brackenber Close and Raines Road (Haylands) is orientated at right angles to other dwellings on the cul-de-sac to front onto Raines Road. Similarly, the site's eastern boundary is seen against the backdrop of dwellings on Station Road and alongside a limited number of caravan pitches on the opposite side of Tems Beck.
- 9.39 In contrast, the southern and western boundaries of the site are seen alongside flat, open pastureland separated by relatively low dry stone walls in views along Raines Road approaching

from the southwest. A single storey stone field barn marks the northwestern edge of the adjoining field. Although this adjoining pastureland is not densely wooded, a scattered belt of trees follow the banks of Tams Beck and the River Ribble to the east and a more substantial woodland follows a swathe of land between the B640 and the River Ribble.

- 9.40 Although the land itself is relatively flat, ground level rises to the west of Raines Road, affording elevated views across open fields from vantage points on Brackenber Lane. Accordingly, whilst the northern and eastern boundaries of the site are largely framed by the urban backdrop of housing on Brackenber Close and Station Road, the land is seen as a distinctive component of the wider open valley pasture which marks the transition between urban and rural landscapes on the fringe of the village from vantage points to the south and west. The site's contribution to the character of this landscape is, however, somewhat diminished by the inorganic, rectilinear shape of the field parcel which flows differently to the chamfered and curving patterns of surrounding fields to the south and west heading towards the A65.
- 9.41 Rains Road follows a moderate but notable curve travelling in a northerly direction into Giggleswick from its junction with the A65. When combined with the relatively flat topography of open fields to the east side of Raines Road and the pattern of dry stone walls approaching the site, roadside views do not allow an appreciation of the site's separation from dwellings on Brackenber Close until almost immediately alongside the land parcel. Accordingly, in more distant views from Raines Road existing bungalows on Brackenber Close provide a prominent visual backdrop across flat land which gives the impression of a lack of separation between the two land uses. The first impression of visual distinction is afforded by the dry stone boundary wall to the southern perimeter and the field barn to the northwest corner of the adjoining field. While the same is true looking in a north-easterly direction across open fields from more distant vantage points on Brackenber Lane to the west, there is a much clearer visual and physical distinction between the site and Brackenber Close in near-sighted views past the edge of the new seven-dwelling development to the northwest.
- 9.42 The proposed development would encroach into an area of open countryside to the periphery of the village and, in this respect, could not fail to harm the openness of the valley pasture landscape of which it forms a component. The most sensitive views of the site where these effects would have the greatest impact are from Rains Road when approaching from the southwest and from higher ground on Brackenber Lane to the west.
- 9.43 The severity of harm to the character of the surrounding landscape would, however, be limited by the rectilinear shape of the site, its flat topography and the prominent backdrop of housing on Brackenber Close to the north. Furthermore, the development layout includes a group of 6 bungalows to the southern/eastern edges of the site, a low density layout with significant spacing between buildings and a buffer of landscaping ranging between 5m and 25m in depth inside the existing dry stone boundary wall to provide a substantial screen to Raines Road.
- 9.44 Objectors opine that this planting buffer could not be brought forward due to the presence of sewers crossing the site and the fact that United Utilities would not allow the planting of deep-rooted trees within a certain distance of this apparatus. The two sewers crossing the site run alongside the northern boundary and diagonally in a north-easterly direction across the site from the edge of the neighbouring field barn. While this would restrict the planting of "deep rooted shrubs and trees" within a certain distance of the sewer for a short width of the southern boundary, the overwhelming majority of the remainder planting buffer would be deliverable outside the easement.
- 9.45 Although the development's encroachment beyond the edge of the village would continue to be readily apparent from elevated, close-range vantage points on Brackenber Lane to the west, its effects on the wider landscape character would be significantly mitigated by its layout, scale, landscaping, relationship with the built-up edge of the village and the shape and topography of the site. Accordingly, on balance, 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. Although scale has not been applied for at this stage, it is considered expedient to impose a condition limiting the storey heights of the dwellings to

those specified on the submitted plans and accompanying schedule of accommodation. In particular, this approach is justified on the basis that the single storey height of plots 5-10 is a key factor which mitigates the development's visual impact and, accordingly, is material to the recommendation.

9.46 Objectors have made reference to the development's negative effects on the landscapes of the YDNP and the Forest of Bowland AONB and have referred to comments from Natural England in support of these assertions. The boundary of the YDNP is located approximately 1.2km to the east of the site and the edge of the Forest of Bowland AONB is *circa* 850m to the north. With respect to the YDNP, the town of Settle forms a substantial pocket of urbanisation which intervenes between the site and the National Park. Similarly, the closest boundary with the AONB is located on the northern side of Giggleswick and there is intervening development on Station Road, Raines Road and Craven Bank Lane which provides an urban buffer between the site and the AONB.

9.47 Although Natural England has identified the potential for the development to affect the YDNP and AONB by virtue of their proximity to them, they have not objected to the application on landscape character grounds. Instead, Natural England have recommended that the Council consults with the YDNP and AONB to utilise their expertise in determining whether the proposal is likely to affect the statutory purposes of these designations. Neither the YDNP nor the AONB planning officer have commented on the application when consulted and, in the absence of any objections from those bodies, it is not considered that the development would prejudice the statutory purposes of the AONB or the YDNP. In addition, given the presence of substantial buffers of built development between the site and these designated landscapes, it is not considered that the proposal would prejudice the conservation of landscapes of scenic beauty in conflict with paragraph 115 or 116 of the NPPF.

Amenity:

9.48 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".

9.49 The application seeks approval for the matter of layout and indicative details have also been provided with respect to building scale. In particular, the submitted layout indicates that 6 plots to the southern and eastern edges of the site are to be constructed as single storey dwellings.

9.50 The closest neighbouring houses are located to the north on Brackenber Close. Numbers 1-6 are orientated with their rear elevations backing onto the site whereas no. 7 and 'Haylands' have a side-on relationship. Dwellings proposed alongside the northern boundary would include:

- A row of 4 terraced houses (plots 1-4) orientated with their rear elevations facing the side of Haylands over a distance of approximately 19m.
- A detached bungalow at plot 5 orientated 'back-to-back' with no. 3 Brackenber Close and achieving a separation of approximately 26m.
- A detached bungalow at plot 6 orientated 'side-on' with the rear elevation of no. 5 Brackenber Close over a distance of 17m.

9.51 The level of spacing achieved between the development and surrounding properties, combined with the low density layout, orientation and storey heights of the proposed dwellings, would ensure that the proposal has no undue effects on the privacy and amenity of adjoining occupiers by reason of its size, scale, layout, height or massing, and would avoid any adverse impacts through overshadowing, loss of outlook or overlooking. The condition limiting the storey heights of dwellings on plots 1-6 would ensure that this remains the case as part of any application for reserved matters when the detailed design and fenestration arrangement of the dwellings would be applied for.

9.52 The proposed residential use of the site would be compatible with the nature of adjacent uses and would have no adverse effects on the amenity of neighbouring occupiers by reason of added noise and disturbance.

Highways:

9.53 Criterion (3) of CDLP policy ENV2 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".

9.54 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.

9.55 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:

9.56 Vehicle access is proposed from a priority (give way) junction onto Raines Road to the western end of the site. Visibility splays of 2.4m x 90m would be available in both directions at the junction of the site access with Raines Road. This access would merge with a 4.5m wide estate road forming a cul-de-sac flanked by 2m footways to both sides, with this footway extending around the south side of a turning head to the eastern end of the site.

9.57 Pedestrian access between the site and the mini-roundabout junction with Station Road would be provided through the introduction of a 2m wide footway around the northern side of the proposed access (up to the boundary with Haylands) which would connect with a 2m wide stretch of footway on the opposite side of Raines Road and subsequently a 1.2m wide stretch running in a north-easterly direction between the edge of the seven-dwelling development approved under application 31/2016/16922 and the mini-roundabout junction. This 1.2m wide footway connection was approved as part of application 31/2016/16922 and its construction is required by condition 7 of that permission.

9.58 Speed restrictions on Raines Road change from 30mph to the north of the proposed access to 60mph to the south of the junction. As a result the Local Highway Authority consider that, in order to meet the requirements in Manual for Streets, a visibility splay of 2.4m x 90m is only required in the southbound direction. Visibility northbound (where a 30mph speed restriction is in place) can be reduced to 2.4m x 45m.

9.59 Objectors opine that pedestrian access to the site cannot be satisfactorily achieved as there is insufficient space within the highway to accommodate footways of the necessary width. In particular, objectors consider the 1.2m wide footway to the west side of Raines Road to be insufficient and suggest the need for 2m wide footways on both sides of Raines Road along with two additional pedestrian refuges at the mini-roundabout junction with Station Road.

9.60 It should be noted that the 1.2m wide section of footway shown to run in a north-easterly direction between the access for application 31/2016/16922 (which is also proposed to serve the development submitted under application 31/2016/17660) and the roundabout junction with Station Road was deemed acceptable and permitted as a means of pedestrian access for the 7 dwelling development approved under application 31/2016/16922. Part of this footway would be delivered within an existing highway verge, though it is apparent that there would also need to be some narrowing of the existing 7.2m wide carriageway on the approach to the mini-roundabout.

9.61 The Local Highway Authority (LHA) identify the need to deliver the 2m wide footways to the east and west sides of Raines Road around the site access as shown in Figure 2 of the Transport Statement.

The LHA note that sections of the existing dry stone wall will need to be repositioned in order to allow the construction of these footways, but all those works can take place within the applicant's land. Although the LHA considered the 1.2m wide footway connection with the roundabout junction to be sufficient for the 7 dwellings proposed under application 31/2016/16922, they recommend that this should be increased by 0.3m in width to 1.5m in order to serve the additional 12 dwellings proposed under this application (and the 13 proposed under application 31/2016/17660). It is not considered that the additional 0.3m width of footway required by the LHA to the west side of Raines Road would result in an unacceptable narrowing of the carriageway in this location in comparison to the 1.2m stretch approved under application 31/2016/16922. Moreover, as this stretch of footway is proposed to serve a further 25 dwellings above and beyond the 7 permitted under application 31/2016/16922, it is not considered that this is an excessive requirement by the LHA. An appropriate condition has been imposed to secure the delivery of 2m and 1.5m wide footways as recommended by the LHA.

9.62 The LHA have not identified the need for any additional pedestrian refuges to be introduced at the roundabout junction between Raines Road and Station Road and it is unclear if, following the introduction of the 1.5m wide footway to the west side of Rains Road, there is sufficient space within the highway for these features. The accident analysis in the Transport Statement also shows only 1 slight accident between a car and a cyclist in the last 5 years at this roundabout junction. In any case, the LHA do not consider such crossings to be necessary to allow a safe and suitable means of pedestrian access to the site.

9.63 Objectors have made reference to what they consider to be deficiencies in the Transport Statement's investigation of accident data in the locality. In particular, objectors have criticised the Transport Statement for only considering accident data over a 5 year period prior to the submission of the application and have provided an extract from the 'Crash Map' showing a greater number of accidents (including two fatalities at the junctions of Raines Road and Brackenber Lane with the A65) for data covering the "last 12 years".

9.64 Paragraph 015 of the 'Travel Plans, Transport Assessments and Statements' chapter to the PPG sets out the information requirements to be included in Transport Assessments and Statements. With respect to accident data, the PPG indicates that "an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area" is required. Accordingly, the accident analysis in the submitted Transport Statement meets the requirements in the PPG and it is not necessary to analyse data over a longer period. Indeed, part of the reason for this is that historical data is not always reflective of existing highway conditions and often does not capture the effects of more recent improvements made to highway infrastructure in response to incidents such as fatal accidents.

Traffic generation:

9.65 The submitted Transport Statement assesses the effects of applications 31/2016/17660 and 31/2016/17661 in combination and is based on the original site layout which involved a development with a combined total of 34 dwellings across both sites. With reference to the Trip Rate Information Computer System (TRICS) database, the Transport Statement estimates that the two developments would generate 15 vehicle movements during the AM peak (8am-9am) and 17 vehicle movements in the PM peak (5pm-6pm). This equates to 1 vehicle movement every 4 minutes during peak periods. The Transport Statement also estimates a total of 137 vehicle movements for both development during a typical weekday between 7am and 7pm.

9.66 As this level of traffic generation is below the 30 two-way peak trip threshold set out in the DfT document 'Guidance on Transport Assessment', the Transport Statement concludes that further detailed traffic assessments are not required. This is not disputed by the LHA, nor are the trip generation figures set out in the Transport Statement. Accordingly, it is not considered that the level of traffic generated by the development would have a severe residual cumulative impact on the capacity of the surrounding highway network for the purposes of paragraph 32 of the NPPF.

Parking:

9.67 The layout indicates a minimum of one in-curtilage parking space for each dwelling. Five plots would have driveways sufficient to provide two off-road parking spaces and five other plots with a single space would have integral garages capable of providing off road parking. If garage provision is included, the development would provide 25 off-road parking spaces across the site, averaging at just over 2 spaces per dwelling. The LHA have not raised any objections to the level of parking provision proposed, but have recommended that a condition is attached to any permission granted to prevent the conversion of garages to domestic accommodation. Accordingly, the level of parking provision is considered to be sufficient.

Flood Risk

9.68 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”.

9.69 The watercourse of Tems Beck runs alongside the eastern site boundary. As a result, an area of land to the eastern end of the site falls within 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 is located in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).

9.70 Objectors have referred to the site as being at an unacceptable risk of flooding and opine that the development is likely to increase flood risk elsewhere, including on Brackenber Close to the north. Concerns have also been raised with respect to the potential for flood waters to become trapped behind a proposed ‘flood defence wall’.

9.71 The applicant has submitted a copy of the site layout with the extent of flood zones 2 and 3 overlaid. The plan shows that all the proposed dwellings and their garden areas would be located outside the extent of flood zones 2 and 3 and, accordingly, all developable areas of the site would fall within flood zone 1. The land within flood zones 2 and 3 is to be left as undeveloped open green space. This approach has been accepted by the Environment Agency who have raised no objections to the development on the grounds of flood risk. Furthermore, as all developable areas of the site would be within flood zone 1, the sequential and exception tests set out in paragraphs 101 and 102 of the NPPF are not applicable in this case.

9.72 An annotation on the submitted layout refers to a ‘flood defence wall’ along the rear garden boundaries of plots 6 and 7. However, as all developable areas of the site would be within flood zone 1 this wall is not intended to act as a formal flood defence barrier and, instead, simply marks the boundary between the floodplain and the rear gardens of plots 6 and 7.

9.73 As the site is less than 1 hectare and all developable areas would be located within flood zone 1, there is no requirement for a site-specific flood risk assessment. The Lead Local Flood Authority (LLFA) note that the application does not include details of surface water drainage and, instead, have drawn the Local Planning Authority’s attention to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. United Utilities have also recommended conditions concerning foul and surface water drainage and commented that these should be based on the hierarchy of drainage options set out in the PPG.

9.74 As the application is in outline and does not meet the 1 hectare threshold where a site-specific flood risk assessment is required, it is not considered that the Local Planning Authority can insist on the provision of a surface water drainage strategy at this stage. Instead, a condition has been imposed requiring these details to be submitted as part of any application for approval of reserved matters. As the proposal would result in the development of a greenfield site, the condition requires appropriate allowances to be made for climate change and urban creep in order to ensure that the post-development rate of surface water runoff would not exceed the pre-development (greenfield) rate. A separate condition has also been imposed to ensure that any application for approval of reserved

matters is restricted to the developable area shown to be wholly within flood zone 1. Therefore, appropriate measures can be put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere.

Other matters:

Developer contributions

Affordable Housing:

- 9.75 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.
- 9.76 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 40% 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 (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."
- 9.77 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.
- 9.78 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.
- 9.79 In this case, the application proposes the delivery of 5 affordable dwellings on the site which equates to 42% of the total. The applicant has not submitted any financial evidence to contend, either in isolation or in combination with other contributions, that the requirement for 40% of the dwellings to be delivered as affordable housing would make the scheme unviable. Therefore, it is considered that a requirement for 40% of the dwellings to be provided as affordable housing is justified in this case.
- 9.80 The five units identified as affordable homes include two 3-bed units and three 2-bed units. CDC's Strategic Housing Service have raised concerns about the absence of one-bed units in this mix and consider that one of the 3-bed units on the site should be substituted for a 1 bed, 60 sqm house in order to meet a need for smaller units identified in the SHMA.
- 9.81 Whilst the concerns of Strategic Housing are noted, as the application is in outline and matters of scale and external appearance (which would dictate the final size and configuration of the dwellings) have not yet been applied for, it is not considered that the development could be resisted on this basis. It is also noted that, in the absence of a adopted Local Plan policy (or an emerging one which can carry any more than 'very limited' weight), there is a limited policy basis with which to control the size of an affordable housing offer. Indeed, this is a matter which the Inspector commented on as part of the Elsey Croft appeal and, at paragraph 38 of their decision, concluded that:
- "The Council have expressed concerns about the location and size of [the affordable units] but I do not consider these matters to be sufficient to render the proposed units unacceptable. Their

provision would contribute towards the availability of such housing stock in the district to meet local housing needs and so would comply with guidance in the Framework.”

- 9.82 Given the above, the scheme’s provision for 5 of the dwellings (equating to 42% of the total) to be delivered as affordable 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:

- 9.83 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.

- 9.84 The submitted plans include the provision of a total of 2040 sqm of open space within the site. The Sports Development Officer (SDO) indicates that this on-site provision is in excess of the quantity required for a development of 12 dwellings, but considers that the nature of this informal open space would not meet the quality requirement for play and recreation for children, youth and adults. Accordingly, a financial contribution of £24,450 towards the provision/enhancement of open space off the site is required to fully meet the open space needs of the development as set out under policy SRC2.

- 9.85 As the application is in outline and the nature of the on-site open space involves the provision of informal green space, the delivery of this element can be secured through condition. The payment of the off-site contribution of £24,450 will, however, need to be secured through a planning obligation as set out in the resolution below.

Ecology

- 9.86 Objections have been received due to a perceived loss of wildlife habitat arising from the development. At present, the site is dominated by open pastureland and, aside from the perimeter dry stone wall and trees alongside the watercourse to the eastern boundary, does not support any habitats of significant value.

- 9.87 The response from Natural England confirms that the proposal is unlikely to affect any statutorily protected nature conservation sites. In addition, the Yorkshire Wildlife Trust opine that the existing field is “not very ecologically diverse” and indicate that the level of additional landscaping and native tree planting proposed to the edges of and within the site would, subject to the imposition of an appropriate landscaping condition, deliver ecological enhancements. Accordingly, it is not considered that the development would have any adverse ecological effects and is capable of delivering net gains in biodiversity through the provision of additional landscaping.

10 Conclusion

- 10.1 The application seeks outline permission (with access and layout) for a residential development of 12 dwellings. The site occupies an edge-of-settlement location which, relative to its rural setting, has reasonable access to local services in nearby settlements by modes of transport other than private car and would not result in the creation of new isolated homes in the countryside. The Council is unable to robustly demonstrate a 5 year supply of housing land and the proposed development would not result in a significant loss of the District’s best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing in the absence of a five year supply. 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 beyond existing Development Limits. However, the development’s effects on wider landscape character would be significantly mitigated by its layout, scale, landscaping, relationship with the built-up edge of the village and the shape and topography of the site. Accordingly, on balance, 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 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.
- 10.4 The development would deliver a substantial number of affordable homes (equivalent to 42% of the total) on the site and would also make provisions for informal open space on the site and an off-site contribution towards open space in accordance with the relevant policies. Appropriate measures would be put in place to ensure that the scheme has no adverse effects with respect to flooding and ecology.
- 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 a minimum of 40% of the dwellings to be provided as affordable housing as defined in the National Planning Policy Framework.
 - (ii) A financial contribution of £24,450 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies.

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 the expiration of three years beginning with 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:
 - Drawing no. 178.66(01)05 – Site location plan.
 - Drawing no. 178/66/20 Rev I – Proposed site 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.

3. Any application which seeks approval for the reserved matter of scale pursuant to this permission shall ensure that none of the dwellings exceed the maximum building storey heights indicated on drawing no. 178/66/20 Rev I and the accompanying document titled 'Schedule of Areas – phase III'.

Reason: To minimise the development's visual impact on the surrounding landscape and to ensure that the scale of development is compatible with surrounding buildings in order to preserve the character and appearance of the area and to achieve a satisfactory relationship with surrounding properties in the interests of good design and the amenity of adjoining occupiers in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV1 and ENV2 and the National Planning Policy Framework.

4. Any application for approval of reserved matters submitted pursuant to this permission shall ensure that all the dwellings (including their garden areas) are located entirely within flood zone 1 and outside the areas of flood zones 2 and 3 as identified on drawing no. 178/66/20 Rev I 'Scheme layout with flood risk overlay'.

Reason: To ensure that development is directed towards areas at the lowest risk of flooding on the site in order that the development is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere in accordance with the requirements of the National Planning Policy Framework.

Before you commence development (P)

5. 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.

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.

6. Any application for approval of reserved matters submitted pursuant to this permission shall include details of all crime prevention measures to be incorporated into the development. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 9 January 2017 have been addressed and/or mitigated.

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.

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. Other than those works associated with the provision of the construction access, there shall be no vehicle access onto the site until the construction access shown on drawing no. 178/66/20 Rev I has been constructed, surfaced and made available for use in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The construction access shall thereafter be provided in accordance with the duly approved scheme for a minimum distance of 20 metres extending into the site from the carriageway of the existing highway. Any damage to the existing adopted highway occurring during the use of the construction access until the completion of all the permanent works shall be repaired immediately and before the dwellings hereby approved are first occupied the highway verge/footway shall be fully reinstated in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory arrangements are made for access to the site by construction vehicles and that any damage caused during the construction period is remedied 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. There shall be no vehicle access between the highway and the application site until full details of measures to prevent surface water from non-highway areas discharging onto the existing or proposed highway, together with a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the duly approved details and the timetable contained therein.

Reason: To prevent excess surface water during the construction phase being discharged onto the highway in order to minimise the risk of flooding on the highway 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.

10. No development shall take place until a scheme for the design and construction of the site access at the junction with Raines Road (the position of which is shown on drawing no. 178/66/20 Rev I) 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 45 metres northerly and 90 metres southerly measured along both channel lines of Raines Road from a point measured 2.4 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 final surfacing of the first 4.5 metres of the access road extending into the site from the carriageway of the existing highway 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.

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 2 metre wide footways to the east and west sides of Raines Road in the positions shown in Figure 2 of the Transport Statement by VTC (Highway & Transportation Consultancy) dated 20th February 2017.
- (iii) The provision of a 1.5 metre wide footway to the west side of Raines Road in the position shown as a 1.2 metre wide footway in Figure 2 of the Transport Statement by VTC (Highway & Transportation Consultancy) dated 20th February 2017.
- (iv) The provision of a shared 2.5 metre wide cycleway/footway between the junctions of Raines Road and Rathmell Road with the A65

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 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.

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 is 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, unless otherwise agreed in writing with the Local Planning Authority, 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.

15. 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 southern boundary of the site in the position shown on drawing no. 178/66/20 Rev I.
 - (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 agricultural fields located within the open countryside 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.

16. No above ground works shall take place until a scheme for the provision and future maintenance of the areas of Public Open Space to be delivered on the site as part of the development (the size, siting and layout of which are shown on drawing no. 178/66/20 Rev I) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design and maintenance arrangements for the Public Open Space, and a timetable for its provision and future maintenance. The Public Open Space shall be provided and maintained in accordance with the details and timetable contained within the duly approved scheme, and shall be retained as such thereafter for use as Public Open Space.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of public open space on 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 existing recreational open space is adequately mitigated in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2 and the National Planning Policy Framework.

Before the development is occupied (O)

17. 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. 178/66/20 Rev I 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.

Ongoing conditions (F)

18. 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 garages for each dwelling 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 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.

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.

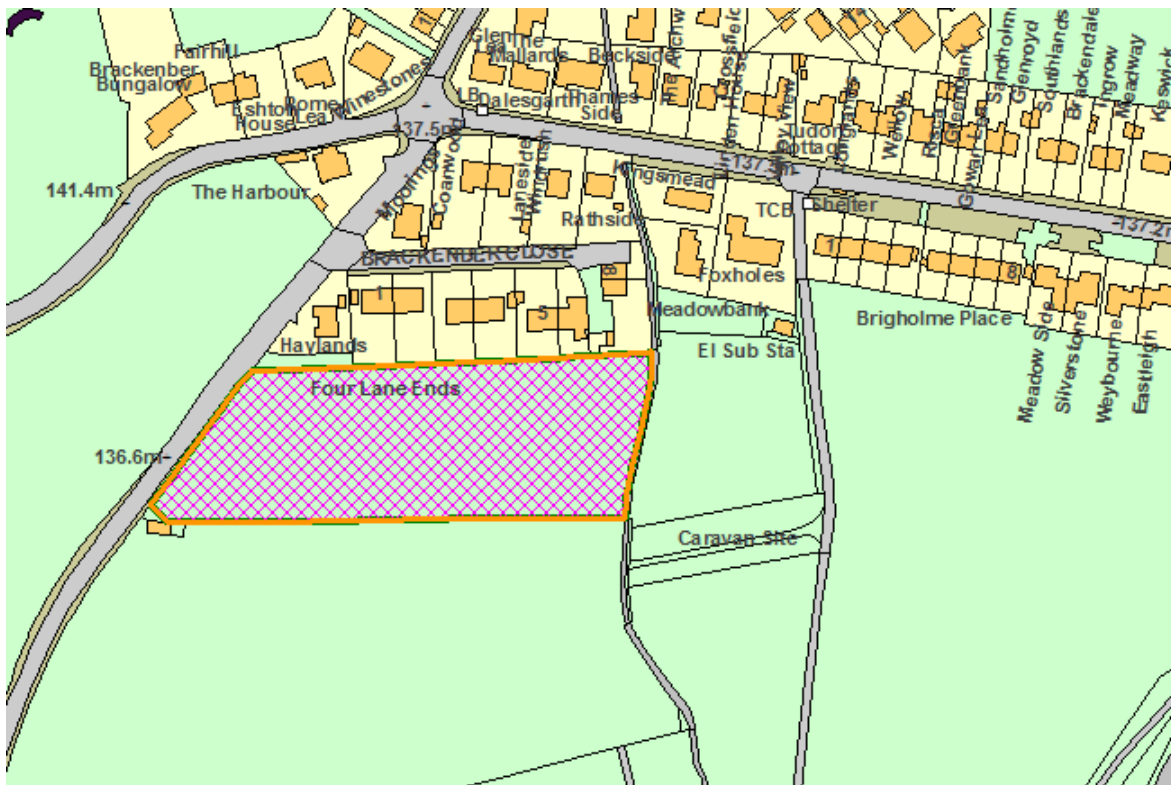
United Utilities:

A 300mm diameter public sewer crosses this site and UU will not grant permission to build over or within 3 metres of the centre line of it. The requirement for UU's permission is detailed within the guidance that supports Part H4 of the Building Regulations.

A 525mm diameter public sewer crosses this site and UU will not grant permission to build over or within 4 metres of the centre line of it. The requirement for UU's permission is detailed within the guidance that supports Part H4 of the Building Regulations.

If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Further information on building over or close to public sewers is available on UU's website: <http://www.unitedutilities.com/build-over-sewer.aspx>

Deep rooted shrubs and trees should not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.



Application Number: 31/2016/17661

Proposal: Outline application for a residential development of up to 12 dwellings including associated landscaping and infrastructure (access and layout applied for with all other matters reserved)

Site Address: Land To East Of Raines Road And South Of Brackenber Close Giggleswick

On behalf of: Burley Developments Ltd

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18524/FUL

Proposal: Erection of one dwelling with detached garage

Site Address: Ivy Cottage Farm Carla Beck Lane Carleton BD23 3BY

On behalf of: Mr & Mrs S Hall

Date Registered: 26th September 2017

Expiry Date: 21st November 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 a broadly rectangular parcel of land measuring approximately 720 square metres in area to the rear of Ivy Cottage Farm on the south side of Carla Beck Lane, Carleton. The land forms part of the garden area to Ivy Cottage Farm and is set at a higher level approximately 1m above the dwellinghouse. Three detached outbuildings associated with the dwellinghouse are located to the southeast corner. Ivy Cottage Farm is a two-storey, stone-built dwelling which has two holiday cottages (nos. 1 and 2 Poppy Cottages) attached to its east side.
- 1.2 The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and part of the land is also located within the Carleton Conservation Area. An extant planning permission exists on the site for the erection of a detached bungalow with a detached garage (application reference 17/2015/15386).
- 1.3 The site is bounded by residential properties to the west (Meadow View), north (Ivy Cottage Farm) and east (Newlands and Glenholme). Land to the south of the site comprises open farmland which rises in a general southerly direction and is separated from the site by a low post-and-rail fence. A separate field access runs between the site and the bungalow at Newlands.
- 1.4 Meadow View is a detached bungalow which occupies a staggered and elevated position set back from Carla Beck Lane to the southwest of Ivy Cottage Farm. A large detached garage is located to the southwest corner of this dwelling. Newlands and Glenholme are both detached bungalows. While Newland's is orientated with its side elevation facing in a westerly direction towards the site, Glenholme is laid out at right angles with principal windows facing west. A grade II listed building is located further to the east at Spence's Court.

2 Proposal

- 2.3 The application seeks full planning permission for the erection of a detached bungalow to the western end of the site along with a detached double garage to the southeast corner alongside.
- 2.4 The bungalow would occupy an L-shaped footprint comprising two merging rectangular sections measuring 6.1m in width and between 8m (south-north) and 15m (east-west) in length. The bungalow would be topped by a dual-pitched roof reaching 2.6m to the eaves and 4.4m to the ridge, with facing gables to the east, west and southeast sides. A shallow porch with a lower dual-pitched roof would be located to the southeast corner. Window openings are proposed to all three elevations and solar panels

are to be positioned to the rear (south facing) roof slope. The north and east facing elevations of the bungalow would be finished in stone, with the south and west facing elevations in render. The roof would be finished in stone slate, with timber windows to all elevations.

- 2.5 A detached garage measuring 6.5m in length and 6m in width is proposed to the east of the bungalow on the site of the existing outbuildings to the southeast corner, though one of the existing outbuildings to the rear of the garage would be retained. The garage would have a dual-pitched roof reaching 2.1m to the eaves and 4.1m to the ridge. The north and west facing elevations of the garage would be finished in natural stone, with the south and east facing elevations in render.
- 2.6 Access to the site would be gained via an existing cul-de-sac off Carla Beck Lane which serves two neighbouring bungalows and four parking spaces for Poppy Cottages. An existing opening to the northeast corner of the site (which also serves the current field access) would open onto a hardstanding vehicle courtyard/driveway in front of the garage.

3 Planning History

- 3.1 17/2014/15327 – Construction of detached 3 bedroom two storey dwelling with detached double garage and an area of hardstanding – Withdrawn.
- 3.2 17/2015/15386 – Construction of bungalow, garage and hardstanding (resubmission of application 17/2014/15327) – Approved March 2015.

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
T2 – Road Hierarchy

5 Parish/Town Council Comments

- 5.1 *Carleton Parish Council* - Indicated that they have "no comments".

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 measures for dust and the importation of topsoil to the site.
- 6.2 *NYCC Highways* - No objections. Comments as follows:
- The design standard for the site is Manual for Streets and the required visibility splay is 45 metres by 2 metres easterly based on estimated vehicle speeds and 35 metres by 2 metres westerly due to 20mph speed limit. The available visibility is as above but the wall along the site frontage requires lowering to achieve 35 metres.
 - Conditions are recommended concerning visibility splays, parking spaces and garage conversion.

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. No representations have been received in response to this publicity.

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 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 Carleton 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.

9 Analysis

Principle of development

Site designation and planning history:

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.

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 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.

9.4 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.”

9.5 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. There is, however, an extant

planning permission on the site for the erection of a detached bungalow and garage of a similar size and design to that now proposed (application reference 17/2015/15386). The current proposal differs from the approved scheme by virtue of the following:

- The dwellinghouse has been positioned 0.2m further west and 1m further north.
- The L-shaped sections of the bungalow are 0.9m wider but the 'L' has been reconfigured to provide a shallow arm to the rear/side and a longer arm to the front.
- The garage has been positioned 3m further north and 1.2m further east and an existing outbuilding to the rear is shown to be retained.
- Shallow (maximum 1m high) retaining walls have been introduced to the west and west sides of the dwelling to separate its gardens from the driveway to the front.
- A gate has been added to the entrance of the access drive.

9.6 The existence of the extant permission, the parameters established by it and the fallback position it provides must weigh heavily in favour of the principle of residential development on the site. 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 which could be brought forward through the extant planning permission and, accordingly, the principle of residential development is acceptable.

Housing Land Supply:

9.7 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."

9.8 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."

9.9 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.

9.10 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."

9.11 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.

9.12 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:

9.13 The site is located within an area of open countryside. However, there is an extant planning permission (reference 17/2015/15386) for a similar scheme on the site which has established the principle of residential 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:

9.14 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.

9.15 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.

9.16 The site is also located within the Carleton 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.

9.17 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”.

9.18 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.

9.19 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.”

9.20 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 currently comprises an open garden area on elevated land to the rear of a two storey dwelling at Ivy Cottage Farm and attached holiday accommodation at Poppy Cottages. The existing dwelling occupies a spacious curtilage which is notably larger than that of surrounding residential properties. Although the site falls outside Development Limits, there is a clear visual distinction between the garden of Ivy Cottage Farm and the open agricultural fields to the south which are separated by a linear boundary marking the edge of the settlement.
- 9.22 The proposed dwelling would be of a single storey height and would occupy approximately half the curtilage of Ivy Cottage Farm. The proposed layout would ensure that sufficient garden areas are provided for both the existing and proposed dwellings and would not result in an unduly cramped appearance to the site. The single storey height of the bungalow would ensure that it appears as a subservient feature in relation to Ivy Cottage Farm and dwellings of a similar scale and character are located on adjoining land to the east and west in order that the development would not appear incongruous to its surroundings.
- 9.23 The development would be confined to the existing garden of Ivy Cottage Farm and would not encroach into the adjoining agricultural fields beyond. Accordingly, it would follow and respect the pattern of the settlement and would not have a dominant appearance in either near or distant views when seen alongside other development within the settlement.
- 9.24 The proposed bungalow and garage, with respect to their layout, size, height and siting, are very similar to the development approved under application 17/2015/15386. Although changes have been made to the footprint, positioning and configuration of the bungalow, the effects of the two developments on the character and appearance of the area would not be significantly different.
- 9.25 With the exception of the village's western periphery, the Carleton Conservation Area incorporates most of the settlement and generally follows development limits. As a result, and aside from a narrow stretch to the western edge, the majority of the site is located outside the boundaries of the conservation area. This is also the case with the adjacent bungalow to the east (Newlands). The main vista of the conservation area is along Carla Beck Lane and the proposed bungalow would be substantially screened from views along this stretch by the existing dwelling and planting to the perimeter of the site which is to be retained. In addition, the facing materials of the bungalow and its fenestration style and design would ensure a sympathetic relationship with surrounding properties. Accordingly, the proposed development would preserve the character and appearance of the conservation area and would not harm the significance of the designated heritage asset.
- 9.26 Two listed buildings are located on lower lying land to the east of the site. The bungalows of Glenholme and Newlands intervene between the proposed development and these buildings, and restrict inter-visibility between them. Therefore, it is not considered that the development would diminish the significance of neighbouring listed buildings or their setting.

Amenity:

- 9.27 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”.
- 9.28 The closest dwellings are Ivy Cottage Farm to the north and Meadow View to the west. Windows are proposed in all four elevations of the bungalow. The north facing elevation of the bungalow would achieve a separation of between 10m and 14m with the rear of Ivy Cottage Farm. This compares to a minimum of 13m in respect of application 17/2015/15386. Nevertheless, the bungalow's L-shaped layout would result in an oblique orientation in relation to Ivy Cottage Farm and, in combination with its single storey height, the development would not appear as an unduly oppressive or overbearing feature in the outlook of the neighbouring property.

- 9.29 The proposed bungalow would be located to the southeast of Meadow View, occupying an offset position approximately 8m away. The east facing elevation of Meadow View does not contain any habitable room windows and a *circa* 2.5m high coniferous hedge (on the neighbour's side) intervenes between the two sites. The single storey height and low eaves level of the bungalow would result in the majority of the proposed building being screened from Meadow View, with only its roof being visible above the boundary hedge. The fenestration arrangement to the bungalow would avoid any direct overlooking towards Meadow View and the scale of development would ensure no adverse effects through overshadowing or loss of outlook.
- 9.30 The eastern elevation of the bungalow would be located approximately 14m from the west side of Newlands. A detached garage of a similar but slightly lower height and separate field access would intervene between the side of the dwellinghouse and the neighbouring bungalow. The scale and level of spacing achieved between the properties would ensure that the development does not have an undue impact on the privacy and amenity of these occupiers.
- 9.31 The proposed development, by virtue of its size, scale, height, siting, spacing and screening with neighbouring dwellings, would be compatible with the density and character of surrounding development and would have no undue effects on the privacy and amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking.

Highways:

- 9.32 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".
- 9.33 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.
- 9.34 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.
- 9.35 Access to the site is proposed from an existing opening to the northeast corner which merges with a short cul-de-sac onto Carla Beck Lane. This is the same means of access approved under application 17/2015/15386. The cul-de-sac serves two other bungalows and four parking spaces for Poppy Cottages.
- 9.36 The Local Highway Authority have not raised any objections to the proposed means of access providing that conditions are imposed requiring the lowering of a wall (also owned by the applicant) to provide adequate visibility in a westerly direction at the junction. Although this junction already serves 4 other dwellings, it is considered expedient to attach a condition requiring this enhancement due to an intensification of its use.
- 9.37 The proposed development of a single dwelling would not result in a level of additional traffic generation that would adversely affect network capacity and a minimum of two off-road car parking spaces would be made available within the forecourt to the front of the garage. Accordingly, the proposed development would not have any adverse effects on highway safety.

10 Conclusion

- 10.1 The application seeks full planning permission for a residential development comprising one bungalow and a detached garage on a *circa* 720 square metre parcel of land forming the garden of Ivy Farm Cottage, Carleton. Although the site falls outside Development Limits, the principle of development is established through an extant planning permission for a scheme of similar size and scale (application reference 17/2015/15386).

- 10.2 The site occupies a sustainable location for housing within the village and the proposal, by virtue of its size, scale, height, layout, design and materials, would be compatible with and sympathetic to the character of surrounding development and would preserve the character of the Carleton Conservation area.
- 10.3 The spacing and relationship of the proposed development with neighbouring properties would ensure that it has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. A safe and suitable means of access would be incorporated as part of the scheme and the development 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.
- 10.4 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 planning permission is **granted** subject 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. 633-12 – Location plan 1:1250.
 - Drawing no. 633-10 Rev A – Proposed site plan & section.
 - Drawing no. 633-11 – Proposed elevations.
 - Drawing no. 633-09 Rev A – Proposed plans.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings or where alternative details have been subsequently approved following an application for a non-material amendment.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of the 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.

4. Notwithstanding any details shown on the approved plans, no above ground works shall take place until details of all windows and doors for the development 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 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.

5. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of the hedges identified as being retained on drawing no. 633-10 Rev A. The Construction Exclusion Zone 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 maintained during the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing hedges 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.

6. 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;
 - (c) details of areas designated for the loading, unloading and storage of plant and materials;
 - (d) measures to control the emission of dust and dirt during construction.

Development shall thereafter be carried out in full accordance with the duly approved CMS.

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.

During building works (C)

- (e) There shall be no vehicular access or egress between the highway and the site (except for the purposes of constructing the site access) until splays are provided giving clear visibility of 45 metres easterly and 35 metres westerly measured along both channel lines of Carla Beck Lane from a point measured 2 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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.

Ongoing conditions (F)

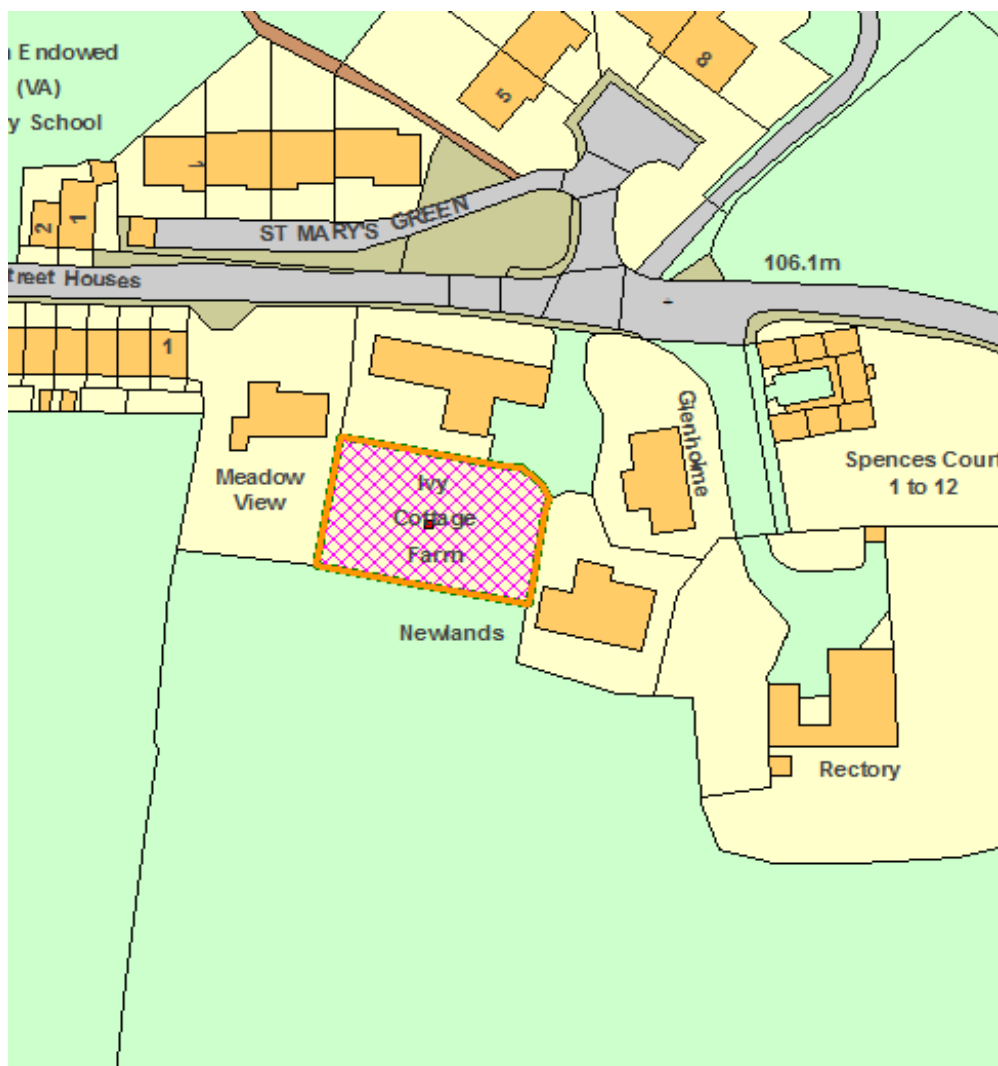
- (f) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the privacy and amenity of the

occupiers of adjacent dwellings in accordance with the requirements of 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.



Application Number: 2017/18524/FUL

Proposal: Erection of one dwelling with detached garage

Site Address: Ivy Cottage Farm Carla Beck Lane Carleton Skipton
BD23 3BY

On behalf of: Mr & Mrs S Hall

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18173/FUL

Proposal: Conversion of a partially rebuilt shippon to form a three bedroom unit of holiday accommodation.

Site Address: Willow Tree Austwick Lancaster LA2 8AH

On behalf of: Mr D Shackleton

Date Registered: 11th August 2017

Expiry Date: 6th October 2017

Case Officer: Andrea Muscroft

The application is referred to Planning Committee as other development on this site has previously been considered and refused by Planning Committee within planning applications 49/2016/17020 & 49/2016/17022.

1. Site Description

1.1 The application relates to a former agricultural Shippon located adjacent to Willow Tree House a large detached dwelling in the parish of Lawkland. The building lies to the east of the dwelling and is single storey.

1.2 The site lies outside of any recognised development limits defined by the Local Plan and also lies within the Forest of Bowland AONB.

2. Proposal

2.1 The application seeks permission for the conversion of a partially rebuilt former Shippon to form a three bedroom unit for holiday accommodation. The proposal also includes off street parking for two vehicles and private amenity area.

2.2 **Officers Note:** The description of the development as stated on the planning application is set out above. However, the Council is of the opinion that due to the extent of the rebuilding of the Shippon this proposal should be more appropriately treated as a new building in the open countryside as the originally building has been substantially demolished.

2.3 **Officers Note:** The Planning Manager requested the applicant's agent to submit pre-construction plans to establish what previously existed on site. However, at the time of drafting the report no plans have been received to show the original size, shape or appearance of the Shippon prior to the commencement of works on site. Therefore, the proposal has been assessed based on the information provided and submitted plans.

3. Planning History

3.1 49/2017/17022 – Conversion of a redundant Shippon building to form a single dwelling with associated off street parking – Refused at Planning Committee September 2016 for the following reason:

As a consequence of unauthorised major reconstruction of the existing Shippon the building is now incapable of being converted to residential accommodation and as such the development proposed is a new dwelling in the open countryside. The proposed dwelling given its remote location fails to comply with the main aims and objectives of sustainable development and with no special justification fails to comply with saved local policies. It is therefore considered that this development is unacceptable in

principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & H8 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

- 3.2 49/2017/17701 – Conversion of a partially rebuilt redundant Shippon building to form a single dwelling (resubmission of refused application 49/2016/17022) – Refused by Planning Committee April 2017 for the following reason:

As a consequence of unauthorised major dismantling and reconstruction of the existing Shippon the proposal amounts to the creation of a new dwelling house in the open countryside and cannot be considered as the reuse of the building. Furthermore, the proposed dwelling given its remote location fails to comply with the main aims and objectives of sustainable development and with no special justification fails to comply with saved local policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & H8 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside and paragraph 55 of the Framework that requires special circumstances to justify new homes in the countryside.

- 3.3 Officer Note: Appeal not accepted by PINS as outside of the time scale to appeal the reason for refusal.
- 3.4 2504/2016 – Enforcement Investigation in to the unauthorised construction of new building to create a residential dwelling.
- 3.5 49/B/2016/8083/Initial Notification – Rejected 22nd September 2016 by the Council's Building Control Officer as the works had commenced on site prior to the Council receiving the initial notification relating to the intention of works starting on site.
- 3.6 Officers Note: A separate barn is located directly to the north of the application premises and a separate application has recently been submitted and permitted to convert that barn (Planning Ref. 49/2016/17020). The barn to the north remains intact and can still be converted (unlike the application premises that has been substantially demolished and a new building erected).

4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, EMP14 and T2 of the Saved Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF
- 4.3 Planning Practice Guidance - PPG

5 Parish/Town Council Comments

- 5.1 **Lawkland Parish Council:** Little to add to previous comments. However, the situation as described by the applicant seems tied up in terminology on holiday homes or residential dwellings, mortgages and size of his original development. He requests a visit to site.
- 5.2 Officer Note: The Parish Council previously made the following comments with regards to applications 49/2017/17701:
- 5.3 *The parish resubmits the comment it made on 18 July 2016 on the original application. The applicant has given great thought to the planning of this project with respect to suitability to its situation. It is an imaginative use and transformation of a redundant farm building, to be used as a holiday let. The parish supports the application.*
- 5.4 Officer note: The application refers to a residential dwelling not a holiday let.

5.5 Officer Note: The Parish Council previously made the following comments with regards to applications 49/2017/17022:

5.6 *Supportive of the proposal. They comment that the proposal is an imaginative use and transformation of a redundant farm building.*

6 Consultations

6.1 **CDC Environmental Health:** No objection to the application, but recommend the use of appropriate conditions with regards to construction times, noise, asbestos, dust control.

6.2 **Electricity Northwest:** No comments received within the statutory consultation period.

6.3 **Forest of Bowland Planning Officer:** No comments received within the statutory consultation period.

6.4 **NYCC Footpaths Officer:** No objection, however recommend the use of an informative with regards to the adjacent PROW.

6.5 **NYCC Highways Authority:** No objection.

6.6 **United Utilities:** No comments received within the statutory consultation period.

7 Representations

7.1 No third party representations received within the statutory consultation period.

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual Impact of the development.

8.3 Impact of the development on neighbouring properties with regards to amenity and privacy.

8.4 Highway issues.

8.5 Biodiversity.

9 Analysis

1. Principle of development.

9.1 Saved Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and 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. The policy aims and objectives are broadly compliant with the NPPF.

9.2 This is an application to develop holiday accommodation on the site and Saved Policy EMP14 which seeks to bring back rural buildings for tourism related use is the principal Saved policy to assess the principle of development. Policy EMP14 offers support for the conversion [emphasis added] of rural buildings for tourism related uses. This requires compliance with the following criteria;-

- the building is not in an exposed or prominent location where conversion would cause harm to the character and appearance of the are;
- the character, appearance or positive contribution of the building makes to the landscape;
- the building is structurally sound and capable of the proposed re-use without major rebuilding;
- the impact of the proposal or additional elements will not harm the character of the existing building, or the surrounding area in which it is located. The scheme of alterations to the appearance of the building should be kept to a minimum;
- any curtilage is minimal, unobtrusive and capable of being screened;
- the development is well related to the highway network and should not give rise to unacceptable highway access or service provisions;

- the development would not adversely affect sites of nature conservation value, or archaeological importance;
 - can provide sufficient and adequate off road vehicle parking in accordance with adopted standards.
- 9.3 Very important criteria of the policy is that the building is structurally sound and capable of the proposed re-use without major rebuilding and that any scheme of alterations are kept to a minimum so as to retain the essential character of the building and the surrounding area and that any proposed curtilage is minimal, unobtrusive and capable of being screened. Whilst the requirement that a building is capable of conversion without major or complete reconstruction is not directly replicated in the NPPF it is considered that for a building to be re-used it is inherent that the main elements of the structure would be retained as part of any conversion scheme. If a proposal required the major or complete reconstruction then this would amount to a new building as opposed to the re-use of an existing one. As such it is considered that this policy is broadly consistent with the objectives of the NPPF.
- 9.4 In this instance the applicant's agent states that the proposal relates to the conversion of a former Shippon to holiday accommodation to provide three bedroomed accommodation on one level. The agent on behalf of the applicant claims in paragraph 5.3.9 of the submitted Planning Statement that the proposed conversion retains the footprint and single form of the building, but with a slight alteration to the roof of the southern part of the building in order to form a single apex with the roof of the slightly higher Shippon part of the building.
- 9.5 **Officer note** The Council disagrees with the statement that the proposal would be retained within the original footprint and that the only slight alteration is to the roof. Due to the extent of the rebuilding the proposal is in fact a new building (see 2.2 and 3.1 above)
- 9.6 The property and associated buildings/land were advertised on a number of online property website including Zoopla and Houser in 2014 resulting in the applicant purchasing the property and associated buildings and land in 2015. Sales particulars obtained show the existence of two glass lean-to greenhouses projecting off the southern elevation and not a continuous stone building as currently constructed on site. This would have involved significant reconstruction.
- 9.7 In addition, when comparing the southern elevation constructed on site with a photograph supplied by the agent it is clear that any existing openings in this elevation have been repositioned and enlarged. The door opening shown in the photograph adjacent to the corner stone quoins has been enlarged to fit four bi-folding doors and repositioned further along the southern elevation. This also would have involved significant reconstruction.
- 9.8 The submitted existing plan also shows an 'arch opening' leading into the garage on the eastern elevation. However, an image available on Rightmove 2014 appears to show a solid wall with no opening to the eastern elevation.
- 9.9 The agent does on behalf of the applicant in paragraph 5.3.9 of the Planning Statement acknowledge that the southern elevation of the building constructed on site has been raised. Although this is not shown on the submitted indicative existing plans, the increase in height is clearly shown on the photograph submitted by the applicant's agent.
- 9.10 In the absence of a structural engineers report to ascertain whether the building was originally structurally sound prior to any works commencing on site, combined with the substantial reconstruction (approx. 80%), the changes in form, scale, appearance and materials which have had a material impact on the appearance of the building. It is considered that that the proposal cannot be considered as a conversion of an existing building for the reasons outlined above. The proposal therefore fails to meet the requirements of Saved Policy EMP14 of the Local Plan in that the re-use of buildings for tourism related uses provided that the buildings are capable of conversion without major reconstruction.
- 9.11 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking i.e. the general acceptability of the proposal against the stated "three dimensions to sustainable development" which comprise of three broad roles "economically, socially and environmentally". The economic role should involve ensuring that land is available in the right places and identifying and co-ordinating the provision of

infrastructure. The social role, an element of which is accessible local services. Finally the environmental role, which includes the prudent use of natural resources. Therefore, to meet the requirements of sustainable development, the development should be in a location where the existence or provision of infrastructure offers or provides access to local services whilst minimising the need to travel would contribute to the achievement of sustainable development in a variety of ways.

- 9.12 Paragraph 14 indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted.
- 9.13 Paragraph 17 of the NPPF also 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 solution will vary from urban to rural areas.
- 9.14 Paragraph 28 of the NPPF deals with supporting a prosperous rural economy. To achieve this planning should support the sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This should include supporting the provision and expansion of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 9.15 The application relates to the partial conversion of a former Shippon for tourism at a distance of approx. 7km from town of Settle and the village of Giggleswick both of which provide the nearest available services and facilities.
- 9.16 In this instance, it is considered that the application site which is located in the open countryside, some distance from the nearest settlement and thus would not be in an accessible location. As a consequence of any lack of public transport and the distance between the application site and facilities in the nearest settlement of Settle, means that any visitor to the holiday accommodation would have no option but to use private motor vehicles. Whilst paragraph 25 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.
- 9.17 Notwithstanding that the proposal would provide some limited economic benefits during the construction stage and as visitor’s access facilities and services at neighbouring towns. The increased size of the former Shippon has had an environmental impact. In addition, the proposal would not meet the social dimension of sustainable development in that the holiday accommodation in a relatively remote rural location, some distance from shops, services and other facilities, and without any public transport links. As such, the proposal is considered not to be sustainable development as set out in the NPPF.
- 9.18 With regards to Saved Policy ENV1 it is acknowledged that the proposal would be considered to be small scale but there is no evidence to show that the development would meet the requirements set out in the Local Plan in that the development 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. Therefore, the proposal would conflict with Saved Policy ENV1 of the Local Plan.
- 9.19 In conclusion, the proposed partial conversion of the former Shippon which has been previously considered and refused within planning applications 49/2016/17020 & 49/2016/17022. The proposal cannot be considered as a conversion because of the level of reconstruction, changes to external appearance, increased scale, changes to form and materials combined with the lack of any structural report to ascertain whether the building was structural sound prior to conversion is tantamount to the construction of a new holiday let within the open countryside. As such, the proposal fails to meet the requirements of Saved Policy EMP14 of the Local Plan which seeks to ensure that when bringing back rural buildings for tourism related use that these building are structurally sound and capable of the proposed re-use without major rebuilding; that any scheme of alterations are kept to a minimum so as to retain the essential character of the building and the surrounding area and that any proposed curtilage is minimal, unobtrusive and capable of being screened. In addition, the proposal is considered contrary

to the requirements of paragraphs 17 & 28 of the NPPF as the proposal would not comprise of sustainable development for which the NPPF indicates there is a presumption in favour.

2. Visual Impact of the development on the AONB.

- 9.20 Development acceptable in principle under Saved Policy ENV1 will only be permitted where the development is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features. 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.
- 9.21 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty.
- 9.22 The applicant currently lives adjacent to the site in a large detached dwelling with the former Shippon located to the east of the dwelling. A further large agricultural barn is located to the north of the application site (see planning history).
- 9.23 With regards to the Shippon a section of the north, east & west elevations have already been rebuilt as well as the southern elevation using traditional stone. The proposal also includes replacing the current cement roof with natural blue slate roof tiles. To provide a private amenity area, an area of land to the south of the building has been excavated and a low level retaining wall constructed to provide a raised garden area backing onto an existing field boundary wall. To the east of the building a further area has been excavated to provide both a paved amenity area and parking for two vehicles.
- 9.24 It is accepted that the works undertaken and those proposed would have a some visual impact on the AONB and if approved would introduce a new holiday accommodation. The site is remote and partially screened by the surrounding rolling upland landscape. In addition, adjacent to the site exists a large detached residential dwelling with associated residential amenity areas and a further detached barn that historically has been granted permission for its conversion to residential accommodation (not implemented). As such, on balance it is considered that the proposal would not have such an unacceptable harmful effect on the visual and landscape character of the AONB to warrant a refusal.
- 9.25 With regards to the materials it is considered that those already used in the rebuilding of the building and those proposed are of a high quality ensuring that the development would make a positive contribution to the open countryside.
- 9.26 In conclusion, the design, scale, appearance and use of traditional materials would not result in any unacceptable harm on the visual and scenic beauty of the AONB. It is therefore considered that the proposal meets the aims and objectives of the NPPF assessed in 9.20-9.24 above in relation to the impact of the development on the AONB.

3. Impact of the development on neighbouring properties with regards to amenity and privacy.

- 9.27 As referred to previously the application site lies within a remote part of the countryside with nearby neighbours separated from the site at distances exceeding 200m. As such the proposed development would not result in any adverse conditions to the occupiers of these dwellings. The relation between this development proposal and the barn conversion permitted to the north is acceptable.

4. Highway issues.

- 9.28 Saved Policy T2 is supportive of development that does not have a negative impact on the existing highway system.
- 9.29 In this instance, the proposal would not make any changes to the access directly off the Eldroth Road but would provide on-site parking. NYCC Highways have been consulted and have not objected to the proposal on highway safety grounds. As such the proposal is not considered to be contrary to the requirements of Saved Policy T2 of the Local Plan.

5. Biodiversity.

- 9.30 NPPF states that planning decisions should avoid harm to biodiversity and consent should not be granted where there would be significant harm without adequate mitigation strategies in place. If significant harm cannot be prevented or mitigated against then permission should be refused.
- 9.31 A Bat, Barn Owl & Nesting Bird Survey generated by 'envirotec' Ecological Consultants has been submitted. The document states that the building is of negligible significance to bats with no evidence of Barn Owls or nesting birds.
- 9.32 Based on the information submitted, the Council has assessed the submitted details using Natural England's Standing Advice Species sheet for Bats together with its flow chart for 'Guidance on how to assess a bat survey and mitigation strategy'. Based on the information submitted, the LPA are of the opinion that the proposal would not have a significant impact on species or habitats on the application site or the surrounding area subject to the appropriate ecological mitigation measures being applied during construction. It is considered that there are no grounds to refuse planning permission over concerns in relating to impact on ecology.

Conclusion.

- 9.33 Paragraph 14 of the NPPF 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:

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.

- 9.34 On this site, the proposed partial conversion of the former Shippon has been previously considered and refused within planning applications 49/2016/17020 & 49/2016/17022. It is accepted that the proposal would provide some economic and environmental benefits, however, the inappropriateness of a new building in the open countryside in an unsustainable location, significantly and demonstrably outweighs any potential benefits of the development of this inappropriate development in the open countryside.

10 Recommendation

10.4 Refusal

11 Reasons for Refusal

- 11.4 As a consequence of unauthorised major reconstruction of the existing Shippon the building is now incapable of being converted to holiday accommodation and as such the development proposed is a new building in the open countryside. The proposed building given its remote location fails to comply with the main aims and objectives of sustainable development and with the level of reconstruction, changes in form, scale, appearance and use of materials fails to comply with saved local policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & EMP14 of the Craven District (outside the Yorkshire Dales National Park) Local Plan. The proposed development is therefore contrary to the requirements of paragraph 17 & 28 of the National Planning Policy Framework.

Informative

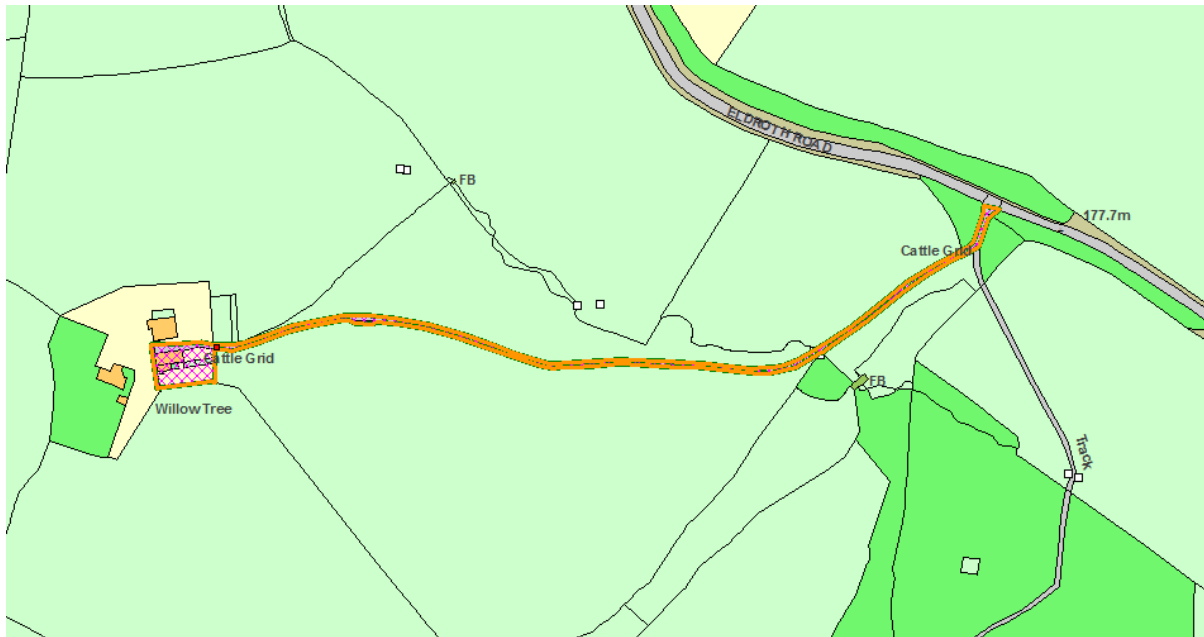
For the avoidance of doubt, this decision relates to the following plans:

- Sha/704/2297/01 Existing and Proposed Floor Plans, Elevations and Section received by Craven District Council on the 31st May 2017.
- Sha/704/2297/02 Location Plan received by Craven District Council on the 31st May 2017.

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. In particular the Council has: -

- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.
- requested information to support the applicant's position that the proposal is a conversion



Application Number: 2017/18173/FUL

Proposal: Conversion of a partially rebuilt shippon to form a three bedroom unit of holiday accommodation.

Site Address: Willow Tree Austwick Lancaster LA2 8AH

On behalf of: Mr D Shackleton

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18477/FUL & 2017/18478/LBC

Proposal: Partially demolish existing building and build new extension to east of Concert Hall. Upgrading to roof and external walls of 1970's extension to the north. Internal reconfiguration of building and increase in roof height above reception area. Removal of 1920's proscenium arch and fixed stage, reinstatement and repair of wall and ceiling decoration, alterations to lighting and heating systems. Installation of bleacher seating.

Site Address: Town Hall High Street Skipton BD23 1AH

On behalf of: Craven District Council

Date Registered: 14th September 2017

Expiry Date: 9th November 2017

Case Officer: Andrea Muscroft

Members deferred consideration for a Committee site visit. Previous report as follows.

1. Site Description

- 1.1 The application site relates to Skipton Town Hall, a Grade II Listed building constructed in 1862. The main elevation fronting onto the High Street is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. The side elevation facing Jerry Croft is less assuming, yet nevertheless has attractive detailing.
- 1.2 There are later additions to the Town Hall in the form of a single storey contemporary building. There is also a small lean-to projection enabling disabled access and fire exit from Jerry Croft into the main exhibition hall.
- 1.3 The site occupies a prominent position at the northern end of the High Street in Skipton town centre. Whilst the building lies within the development limits and designated conservation area of Skipton it lies outside of the Core Retail Area which runs north to south adjacent to the principle elevation of the building.
- 1.4 The High Street is subject to two Article 4 Directions which restrict:-
- 1.5 *The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.*
- 1.6 *Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors, windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.*

2. Proposal

- 2.1 This report covers two applications (Planning ref: 2017/18477/FUL & 2017/18478/LBC) seeking planning permission and listed building consent for works detailed below:

- 2.2 The proposal is seeking approval for the partial demolition of existing building and construction of new building to the east of the Concert Hall and internal and external repairs and remedial works to the existing building. In addition, changes to the internal configuration.
- 2.3 The proposed extension would provide an education room, loading bay, lobby, store, servery, baby changing area, male/female WC's and bin store.
- 2.4 **Officer Note:** Full details of the proposed internal works are contained within the Schedule of works document.
- 3 Planning History
- 3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.
- 3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.
- 3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.
- 3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.
- 3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.
- 3.6 63/2013/13734 – Change of use of main ground floor rooms fronting High Street to A1 Retail, A2 Financial & Professional Services, A3 Restaurants and Cafes and A4 Drinking Establishments – Refused 28th August 2013.
- 3.7 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access. Approved May 2014.
- 3.8 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved July 2014.
- 3.9 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved June 2014.
- 3.10 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved 23rd September 2014.
- 3.11 63/2014/15012 – Listed building consent for internal works – Withdrawn October 2014.
- 3.12 63/2014/15083 - Internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.
- 3.13 63/2014/15084 - Listed building consent for internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.
- 3.14 63/2014/15311 - Application to discharge condition numbers 4, 5, 6, 7 and 10 of planning permission referenced 63/2014/14530 and condition numbers 3, 4, 5 and 6 of planning permission referenced 63/2014/1453 – Split decision February 2015.
- 3.15 63/2015/15516 - Application to discharge condition no's 4 and 5 of planning consent 63/2014/15083 and condition no's 3 and 4 of planning consent 63/2014/15084 – Approved April 2015.
- 3.16 63/2015/15550 - Application for listed building consent to create a refuge on the first floor within Craven Museum – Permission not required April 2015.
- 3.17 63/2015/15649 - Application for approval of conditions 4 & 5 of applications - 63/2014/14530 & 63/2014/14532 – Approved June 2015.

- 3.18 63/2016/17303 - Replace the concert hall windows from timber to aluminium and the layout of the external doors at the High Street entrance – Withdrawn October 2016.
- 4 Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guide – PPG.
- 4.3 English Heritage: Conservation Principles.
- 5 Parish/Town Council Comments
- 5.1 **Skipton Town Council:** Comments received neither objecting or supporting the proposal.
- 6 Consultations
- 6.1 **CDC Conservation and Listed building consultant:** The proposal would have the potential to enhance the conservation area and the building. The proposal includes the demolition of some historical fabric built at the same time as the Concert Hall. However, the removal of historic fabric is of less architectural quality and will have a less than substantial harmful impact on the significance of the heritage asset, although the harmful impact should be balanced against any public benefits of the proposal.
- 6.2 Overall, the design and proposed materials are not adequately contextual.
- 6.3 **Historic England:** Support the proposal on heritage grounds subject to a detailed treatment and materials, protection of the circa 1930's pendant light fittings during works, clarification and agreement of position of the sockets on the pilasters in the hall and an external and internal recording of the east wing prior to demolition.
- 7 Representations
- 7.1 Three letters of objection received with comments summarised below. In addition, one letter of support has been received.
- 7.2 Visual impact
- Proposal is out of keeping with the character and appearance of the conservation area.
 - Proposed extension would appear overbearing and would obscure the Concert Hall when approaching from the car park.
- 7.3 Amenity issues
- Proposal would result in an unacceptable loss of daylight to neighbouring buildings.
 - Concern over the potential loss of privacy for neighbours or users of the education room.
 - Potential noise disturbance to neighbours.
- 7.4 Impact on listed building.
- Proposal would result in the unacceptable loss of historic 1903 extension.
- 7.5 Highway issues.
- Proposal does not encourage pedestrian safety.
 - Temporary loss of parking and vehicle turning space.
- 7.6 Other issues
- Increase in pollution.
- 7.7 Supportive comment
- Modern and older buildings can work together aesthetically and would add more cultural vibrancy. The only concern would be to ensure the appropriate use of materials.

8 Summary of Principal Planning Issues

8.1 Visual impact of the development.

8.2 Whether the proposed internal and external works would preserve the special architectural and historic interest of the listed building.

8.3 Impact of the development on the amenity of neighbouring properties.

8.4 Highway issues.

8.5 Other issues.

9 Analysis

9.1 **Visual impact of the development.**

9.2 The NPPF states that good design is a key aspect of sustainable development. New development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.

9.3 Furthermore, section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 advises LPA's to pay special attention to the desirability or preserving or enhancing the character or appearance of a designated conservation area.

9.4 The application site is a Grade II listed building fronting onto the High Street within the designated Conservation Area of Skipton and as such is a prominent feature within the High Street. However, the rear of the building which lies adjacent to Jerry Croft is less formal and has been subject to a number of inappropriate and unsympathetic additions over the years. This proposal seeks to demolish the existing two storey and single storey extensions and construct a two storey building to provide education room, toilet facilities, store, servery at ground floor level and change rooms, museum research office and store at first floor level.

9.5 The two storey extension highlighted by the Councils Listed Building Consultant's comments was constructed at the same time as the Concert Hall and therefore contains some historical fabric. In contrast the smaller extensions are characterised by a strong concrete urban construction prevalent in the 1970's. These extensions whilst not appearing dominant when travelling along Jerry Croft or towards the new public open space area located to the north are considered to be out of keeping with the listed building due to the unsympathetic design and materials. Similarly, these buildings fail to respect the style of the existing building or the character and appearance of the surrounding conservation area.

9.6 The submitted Design and Access Statements states that the "*replacement contemporary building has been designed with the aim of responding to and respecting the original building through a geometrical approach in terms of form, size and location of windows on the building. This process created a visual continuity between the new extension and the existing building without the need to replicate the existing detailing or window's layout*".

9.7 Although the proposal, has tried to respond to the character of the area and the existing building, the overall design is one of a purposely built stand out contemporary building which would form a stark contrast to the existing building. However, the building would be architecturally honest with the design of the proposal showing a clear distinction between the old and the new with the new extension subservient to the historic part of the building. Submitted details make reference to the use of both matching and contrasting materials. As such the proposal would provide an interesting feature within the street scene.

9.8 It is accepted that the proposed development would have a visual impact on the conservation area with the greatest impact arising from the southern elevation fronting onto Jerry Croft. Nevertheless, this part of the conservation area has been the subject of a significant level of redevelopment with the immediate surrounding area consisting of modern retail units with more traditional building beyond and to the west of the application site. Therefore, when viewed in the context of the surrounding area it is

not considered that the proposal would result in any unacceptable harm to the character and appearance of the conservation area.

- 9.9 In conclusion, although the demolition of the two and single storey extensions would have a visual impact on both the original building and the surrounding conservation area, it is considered that the contemporary designed building combined with the use of high quality materials would not result in any unacceptable harm to this designated heritage asset. The proposal is therefore considered to meet the guidance contained within the NPPF.
- 9.10 **Impact of the proposal on the heritage asset.**
- 9.11 Section 66 of the Planning Listed Building & Conservation Areas Act 1990; requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses when considering planning applications that affect listed buildings.
- 9.12 Section 12 of the National Planning Policy Framework provides guidance relating to the conservation and enhancement of the historic environment. Paragraphs 128 and 129 of the NPPF require applicants and the local planning authority to identify and assess the significance of heritage assets affected by a proposal. This assessment should be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'. Paragraph 31 states that local planning authorities are required to consider the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.13 External alterations or extensions to a listed building can be considered as acceptable where the development is in keeping with the character of the listed building and does not detract from or prejudice its significance, either as a whole or cumulatively as a result of the amount of development proposed.
- 9.14 Paragraph 134 states that where a development proposal 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.
- 9.15 The definition of public benefit is defined in paragraph: 020 ID: 18a-020-20140306 of the Planning Practice Guidance as set out below:
- 9.16 *Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*
- 9.17 Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation.
- 9.18 Case law established in R (Forge Field) v Sevenoaks DC (2014) EWHC 1895 ("Forge Field") and Pugh v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin) ("Pugh") states that whatever the degree of harm to heritage assets there is a presumption against the development, mandated by the statute, which requires that special regard is had to preserving or enhancing heritage assets. The extent of the presumption against the development will be governed by the level of harm to the heritage asset.
- 9.19 In terms of the present proposal, the proposed demolition would result in the loss of historic fabric. However, the level of harm entailed in the removal of the two storey and single storey extensions is assessed as less than substantial. This is confirmed by the comments received from Historic

England. As a result, it is considered that in the planning balance highlighted in the NPPF the public benefit arising from the proposed extension outweighs the harm caused to the heritage asset.

- 9.20 Internally the building has been significantly altered over the years, with the exception of the Concert Hall, and as a consequence has few internal historical features of interest. As such, the proposed internal works would be considered acceptable and would not significantly impact on any historical features.
- 9.21 Turning to the impact on the proposal on the Concert Hall, Historic England have been consulted and consider that the proposed works would enhance the significance of the hall and therefore have not objected to the proposal subject to the use of appropriate conditions.
- 9.22 In conclusion, it is considered that the proposed development would not result in any unacceptable loss of historical fabric or architectural interest nor have a negative impact on the setting or significance of the Grade II listed building. It is therefore considered that the proposal does not conflict with the statutory duties outlined in the Planning Listed Building & Conservation Areas Act 1990 or the guidance contained within the NPPF that seeks to protect the historic environment for inappropriate development.
- 9.23 Impact of the development on the amenity of neighbouring properties.**
- 9.24 Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include a requirement that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.25 In this instance, the majority of buildings adjacent to the application site are non-residential with the exception of the Coach House located to the north of the application site which consists of a retail, non-residential health clinic and residential accommodation.
- 9.26 It is acknowledged that the northern elevation would contain a first floor window to serve the buildings management office. However, this would be a significant reduction in the number of window and door openings than are currently present on the northern elevation. As such, it is not considered that the proposal would have an adverse impact on the level of privacy that the occupants of this premise currently experience.
- 9.27 In terms of potential noise disturbance, it is considered that the occupants of The Coach House would not be adversely impacted upon by the way of noise, from the increased activity and hours of operation from this proposal given the surrounding area consists of a mixture of uses including public houses and restaurants.
- 9.28 In conclusion, it is not considered that the proposal would have an adverse impact on the amenity or privacy of neighbouring properties. The proposal therefore does not conflict with the guidance contained within the NPPF.
- 9.29 Highway issues.**
- 9.30 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.31 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:
- 9.32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'
- 9.33 The proposal would be constructed following the building line of the existing extensions and therefore would not encroach onto the existing pedestrian footpath that lies to the south of the site. It is

acknowledged that the proposed extension would extend beyond the existing building line to the east. Nonetheless, it is considered that there remains sufficient space for both vehicle and pedestrian movement to and from the public plaza located to the north of the application site.

9.34 NYCC Highways have been consulted and have raised no objection to the proposal on highway safety grounds.

9.35 In conclusion, the proposed development would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 of the Local Plan and guidance contained within NPPF.

9.36 Conclusion.

9.37 Paragraph 14 of the NPPF 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:

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.

9.38 In this instance, it is accepted that the proposal would result in the loss of historical fabric and would have a visual impact. However, this impact does not significantly and demonstrably outweigh the public benefits provided by the proposal.

10 Recommendation

10.1 To grant planning approval and listed building consent subject to the following conditions.

Conditions

Listed Building Consent Planning Ref: 2017/18478/LBC

Time

1. The proposed development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved Plans

2. The approved plans comprise Drawing No's and the Schedule of Works Document:

- L(PL)000A Location Plan received by Craven District Council on 14th September 2017.
- L(PL)0001A Site Plan received by Craven District Council on 14th September 2017.
- L(PL)111 Proposed Ground Floor received by Craven District Council on 1st September 2017.
- L(PL)112 Proposed First Floor Plan received by Craven District Council on 1st September 2017.
- L(PL) 114 Proposed Roof Plan received by Craven District Council on 1st September 2017.
- L(PL)116 Proposed South elevation received by Craven District Council on 1st September 2017.
- L(PL)117 Proposed East elevation received by Craven District Council on 1st September 2017.
- L(PL)119 Proposed North Elevation received by Craven District Council on 1st September 2017.
- L(PL)120 Proposed Sections Plan received by Craven District Council on 1st September 2017.
- L(SK)130 Concert Hall Internal Elevations received by Craven District Council on 1st September 2017.

- L(SK)131 Concert Hall Internal Elevations received by Craven District Council on 1st September 2017.

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

Pre commencement

1. Prior to any internal works commencing in the Concert Hall a heritage method statement to ensure the protection of the circa 1930's pendant lights during the works shall be submitted to and approved in writing by the Local Planning Authority. No internal works alterations to the Concert Hall shall be carried out before the heritage method statement has been approved.

Reason: As insufficient information has been submitted and to ensure the satisfactory preservation of this listed building and to comply with the National Planning Policy Framework.

2. Prior to their first installation more detailed specifications / plans / supporting information of the following features shall be submitted to, and approved in writing by, the Local Planning Authority: -
 - Double sockets
 - Lighting rigs with new lighting units

The development shall thereafter be implemented in accordance with the approved details.

Reason: As insufficient information has been submitted and to ensure the satisfactory preservation of this listed building and to comply with the National Planning Policy Framework.

3. Prior to any works to upgrade the 1930's Art deco pendants details shall be provided to demonstrate how the effectiveness of the luminaire of the 1930's Art deco pendants is to be upgraded. No alterations to the 1930's Art deco pendants shall be carried out before the details have been approved. The development shall be carried out in accordance with the approved details.

Reason: As insufficient information has been submitted and to ensure the satisfactory preservation of this listed building and to comply with the National Planning Policy Framework.

During building work

4. Notwithstanding any description of materials in the application, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings 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 Grade II Listed Building, surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of the National Planning Policy Framework.

5. Notwithstanding any description of decoration, repair and reinstatement of internal works to the Concert Hall, full details of the materials, type, texture, finish, size and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: To ensure the use of suitable materials which are sympathetic to the special architectural and historic character of the listed building and conservation area in accordance with the requirements of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the installation of the safety barrier and air handling unit full details/specifications shall be provided to and approved in writing by the Local Planning Authority. The development shall therefore be installed in accordance with the approved details.

Reason: As insufficient information has been submitted and to ensure the satisfactory preservation of this listed building and to comply with the National Planning Policy Framework.

INFORMATIVE

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offence to execute or cause to execute any works for the demolition of a listed building or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised by and executed in accordance with the terms of a Listed Building Consent and any conditions attached to it.

Full Planning Permission 2017/18477/FUL

Time

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 approved plans comprise Drawing No's and the Schedule of Works Document:
 - L(PL)000A Location Plan received by Craven District Council on 14th September 2017.
 - L(PL)0001A Site Plan received by Craven District Council on 14th September 2017.
 - L(PL)111 Proposed Ground Floor received by Craven District Council on 1st September 2017.
 - L(PL)112 Proposed First Floor Plan received by Craven District Council on 1st September 2017.
 - L(PL) 114 Proposed Roof Plan received by Craven District Council on 1st September 2017.
 - L(PL)116 Proposed South elevation received by Craven District Council on 1st September 2017.
 - L(PL)117 Proposed East elevation received by Craven District Council on 1st September 2017.
 - L(PL)119 Proposed North Elevation received by Craven District Council on 1st September 2017.
 - L(PL)120 Proposed Sections Plan received by Craven District Council on 1st September 2017.
 - L(SK)130 Concert Hall Internal Elevations received by Craven District Council on 1st September 2017.
 - L(SK)131 Concert Hall Internal Elevations received by Craven District Council on 1st September 2017.

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

During building work

3. Notwithstanding any description of materials in the application, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings 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 Grade II Listed Building, surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of the National Planning Policy Framework.

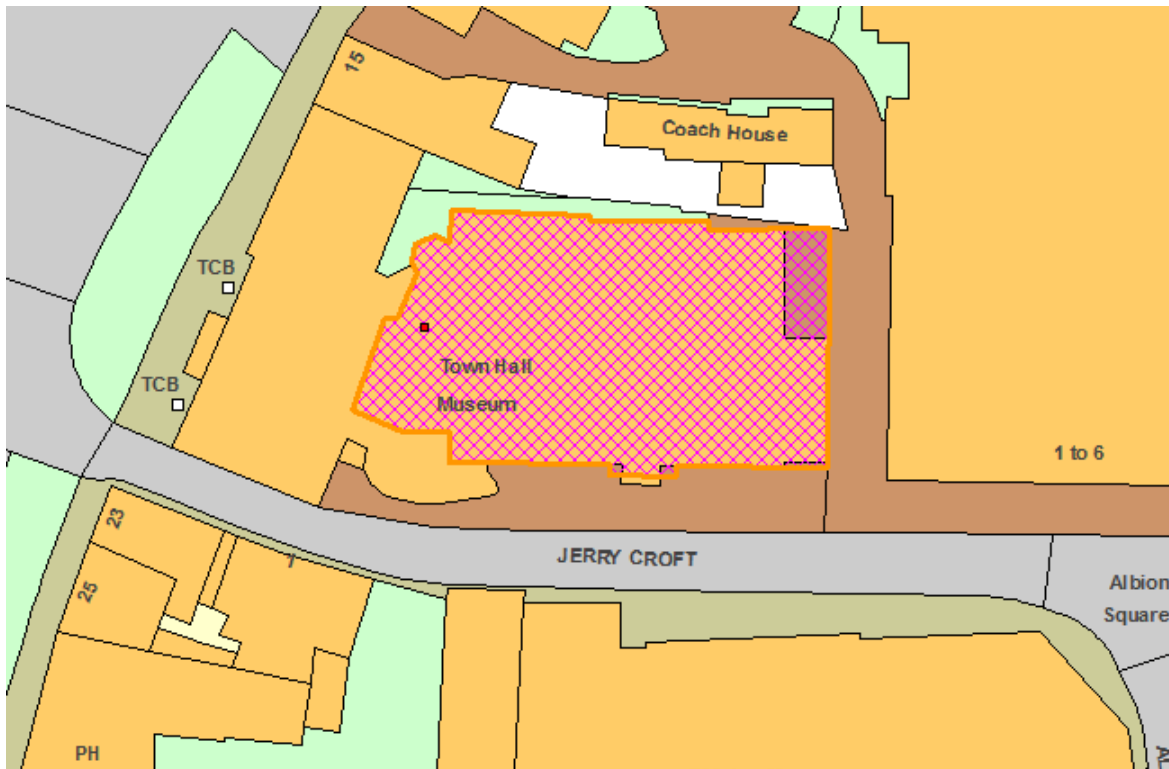
4. Notwithstanding any description of decoration, repair and reinstatement of internal works to the Concert Hall, full details of the materials, type, texture, finish, size and colour shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: To ensure the use of suitable materials which are sympathetic to the special architectural and historic character of the listed building and conservation area in accordance with the requirements of the 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: 2017/18477/FUL & 2017/18478/LBC

Proposal: Partially demolish existing building and build new extension to east of Concert Hall. Upgrading to roof and external walls of 1970's extension to the north. Internal reconfiguration of building and increase in roof height above reception area. Removal of 1920's proscenium arch and fixed stage, reinstatement and repair of wall and ceiling decoration, alterations to lighting and heating systems. Installation of bleacher seating.

Site Address: Town Hall High Street Skipton BD23 1AH

On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18616/FUL

Proposal: Construction of 2 No. new detached dwellings with associated off street parking

Site Address: Land At Greenfoot Lane Low Bentham LA2 7ES

On behalf of: Mr Edward Metcalfe

Date Registered: 13th October 2017

Expiry Date: 8th December 2017

Case Officer: Andrea Muscroft

The application has been referred to Planning Committee as it has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

1. Site Description

- 1.1 The application site relates to a parcel of land that lies directly to the south of Greenhead Lane in Low Bentham. Greenhead Lane ceases to be public highway some way to the east of the application site and is single carriageway width with a hard core surface. The application site is partially covered in gravel hard standing with grass to the southern and western parts. It is surrounded by hedges along the south, west and northern boundaries with a low level wall and timber fencing to the east.
- 1.2 To the east of the application site is a row of 4 terrace dwellings with further dwellings to the north and dwellings further along Greenhead Lane to the west. The village of Low Bentham is located to the east and is characterised by a mix of terraced, semi-detached and detached dwelling in a variety of ages and styles. To the rear of the site (south) the land is currently open fields.
- 1.3 A Public Right of Way runs along Greenhead Lane adjacent to the application site and another runs from west to southeast behind the site.
- 1.4 The application site is located outside of the development limits of Low Bentham and therefore lies on land classified as open countryside. The site is also within a Low Risk Area for previous Coal Development.

2. Proposal

- 2.1 The application is seeking approval for the construction of 2no. Three bedroom detached dwellings with associated off street parking.
- 2.2 The proposed dwellings would be externally finished in natural Yorkshire stone and white render under a natural blue/grey slate roof. Windows and doors would consist of hardwood timber external finished in RAL 7016.
- 2.3 Roof lights would be Rafterline ppc external finished in RAL 7016 and rainwater goods would be ppc aluminium external finished in black.

3 Planning History

- 3.1 05/8/434 – Outline application for the erection of dwelling at Green Head Cottages – Refused October 1988.

- 3.2 08/2014/14883 – Outline planning permission for the construction of a detached four bedroom dwelling with integral double garage including access – Withdrawn September 2014.
- 3.3 08/2015/15552 - Outline planning permission for the construction of a detached four bedroom dwelling/integral double garage with details relating to scale and access included for consideration. (All other matters reserved for subsequent application). (resubmission of withdrawn – Approved July 2015).
- 3.4 08/2016/17369 - Reserved matters application for approval of details concerning appearance, landscaping and layout as reserved in outline consent reference 08/2015/15552 – Approved November 2016.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies ENV1, ENV2, and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

- 5.1 **Bentham Parish Council:** - No objection.

6 Consultations

- 6.1 **CDC Contaminated Land:** - No known contaminated land implications regarding this site.
- 6.2 **CDC Environmental Protection:** - No potential environmental protection issues that give concern but recommend the use of conditions to control potential noise/ dust nuisance during construction stage. In addition, conditions relating to sewerage disposal and clean soil.
- 6.3 **NYCC Highways Authority:** - No objection subject to the attachment of appropriate conditions.
- 6.4 **NYCC Footpath Officer:** No objection but advise the applicant/developer that no works should be undertaken which would create an obstruction, either permanent or temporary without the prior agreement with the County Council's Access and Public Rights Team.
- 6.5 **United Utilities:** The applicant/developer is advised that when considering a surface water drainage strategy that it should accord with the surface water drainage hierarchy as outlined in the Planning Practice Guidance. In addition, a separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

7 Representations

- 7.1 No third party representations received within the statutory consultation period.

8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual Impact of development.
- 8.3 Impact of development on nearby residential dwellings.
- 8.4 Impact of development on highway network.
- 8.5 Affordable Housing.
- 8.6 Other issues.

9 Analysis

Principle of development.

- 9.1 The application site relates to a parcel of land to the south of Greenfoot Lane near the village of Low Bentham. The application seeks to construct two detached dwellings with associated off street parking. In this instance, it is considered that the principle and acceptability of the application site for housing

has already been established under planning permissions 08/2015/15552 & 08/2016/17369, which supported the principle of development on the site.

Visual impact of development on the character of the surrounding area

- 9.2 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.
- 9.3 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.4 The application site lies to the west of Low Bentham adjacent to Greenhead Lane and relates to a parcel of unused land. The character of this area to the west of Greenhead Lane is derived in part by the unplanned nature of development, the lack of street patterns and the open spaces between and around buildings with the exception of No. 1 – 4 Greenhead Lane which comprises of a row of terrace dwellings. To the rear of the properties fronting onto Greenhead Lane, the surrounding area is of open agricultural fields generally devoid from development. It is this openness and non-planned development that contributes to the character and appearance of the area and therefore has some significance.
- 9.5 The proposal is to clear the site and construct two detached three bedroom dwellings with associated car parking. The application site lies on the periphery of Low Bentham where there is a variety of differing ages and styles of dwellings to the east, north and west of the site.
- 9.6 Notwithstanding the variety in the design and appearance of the surrounding dwellings it is considered that the proposed dwellings are of an acceptable design that is appropriate to its setting, taking account of the nearby residential dwellings. Furthermore, the use of high quality materials similar to those used in the construction of nearby dwellings would ensure that the proposed dwellings would not appear as an incongruous feature within the surrounding area. As such the appearance of the proposed dwelling is held to be satisfactory.
- 9.7 The proposed site layout would allow for the construction of two detached dwellings with sufficient associated amenity space and off street parking ensuring that the development does not appear cramped when viewed from Greenfoot lane.
- 9.8 The proposed soft and hard landscaping details shown on the submitted plans show that the pedestrian entrances to the dwellings would consist of natural stone paving and conservation permeable areas to driveways. Boundary treatments would consist of vertical close boarded fencing and beech hedging. Private amenity areas would comprise of grassed areas with patio areas created using stone pavers. Overall, the proposal is considered to be acceptable in respect of hard and soft landscaping.
- 9.9 In conclusion, it is considered that the proposed development of this site would result in a visual improvement with the scale, appearance, design and use of materials relating well with the existing character of the properties to the east and surrounding area. As such, the proposal accords with the policy requirements of Saved Policy ENV2 of the Local Plan and the guidance contained within the NPPF.

Impact of the development on the amenity of neighbouring properties.

- 9.10 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles

of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.

- 9.11 The application site would be separated from properties to the east by the proposed vehicle access and parking area and properties to the north by Greenhead Lane. It is acknowledged that there are further dwellings to the west and south but these are screened from view by existing boundary treatments. As such it is not considered that the proposal would have a negative impact on the occupiers of these properties in terms of loss of privacy or loss of daylight. The proposal would lie within close proximity to the existing dwelling located to the east of the application site but this is not considered to be an issue that would justify refusal of planning permission on the grounds of loss of amenity.

Highway Issues.

- 9.12 Saved Policy T2 states that residential developments should not create conditions prejudicial to highway safety and requires proposals to be appropriately related to the highway network and to not generate volumes of traffic in excess of the capacity of the highway network.
- 9.13 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.14 Paragraph 32 of the NPPF states that:
'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.15 The access is indicated to be served from an existing access with the provision of improvements including the widening to the access onto Greenhead Lane, the provision of a passing place on Greenhead Lane, and the provision of a vehicle turning area for all users of the lane. Comments received from NYCC Highway Authority states that the proposed highway arrangements are acceptable subject to appropriate conditions. Therefore, in principle the development of the site can be undertaken without an unacceptable adverse impact on highway safety.
- 9.16 In Officers opinion the key improvements proposed to Greenhead Lane would significantly improve the ability of all users to use Greenhead Lane. Improvements to the easterly end of the lane comprise an improved surface, widening of part of the carriageway, provision of street lighting and a footpath. The applicants indicate that this is agreed with the neighbouring land owner, but it should be noted that there is a risk that these improvements may be more difficult to achieve.

Drainage

- 9.17 The application does not make it clear how foul water is to be disposed of. Planning Practice Guidance advises that where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. In this case the public sewer is some distance to the east of the application site. However with respect to the use of a septic tank, Planning Practice Guidance advises that they should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer or a package sewage treatment plant is not feasible. This has not been demonstrated and therefore a condition is recommended requiring further details.
- 9.18 Surface water is to be disposed of to an existing watercourse and this is an appropriate solution.

Other issues

- 9.19 The site is also within a Low Risk mining area. Standing advice from the Coal Authority suggests that in such circumstances this matter can be adequately addressed by an informative on the decision notice.

Conclusions.

- 9.20 Paragraph 14 of the NPPF 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:

- 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.’

9.21 In this case it is considered that the harm caused to the character of the open countryside is less than significant when weighed against the benefits of providing housing for the district. As such the proposal is considered to be a sustainable form of development that accords with national planning policies in all other respects.

10 Recommendation

10.1 **To grant planning permission subject to the following conditions.**

Conditions

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

Reason: To ensure a compliance with section 91 of the Town and Country Planning Act 1990.

2. The approved plans comprise;

- L3490 01 Location Plan received by the Local Planning Authority on the 13 October 2017.
- L3490 02 Rev A Proposed site plan received by the Local Planning Authority on the 4th December 2017.
- L3490 03 Rev A Proposed plan, sections & elevations received by the Local Planning Authority on the 4th December 2017.
- L3490 04 Rev A Proposed block plan received by the Local Planning Authority on the 4th December 2017.
- 101 Proposed access improvements received by the Local Planning Authority on the 6th October 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 (approved plans) of this permission, no above ground works shall take place until samples or 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: In the interest of visual amenity and to accord to the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

4. All external faces of windows and doors shall receive reveals of at least 100mm deep from the external face of the walls.

REASON: To ensure the development is of good appearance in the interest of visual amenity.

5. No barge boards, fascia boards or soffit boards shall be used in the carryout of the development hereby approved.

REASON: To ensure the development is of good appearance in the interests of visual amenity.

6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

REASON: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

7. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2015 for the time being in force, the areas shown on **L3490 02** for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

REASON: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development and to accord with the requirements of Saved Policy T2 of the Local Plan and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby permitted the passing place and turning area detailed on the approved plans shall be fully implemented and made available for use in accordance with details that have previously been approved in writing by the Local Planning Authority. These facilities shall thereafter be retained in perpetuity for all users of Greenhead Lane.

REASON: To ensure construction of passing and turning area and in the interests of highway safety and movement.

9. Notwithstanding the details indicated in the submitted application, the disposal of foul water drainage from the hereby approved dwelling shall connect to a private package treatment plant unless otherwise approved in writing by the Local Planning Authority that such a solution is inappropriate in terms of financial cost and practicality.

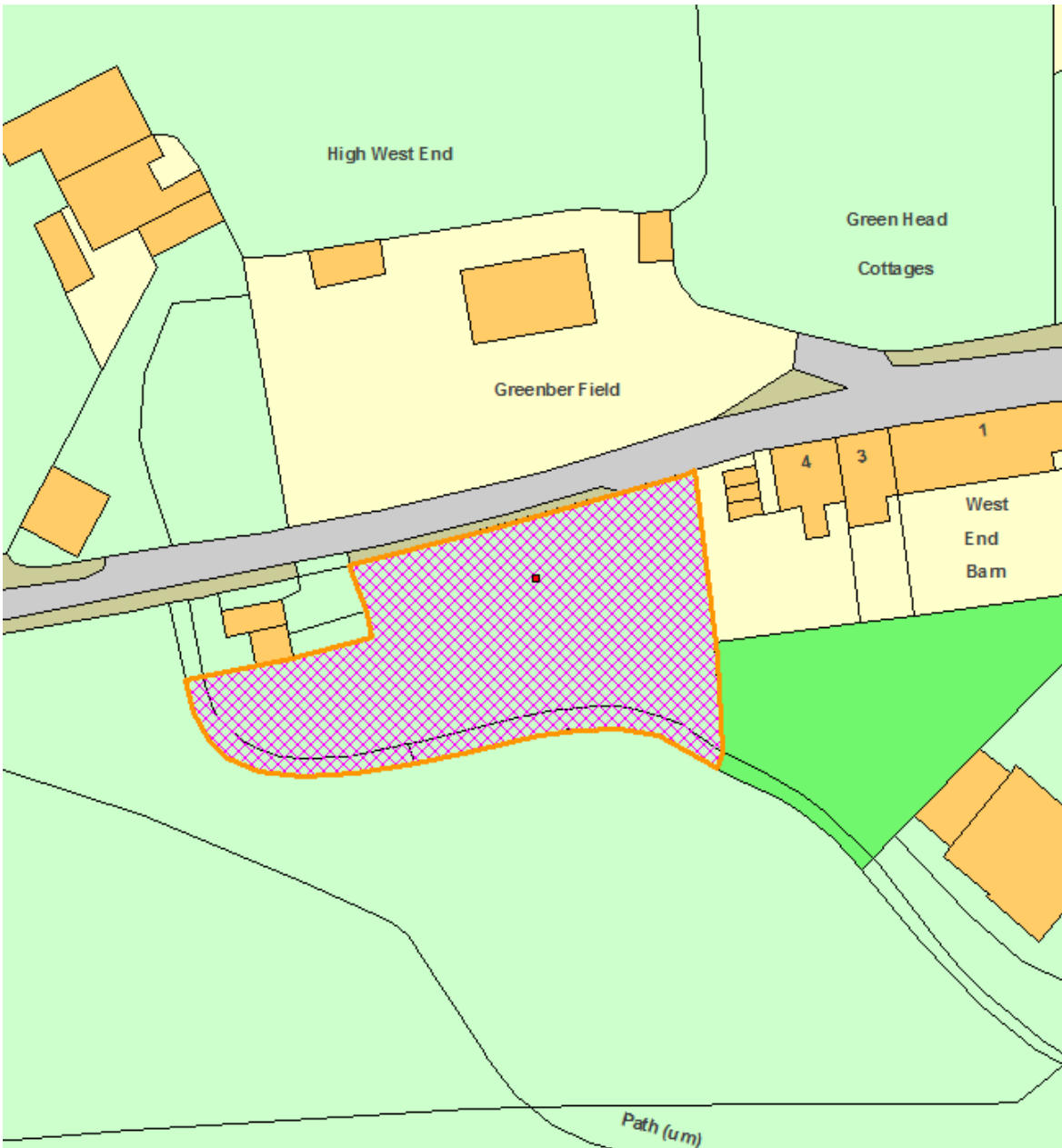
REASON: In the interests of the prevention of pollution.

Informatives

1. In imposing conditions number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
2. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
3. 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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

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: 2017/18616/FUL

Proposal: Construction of 2 No. new detached dwellings with associated off street parking

Site Address: Land At Greenfoot Lane Low Bentham LA2 7ES

On behalf of: Mr Edward Metcalfe

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18416/VAR

Proposal: Application to vary Condition 2 of previously approved application 63/2016/17676 for alterations to the roof, windows, doors, balustrades and the inclusion of fencing to the south of the building

Site Address: Craven College Aireville Campus Gargrave Road Skipton BD23 1US

On behalf of: Craven College

Date Registered: 26th September 2017

Expiry Date: 21st November 2017

Case Officer: Miss Katie Chew

This application is going to planning committee as the original application reference: 63/2016/17676 was decided at committee.

1. Site Description

- 1.1 The application relates to Craven College, Aireville School campus which is situated to the south of Gargrave Road, Skipton.
- 1.2 The site is located at the north-eastern corner of the campus and lies adjacent to the recently built Pen-y-ghent classroom building. It is a level site that comprises part of an informal car parking area incorporating parts of a tree lined embankment.
- 1.3 The application site is raised in level comparative to Gargrave Road to the north but is relatively well screened from the nearest public viewpoints from the main road and to the west by established tree planting and the prevailing landform which rises from south to north. In other directions the site is screened by the existing school buildings which are located in a cluster towards the northern end of the site around tiered parking areas.
- 1.4 The existing buildings vary from older blocks constructed from coursed stone forming the Aireville school buildings to more modern structures including the recently built 'Pen-y-ghent' classroom block on the college site.
- 1.5 The school site is located in an area of open countryside as defined in the Local Plan but is nevertheless within the curtilage of the college which is an established educational facility situated outside of development limits. It is also located within the recently extended Skipton Conservation Area and lies adjacent to a protected road approach into Skipton.
- 1.6 The trees to the north and west of the site are subject to a Tree Preservation Order (No. 242 2016).

2. Proposal

- 2.3 The proposal is seeking approval to vary condition 2 of previously approved application 63/2016/17676 with regards amending the plans to include the following changes:
- 2.4 North Elevation:
 - Built up standing seam roof system with single ply roof detail to perimeters;
 - 2 Rainwater pipes added;
 - 4 no. Grilles.

2.5 East Elevation:

- Additional and amended glazing;
- Paving levelled to allow for the animal enclosure to be viewed from outside;
- 2 no. Grilles;
- Built up standing seam roof system with single ply roof detail to perimeters;
- 2 Rainwater pipes added;
- New door to be installed to replace window.

2.6 South Elevation:

- Height reduced to accommodate a ceiling;
- 2m high fence to be installed;
- Glass balustrade amended to tensioned steel wires;
- Built up standing seam roof system with single ply roof detail to parameters;
- Window mullions omitted;
- 4 no. Grilles;
- Fairfaced finish to retaining wall.

2.7 West Elevation:

- Additional doorway added;
- Double doors amended to a single door and increased glazing;
- 3 Rainwater pipes added;
- 4 no. Grilles;
- 1 rooflight;
- 2 no. ventilation units;
- 2 windows increased in length by one module.

3. Planning History

3.3 There is an extensive planning history associated with Craven College but none directly relevant to the application site save for the original application to which this application refers (see below).

3.4 63/2016/17676 – Proposed animal management centre comprising lower ground floor and ground floor accommodation to provide educational facilities and a restructured car park offering 27 spaces. Approved 9th May 2017.

4. Planning Policy Background

4.3 National Planning Policy Framework (2012)

4.4 Planning Practice Guidance (2012)

4.5 Saved Local Plan Policies ENV1, ENV2, ENV10 and BE2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

5.3 Skipton Town Council – No comments received within statutory timeframe.

6. Consultations

- 6.3 Environment Agency – Comments received 10th October 2017. No objections to the proposals as there is no known contaminated land implications regarding the proposed development.
- 6.4 NYCC Area Traffic Officer – Comments received 10th October 2017. No local highway objections to the proposed development.
- 6.5 Historic England – Comments received 19th October 2017. They do not provide any comments on the application, although do suggest views are sought from the Council’s specialist conservation and archaeological advisers.
- 6.6 Natural England – Comments received 3rd November 2017. Natural England have no comments to make on the application.
- 6.7 SuDS NYCC – Comments received 24th October 2017. As the application is not for major development they have no comments to make with respect to surface water management.
- 6.8 NYCC Ecologist – Comments received 17th October 2017. Craven District Council does not have an agreement with North Yorkshire Country Council Heritage Services to provide ecological advice on planning matters. As such they are unable to comment on the application.
- 6.9 NYCC Education Authority – No comments received within statutory timeframe.
- 6.10 CDC Environmental Protection – No comments received within statutory timeframe.
- 6.11 CDC Arboricultural Officer – Comments received 24th November 2017. The trees officer recommends that the fencing is no higher than 2 metres, he also recommends that a condition is attached in regards to using hand tools only when digging for the fence.

7. Representations

- 7.3 Site Notice – Expired 10th November 2017.
- 7.4 Press Notice – Expired 16th November 2017.
- 7.5 Neighbour Letters – Expired 7th November 2017.
- 7.6 No representations have been received.

8. Summary of Principal Planning Issues

- 8.3 Principle of the development.
- 8.4 Design and visual impact.
- 8.5 Impact on the Conservation Area and Protected Approach to Skipton.
- 8.6 Highways.
- 8.7 Tree issues.

9. Analysis

Principle of the development

- 9.1 Although the site is located within the open countryside and outside of development limits it is nevertheless part of an established college campus which has been progressively improved and developed with various planning permissions over recent years. The most recent approval (63/2016/17676) was for an animal management centre which is also subject to this application.
- 9.2 Saved Local Plan policy ENV1 is a protective policy that seeks to prevent inappropriate or sporadic development in the open countryside by only allowing ‘*small scale development having a rural character*’. Further to this, saved Local Plan Policy ENV1 limits development to specific criteria requiring such development to:
 - Be beneficial to the rural economy;
 - Maintain landscape character;

- Be essential for the efficient operation of agriculture or;
- Be essential to the needs of the rural community.

Notwithstanding the above Policy ENV1 does allow for large scale development in instances where *'there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security'*.

- 9.3 Whilst it is acknowledged that the proposal does not meet all the requirements of Policy ENV1 and does not fall into any of the categories of large scale development identified above it is nevertheless considered that further development of the existing college campus, which is a long established use, is acceptable in principle. The basis for this is that notwithstanding the (current) Local Plan designation of the site the campus is lawful and an exception to the normal application for saved planning policy. Moreover, it can be argued that the proposal is to provide and improve upon an educational facility which would be essential to the needs of the rural community and thereby the proposal can be said to be in accordance with one of the criteria identified within policy ENV1.
- 9.4 In terms of NPPF policy it is considered that the three key dimensions to sustainable development, economic, social and environmental, would all be met by the proposed works. In addition the wider NPPF objectives of seeking positive improvements in the quality of the built environment and the implementation of good design would also be met. For these reasons it is considered that the proposal would constitute a form of sustainable development would be fully in accordance with the key planning objectives outlined above and is acceptable in principle.

Design and visual impact

- 9.5 Saved Local Plan Policy ENV2 applies in cases where development in the open countryside is considered to be acceptable in principle. The policy seeks to ensure that such developments are:
- Compatible with the surrounding area;
 - Do not adversely impact on the landscape;
 - Are of a design that relates to the setting allowing for public views;
 - Can adequately accommodate traffic and;
 - Can be provided with services and infrastructure without harming the rural character and appearance of the locality.
- 9.6 In this case the proposed changes to the originally approved proposals are minor and relate to increases/decreases in the amount of windows and doors provided, roof design, fencing etc. as highlighted above. On balance it is considered that the amended design is acceptable. The view also takes into account the ENV2 requirement for design to relate to its setting and for development to be compatible with the surrounding area.

Impact on the Conservation Area and Protected Approach to Skipton

- 9.7 The site is located within the Skipton Conservation Area. It is necessary therefore to consider the impact of the proposal in this context having regard principally to the advice of the NPPF.
- 9.8 In summary the NPPF advises that developments should consider the need to conserve and protect the significance of heritage assets, in this case the Skipton Conservation Area, and to ensure that proposals deliver sustainable development which do not detract or adversely affect the significance of those assets. The amendments proposed are minor changes to what was previously approved and are, it is not considered that any conflict would arise with the significance of the conservation area as a result of the amended proposals.
- 9.9 It is considered that the proposed amended design is complementary to the existing college buildings and acceptable in terms of the context of the site. The proposals, whilst modern in design and materials, are nevertheless of an appropriate appearance and of a scale and massing which relates to the existing college campus. With regards to the wider context it is considered that contemporary design is acceptable in principle where it is proposed within a conservation area particularly in the location of

the application site. Equally, it is considered that the design proposed and relative prominence of the location from some aspects would have no adverse impact upon the heritage asset sufficient to warrant refusal of planning permission.

- 9.10 With regards to the protected road approach to Skipton Saved Policy BE2 only restricts development proposed within those areas identified as protected landscapes, which the application site is not sited within. Notwithstanding, the proposed classroom building would not be visible from the protected area or from Gargrave Road.

Highways

- 9.11 The Highway Authority has raised no objections to the proposal, therefore it is considered that the proposal would not raise any issues in relation to access, parking or highway safety and is acceptable subject to implementation of a Travel Plan which would be secured by planning condition.

Tree issues

- 9.12 The Council's trees officer did raise concerns over the new proposed fencing; he has asked that this fence be no higher than 2m and that the excavation for the fence is done using hand tools only, this has been conditioned at the end of this report.

10 Conclusion

- 10.1 Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policies are met and that planning permission should be granted.

11 Recommendation

- 11.1 To grant planning approval subject to the following conditions.

Conditions

1. (Condition amended) The permission relates to the following plans:
- Location Plan – Drawing No. 457-001-01 Rev C0, received 11th August 2017;
 - External Groundworks – Drawing No. 457-001-02 Rev C0, received 4th December 2017;
 - Lower Ground Floor Plan General Arrangement – Drawing No. 457-001-04 Rev C1, received 4th December 2017;
 - Ground Floor Plan General Arrangement – Drawing No. 457-001-05 Rev C1, received 4th December 2017;
 - External Works Sheet 1 of 3 – Drawing No. 457-001-40 Rev C1, received 11th August 2017;
 - Sections 1:50 Sheet 1 of 2 – Drawing No. 457-001-08 Rev T0, received 4th December 2017;
 - Elevations North and East – Drawing No. 457-001-06 Rev C2, received 4th December 2017;
 - Elevations South and West - Drawing No. 457-001-07 Rev C2, received 4th December 2017.
 - Proposed Belowground Drainage Strategy, received 21st December 2016.

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 Council (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

2. Prior to their first use on site samples of all materials and finished colours to be used on the external elevations shall be submitted to and approved in writing by the Local Planning Authority.

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

3. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas:

- i) Have been constructed in accordance with the approved drawings.
- ii) Are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

4. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. The appointment of a travel 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

Reason: In the interests of road safety.

5. Unless otherwise agreed in writing the development shall be completed in accordance with the approved Drainage Strategy.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity of the surface water system.

6. No development shall commence until a scheme indicating the type and distribution of all new trees to be provided within the site has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented within 12 months of the date from when development on site first commenced (including site clearance). Any tree which is removed becomes seriously damaged, seriously diseased or dies within 5 years of planting must be replaced by a tree of the same species and be of a similar size to that originally planted.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of the visual amenity of the area.

7. Before the commencement of the development hereby approved barrier fencing shall be erected around all existing trees on the site in compliance with '*BS5837 (2012) Trees in Relation to Construction- Recommendations*'. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall

remain in place until completion of all development works and removal of site vehicles, machinery and materials in connection with the development.

Reason: To prevent damage to trees during construction work.

8. Prior to the commencement of the development hereby approved full details of any proposed lighting including flood lighting of the buildings or lighting of the newly constructed pathways shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

9. The fence proposed to the south and west of the application site for animal enclosure shall be no more than 2 metres in height.

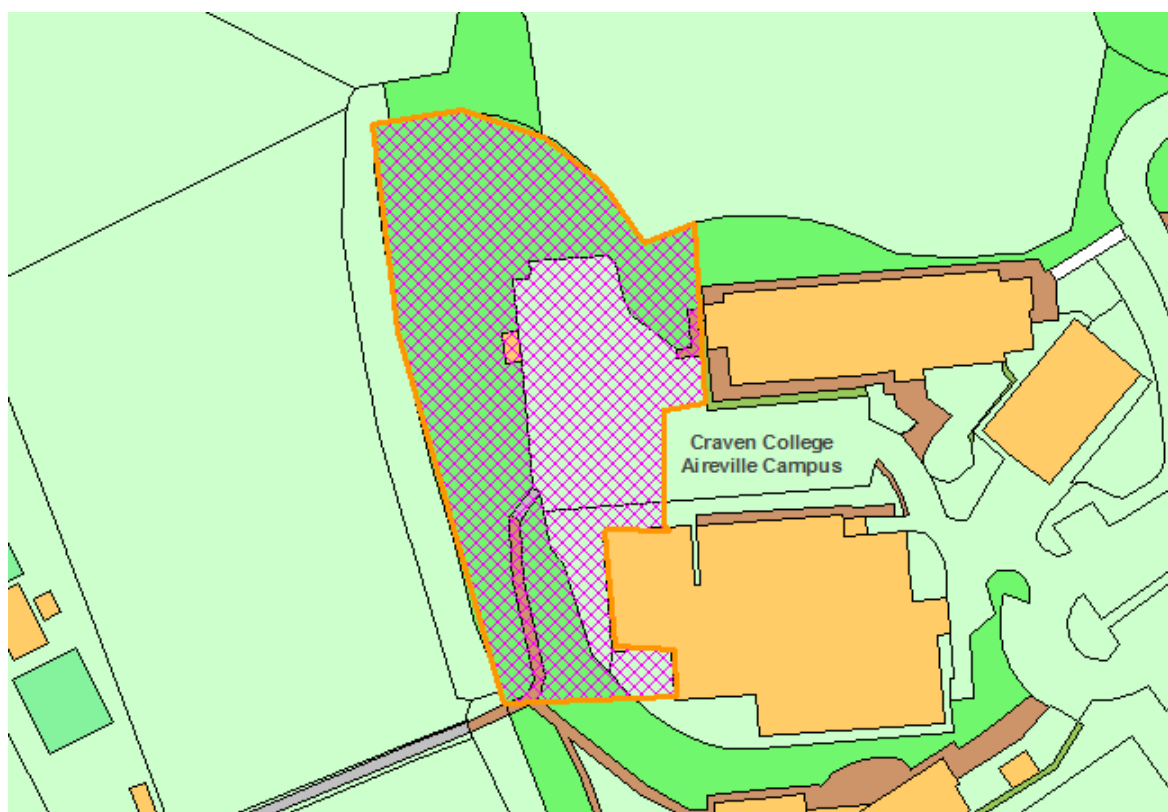
Reason: To protect visual amenity.

10. Any excavations for fence posts within the recommended root protection areas of the trees is permitted by hand tools only in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

Reason: In the interest of the health of the trees on site.

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: 2017/18416/VAR
Proposal: Application to vary Condition 2 of previously approved application 63/2016/17676 for alterations to the roof, windows, doors, balustrades and the inclusion of fencing to the south of the building
Site Address: Craven College Aireville Campus Skipton BD23 1US
On behalf of: Craven College

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number:	2017/18440/FUL
Proposal:	Construction of 2 No holiday lets and stable building for equestrian tourism on site of former agricultural building
Site Address:	Lane House Farm, Mewith Lane, High Bentham LA2 7DH
On behalf of:	Mr Terry Priestley
Date Registered:	11th September 2017
Expiry Date:	6th November 2017
Case Officer:	Mr Sam Binney

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 site forms part of an operational farm at Lane House Farm, Bentham. The farm is located south of Bentham and is accessed from the highway to the east. The farm includes a traditional stone built farmhouse with attached barn, a detached stone agricultural building, open-fronted timber boarded agricultural buildings to the north and a newer agricultural building to the south-west. The topography of the land slopes downhill from south to north.
- 1.2 The site is located outside development limits but within the Forest of Bowland AONB.
- 1.3 To the south there is a Grade II listed building "Lane House Farmhouse". The listing description is as follows:
- 1.4 *Farmhouse. Early C19. Rendered, painted stone dressings, stone slate roof. 2 storeys, double fronted. Entrance has plain surround, 5 panel door, upper panel glazed. 2 ground floor and 2 upper floor windows have plain surrounds, projecting sills and 16-pane sashes. Left and right-hand ridge stacks.*

2. Proposal

- 2.1 The proposal would include the demolition of the existing timber building and its replacement with 2 No. 2-bedroom holiday lets. The proposed holiday lets would have a combined footprint of 14.6m x 8m. Their walls will have a dark stained vertical timber boarding finish, an anthracite grey plastisol sheet roof, and grey aluminium framed windows and doors.
- 2.2 To the west of the proposed holiday lets there is also a proposed stable building. This would be an L-shaped building comprising 4 loose boxes and 1 tack room. The total footprint totalling 81.6m². It will be constructed of dark stained horizontal timber boarding to the walls and anthracite grey plastisol sheets to the roof to match the proposed holiday lets.
- 2.3 The intention is to use the stable block in conjunction with the holiday lets to promote "equestrian tourism". The intention therefore is that occupiers of the holiday lets can bring their horses on holiday with them to explore the countryside on horseback.

3. Planning History

- 3.1 5/8/608 – Conversion of barn to two holiday dwellings, new access and parking area. Approved December 1997.
- 3.2 5/8/608/A/LB – Listed building consent for the works approved by the earlier planning permission. Approved December 1997.
- 3.3 5/8/627/LB – Internal alterations, construction of porch, window openings and rooflights. Approved January 1999.
- 3.4 08/2004/4440 - Extension to existing agricultural building. Approved July 2004.
- 3.5 08/2007/8017 - Sun-room extension. Approved 14/12/2007.
- 3.6 08/2007/8018 - Sun-room extension and change window back into door as formally. Approved 18/12/2007.
- 3.7 08/2012/12436 - To build a sunroom extension to the rear of the property. Approved 28/05/2012.
- 3.8 08/2012/12551 – To build a sunroom extension to the rear of the property. Approved 29/05/2012.
- 3.9 08/2016/17095 - Agricultural storage building (Prior Approval Application). Prior Approval Not Required 15/07/2016.

4. Planning Policy Background

- 4.1 Saved Local Plan Policies ENV1, ENV2, ENV12, EMP16 and EMP19.
- 4.2 National Planning Policy Framework (NPPF).
- 4.3 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 Bentham Town Council: No objections.

6. Consultations

- 6.1 Environmental Health: No objection but recommend conditions regarding asbestos, noise, dust and construction hours.
- 6.2 NYCC Highways: No objection but recommend conditions for verge crossings and visibility splays.

7. Representations

- 7.1 Site Notice dated 02nd October 2017.
- 7.2 Press Notice published 21st September 2017.
- 7.3 Notification letters sent to 4 neighbouring properties.
- 7.4 1 letter of representation has been received. A summary is outlined below:

- *“Please may it be stipulated in the planning that all access for the proposed development (including pedestrians and horses) during its construction and future use be via the existing access track referred to in 3.6.1 and illustrated in the plan P1748a/004a. Otherwise I have no objection.”*

Officer’s Note: The access stipulated above is the access proposed for the scheme and is the access to which the NYCC Highways Authority has no objection.

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 The scale and visual impact of the proposed development upon the surrounding area and the setting of a listed building.
- 8.3 Impact of the development upon the amenity of neighbouring occupiers.
- 8.4 Highway Safety.

9. Analysis

Principle of development.

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The site is located within the Open Countryside as defined in the adopted Local Plan. In close proximity to the site there are residential properties to the south and the main highway to the east. As the land is Open Countryside, the requirements of saved policies ENV1 and ENV2 are of relevance although since the emergence of the NPPF these policies carry limited weight. These policies seek to protect the character and quality of the open countryside from being spoilt by sporadic and inappropriate development. The proposal is in accordance with saved policies ENV1 and ENV2.
- 9.3 This is an application for farm diversification and Saved Local Plan Policy ENV12 is applicable as the proposal would utilise land associated with an operational agricultural unit. The policy has eight criteria which must be satisfied;
- the proposal should not conflict with the operational requirements of the agricultural enterprise;
 - the likely level of traffic generated taking into account the access and approach roads;
 - the character and scale of the proposal is complementary to its rural surroundings;
 - the proposal would not result in an adverse impact on the character and amenities of the area by way of noise, air and water pollution;
 - the proposal would not affect the amenities of local residents;
 - the proposal, where possible, re-uses existing farm buildings;
 - where a new building is required it should be located within or adjacent to existing buildings, be of a good standard of design and satisfactorily complement the landscape in terms of design siting and materials;
 - the proposal would not have an adverse impact on sites of nature conservation value or archaeological importance.
- 9.4 The proposal initially sought to convert and reuse the existing farm buildings. However it was deemed that due to its form of construction this would not be appropriate. The proposal therefore seeks to construct new buildings within the unit. These buildings are to be built on and adjacent to the existing farm buildings. The policy expresses a preference for the re-use of existing buildings but it is not a pre-requisite. The proposal is considered to meet all of the criteria stipulated for this policy and on this basis is acceptable.
- 9.5 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 9.6 Saved Local Plan Policy EMP16 states that new static caravan and chalet development will not be permitted within the AONB and SSSI's. Elsewhere, static caravan and chalet development will be permitted subject to certain criteria. The proposal therefore fails in principle for this policy as the site lies within the Forest of Bowland AONB. However, it is considered that the criteria outlined within the policy would be met by the proposal.
- 9.7 Saved Local Plan Policy EMP19 states that where the permission for static caravans and chalets are granted they shall be only be granted if occupancy by any one person or groups of persons is limited to not more than 60 days in any 3 month period. This is due to chalets not normally being designed, built

or located for permanent residential use. If approved, a relevant occupancy condition would be attached to be in accordance with this policy.

- 9.8 The proposal meets the requirements of the NPPF and Saved Local Plan Policies though not entirely with Saved Policy EMP16.
- 9.9 However, as the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.10 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

The scale and visual impact of the proposed development upon the surrounding area and the setting of a listed building.

- 9.11 The proposed buildings are considered to be modest sized buildings. The scale is considered appropriate and acceptable. The external walls will be finished in dark stained vertical timber boarding. This material is considered appropriate within the surrounding area and would help the building to blend into the landscape.
- 9.12 The property would utilise an existing access track to the north. This therefore would not result in a visual impact from creation of a new access and new movement of cars to and from the site. The building is well screened from public viewpoints due to surrounding topography and the landscaping already present on the site.
- 9.13 The design of the proposed holiday lets are to appear as timber holiday chalets. The proposed stable block is of a typical stable block design. As the proposed holiday lets and stable building are to be used in conjunction with each other, the close relationship of the buildings is considered appropriate and acceptable.
- 9.14 The listed building to the south is Grade II listed. The listing description is as follows:
- 9.15 "*Farmhouse. Early C19. Rendered, painted stone dressings, stone slate roof. 2 storeys, double fronted. Entrance has plain surround, 5 panel door, upper panel glazed. 2 ground floor and 2 upper floor windows have plain surrounds, projecting sills and 16-pane sashes. Left and right-hand ridge stacks*".
- 9.16 The listed building is in excess of 30m to the south of the application site. Due to siting, orientation, separation and landscaping present at the site, the proposal is not visible from the listed building.
- 9.17 As a result of the above considerations, the design and scale of the building are considered to be appropriate for the proposed development. The buildings would be suitable for the surrounding area and would not significantly or detrimentally impact upon the setting of a listed building.

Impact of the development upon the amenity of neighbouring occupiers.

- 9.18 The nearest properties to the site not under the applicant's ownership are Lane House Farmhouse to the south, Battersby Farm to the south-east, and East View to the north. All of these neighbouring properties are a considerable distance away from the proposal and as a result would not be significantly or detrimentally impacted by loss of amenity especially through overbearing or overshadowing impacts or loss of privacy.
- 9.19 The proposal would change the use of this section of the agricultural unit. The impacts of noise need to be taken into consideration. The proposed buildings would be located within an existing operational agricultural unit. While the new buildings would create some amount of noise, it is considered that this

would be less than the noise currently created by the operational farm. On this basis, the proposal would not significantly or detrimentally impact amenity in terms of impact on noise and is acceptable.

Highway Safety.

- 9.20 The proposed development would utilise the existing access from the highway to the east. The neighbouring property has commented that they have no objection to the scheme as long as the access to the site is via the existing access. The Highway Authority have stated that they have no objection to the scheme but recommend conditions regarding verge crossings and visibility splays. The existing access is to be utilised as outlined on Drawing P1748a/004a. Therefore the condition for verge crossings is considered unreasonable and irrelevant and will not be attached to any permission. This drawing also shows the intention of realigning the wall at the access to allow for the appropriate visibility splays. As the walls by the highway access are to be realigned the condition for visibility splays will be included. Based on the above analysis, it is considered that the proposal would not result in conditions prejudicial to highway safety and is acceptable.

Conclusion

- 9.21 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10. Recommendation

- 10.1 To grant planning permission.

Conditions

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.

2. The permission relates to the following plans:

- Drawing No. P1748a/002 received 22nd August 2017.
- Drawing No. P1748a/004a received 22nd August 2017.
- Drawing No. P1748a/005 received 22nd August 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.

3. No development shall take place until full details of all the materials to be used on the external surfaces of the buildings has been submitted to, and approved in writing, by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the improved site access) until splays are provided giving clear visibility of 70 metres measured along both channel lines of the major road C384 from a point measured 2 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object

height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

5. 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 chalets hereby approved 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 premises lacks sufficient outdoor amenity space to allow its permanent occupation as a dwellinghouse and the creation of a self-contained dwelling within this constrained site would harm the character and appearance of the area. This restriction is required pursuant to the provisions of National Planning Policy Framework.

Informatives:

1. During construction there is a potential for noise nuisance to nearby residential properties. Operating times for construction shall be limited to:
 - 8:00am to 6:00pm Monday to Friday
 - 8:00am to 1:00pm Saturday
 - No Sunday or Bank Holiday working.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise.

2. 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 shall adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved.

Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise.

3. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

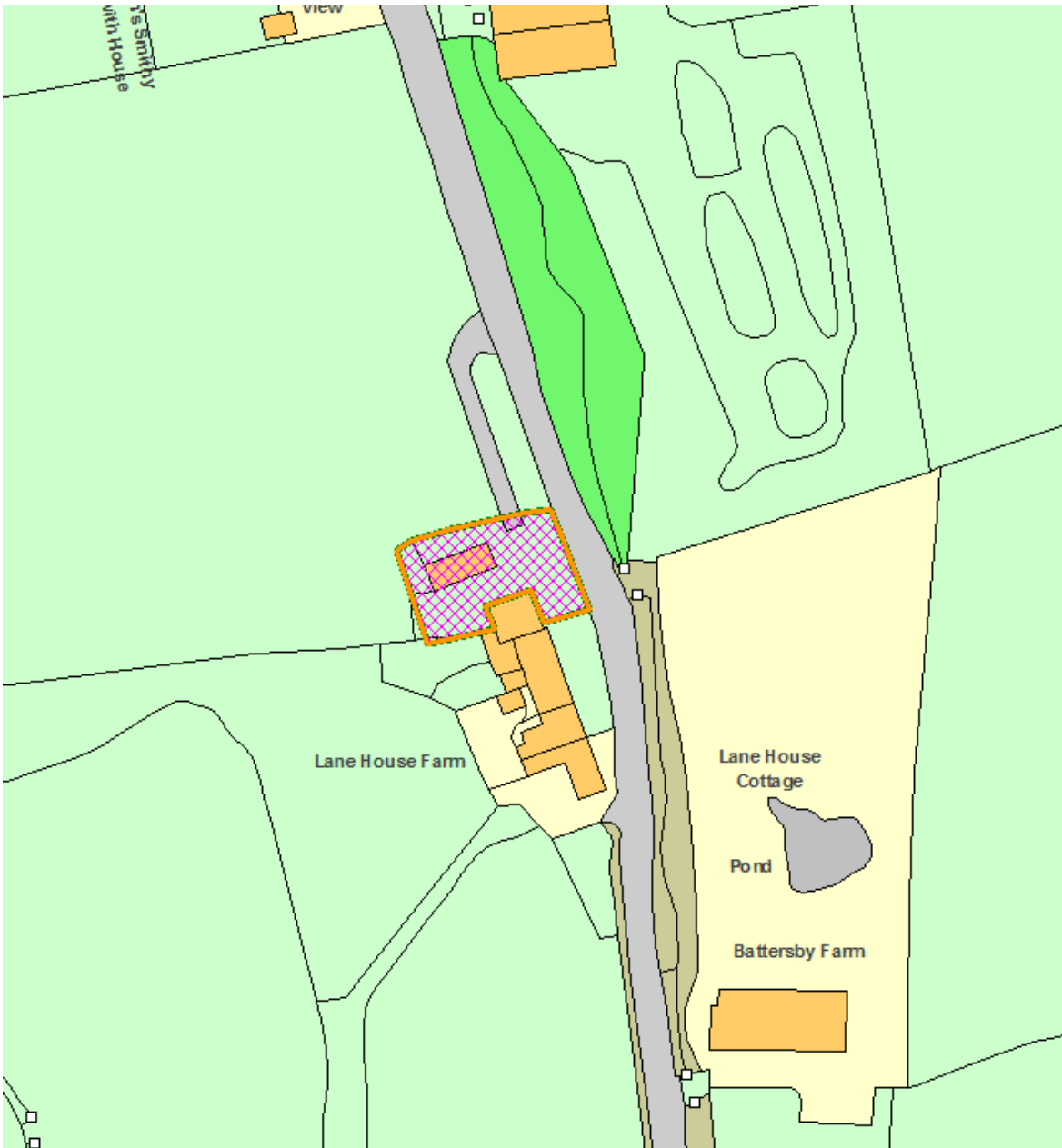
Reason: to safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

4. Regard should be had for the safe removal of any potential asbestos containing material present on site. The applicant shall 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.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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: 2017/18440/FUL

Proposal: Construction of 2 No holiday lets and stable building for equestrian tourism on site of former agricultural building

Site Address: Lane House Farm Mewith Lane High Bentham LA2 7DH

On behalf of: Mr Terry Priestley

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number: 2017/18286/FUL

Proposal: Conversion of barn to dwellinghouse.

Site Address: Calterber Barn Crina Bottom Clapham Lancaster

On behalf of: Trustees Of Dr. J. A. Farrer's Discretionary Will Trust

Date Registered: 7th August 2017

Expiry Date: 2nd October 2017

Case Officer: Mr Sam Binney

A REPORT UPDATE

1.1 Members will recall that at the meeting on 20 November 2017 the Planning Committee deferred consideration to enable the Planning Manager (Development Management) to assess and report back on the Committee's proposed grounds for refusal, namely that "the proposed development is contrary to saved Local Plan Policies H8, ENV1 and Paragraph 55 of the National Planning Policy Framework"

1.2 Before considering the soundness of the potential reason for refusal identified above it is extremely important that consideration be given to the circumstances when an award of costs against the Council can be made. Advice within the Government's Planning Practice Guidance is of particular relevance. The following are relevant extracts from this guidance that should be considered by the Planning Committee: -

'Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

• preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. • failure to produce evidence to substantiate each reason for refusal on appeal • vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. • refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead • persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable • not determining similar cases in a consistent manner • imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.'

B COMMENT ON THE SOUNDNESS ON THE DRAFT REASON FOR REFUSAL

2.1 It is important that Members note the framework within which they are asked to determine the application. Members are required to consider any relevant saved local plan policies, the NPPF and any other material considerations. The National Planning Practice Guidance advises that focus should be on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. The emphasis is that applications must be determined in accordance with the current policies. Members cited the following policies in seeking to refuse the application.

2.2 Policy H8 Rural Buildings for Residential Use

The conversion of traditional rural buildings for residential use will be permitted provided that:

- 1 The applicant has made every reasonable attempt to secure suitable business re-use, and the application is supported by a statement of the efforts that have been made*
 - 2 The building is not in a location whereby conversion would cause harm to the character and appearance of the area.*
 - 3 The character, appearance or positive contribution of the building(s) to the landscape make it worthy of retention for further use.*
 - 4 the building is shown to be structurally sound and capable of the proposed re-use without major rebuilding*
 - 5 The building is large enough to provide sufficient accommodation for the reasonable requirements of a normal household without the need for substantial extension or alteration.*
 - 6 The scheme of alterations to the appearance of the building is kept to a minimum so as to retain the essential character of the building and the surrounding area.*
 - 7 Any domestic curtilage should be minimal, unobtrusive and capable of being screened.*
 - 8 The development would not create conditions prejudicial to highway safety or give rise to unacceptable service provisions.*
 - 9 The development will not unacceptably affect sites of nature conservation value, or archaeological or historic importance.*
 - 10 Provision will be made to preserve existing barn owl and bat roosts under the 1981 Wildlife and Countryside Act.*
 - 11 Any service development required in connection with the proposal such as roads and overhead power and telephone lines will not be unacceptably intrusive.*
- Where proposed conversions will result in a mixed use of residential with an existing farm complex this should not result in an unacceptable conflict between residential and agricultural interests. The Council will normally require a full application, with detailed elevations showing the impact of the conversion on the building and its setting. Permitted development rights for alterations will normally be withdrawn.*

2.3 It is considered that there is no conflict with criteria 2 to 11 of Policy H8 and therefore refusal on those grounds could not be substantiated. The application does not include any reference to attempts to secure suitable business re-use to address criterion 1. However, the justification to the policy explains that (at the time, 1999) the national guidance in the Planning Policy Guidance 7 (revised) "The Countryside- Environmental Quality and Economic and Social Development" emphasised the benefits of conversion for employment purposes rather than residential. This document was replaced by the National Planning Policy Framework (NPPF). Although the NPPF supports the growth and expansion of all types of business and enterprise through the conversion of existing buildings there is no requirement to consider employment first, in preference to residential use. It is therefore concluded that taking into account the most recent guidance in the NPPF that refusal on criterion 1 could not be sustained. Overall it is concluded that there would be a significant risk of an award of costs if the application was refused making reference to Policy H8.

2.4 Policy ENV1 Development in the Open Countryside

The Council will protect the character and quality of the open countryside from being spoilt by sporadic development by defining development limits. Small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character will only be permitted in the open countryside where it :

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

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.

2.5 It is considered that the development would benefit the rural economy, not only during construction work, but also from expenditure by future occupiers of the dwelling. The submitted scheme proposes minimal alterations and the proposed curtilage is limited. It is therefore considered that the development would maintain the landscape character of the area. The proposed development is not for agriculture or forestry purposes. It may be argued that a dwelling is not essential for the needs of the rural community but nevertheless would contribute to the housing stock. It is therefore concluded that there is no conflict with Policy ENV1 and refusal with reference to this policy would put the Council at a risk of an award of costs.

2.6 Paragraph 55 of the NPPF.

Paragraph 55 of the NPPF advises that “Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as : where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting”. The NPPF is silent on what constitutes a redundant building. The Oxford English Dictionary definition of redundant is “Not or no longer needed or useful; superfluous”. The matter of the redundancy of the building is an issue for the owner of building and it is the owner’s decision as to whether the building is superfluous and no longer needed or useful. The Council cannot force a landowner to continue to use a building for its original use or force a landowner to continue to make a building available to a tenant. The refusal of the application based on an interpretation and semantics of “redundant” would also put the Council at a risk of an award of costs.

2.7 Conclusion and implications

- **Financial and value for money implications-** There is a significant risk of an award of costs against the Council if the application is refused in accordance with the reason expressed by Members on 20 November 2017
- **Legal implications-** To avoid the risk of an award of costs against the Council it must be able to substantiate reason(s) for refusal.
- **Contribution to Council Priorities-** N/A
- **Risk management-** Risks are set out in this update and the Financial and Legal implications sections.
- **Equality analysis-** N/A
- **Consultations with others-** Legal services
- **Access to information-** Planning file, Craven District (outside the Yorkshire Dales National Park) Local Plan, National Planning Policy Framework.
- **Author of the report-** Neville Watson Planning Manager tel 01756 706402; e-mail nwatson@cravenc.gov.uk

The report to Committee on 20 November 2017 is as follows.

This application has been referred to the Planning Committee by Councillor Lis due to the level of public interest.

1. Site Description

- 1.1 The site is a barn located approximately 0.5km south-west of Clapham. The barn is accessed from Bentham Road which runs in a south-westerly direction to the south of the site. The barn is detached and features a small shippon and has an entrance porch under a lean-to roof. The building is of traditional construction comprising random rubble stone walls and stone and blue slate pitched roof

which is supported on king post roof trusses. The walls have large random stone quoins to the corners and entrances.

1.1 The site is in the open countryside and is within the Forest of Bowland AONB.

2. Proposal

2.1 The application seeks planning permission for the conversion of the barn to a dwelling.

2.2 The barn is currently open plan internally with the only divisions being between the barn and the shippon. Internally the open area will be divided to provide an open plan dining room living room and kitchen. Adjacent there would be a master bedroom with en-suite. A first floor would be created to accommodate 2 bedrooms and a family bathroom. Two existing walls to the front of the property will be infilled to create a porch.

3. Planning History

3.1 18/2016/17526 - Conversion of traditional barn to dwelling. Withdrawn 06/01/2017.

4. Planning Policy Background

4.1 National Planning Policy Framework (NPPF).

4.2 National Planning Practice Guidance.

4.3 Saved Local Plan Policies ENV1, ENV2 and H8.

5. Parish/Town Council Comments

5.1 Clapham-cum-Newby Parish Council: Object to the application on the following grounds:

- *“This barn was not redundant at the commencement of the planning process. The bat survey which was carried out when the application was first made includes photographs which clearly show the barn in use for storage.*
- *This would be development in open countryside.*
- *That the proposed dwelling would be in close proximity to a high-pressure gas-main which was, when laid down, deliberately routed so as to avoid habitation”.*

Officer’s Note: The proposal is identical to the previously withdrawn submission 18/2016/17526. However, additional supporting information has been supplied with this submission to alleviate concerns regarding protected species. The Parish Council did not object to the previous application on any grounds.

6. Consultations

6.1 NYCC Highways: No objection but recommend conditions regarding verge crossings, closing of an existing access and visibility splays.

Officer’s Note: The above consultation response from NYCC Highways refers to the original plans which included the construction of a new access. This has since been removed from the application to utilise the existing access. The condition for verge crossings and closing of the existing access will therefore not be attached to any permission as they no longer have any relevance.

6.2 Environmental Health (contaminated land): No objection but request a condition regarding potentially contaminated land.

6.3 Environmental Health (water supply): No objection but state that if the property is to be connected to the existing private water supply at Crina Bottom, it will require a risk assessment and sampling.

6.4 AONB Officer: Object to the proposal as it is believed that the barn proposed for re-development is currently in use as an agricultural building. The AONB would not normally support the re-development of barns where these are still in agricultural use.

6.5 National Grid: No objection to the proposal which is in close proximity to a High-Pressure Gas Pipeline.

6.6 Health and Safety Executive – Does not advise against granting planning permission on safety grounds.

7. Representations

7.1 Site Notice dated 15th September 2017.

7.2 Press Notice not required.

7.3 No notification letters required as no neighbouring properties.

7.4 1 letter of representation has been received. A summary of the objection is below:

- Reason to believe the barn is not redundant but is being used for agricultural purposes, I understand that the council policy to only allow conversion of redundant buildings.
- The property is within the boundaries of the Forest of Bowland AONB and development in open countryside in AONBs should be discouraged.

8. Summary of Principal Planning Issues

8.1 Policy background; principle of development; design considerations and impact upon character and appearance of area; neighbouring privacy and amenity; ecology; and highway safety.

9. Analysis

Policy background;

9.1 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

9.2 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); 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 the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.

9.3 Paragraph 17 of the NPPF sets out 12 planning principles which includes the need for planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.4 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One such special circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The NPPF does not specify that an economic use would be preferable to a residential use when converting rural buildings, instead saying at paragraph 28 that planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well- designed new buildings.

Principle of development;

9.5 The site falls within the open countryside. Policy ENV1 allows small scale developments in the open countryside providing that they respect rural character. In addition, policy ENV 2 states that development permissible under ENV1 will be permitted subject to criteria relating to its design, materials

and means of access. Saved Local Plan policy H8 provides specific criteria for the conversion of traditional rural buildings and, accordingly, is of greatest relevance in this case.

- 9.6 Saved Local Plan Policy H8 concerns the conversion of traditional rural buildings for residential use subject to various criteria. This policy contains 11 criteria that must be met to allow the principle of development to be acceptable. In principle it would appear that the criteria have been met, though criterion 1 states that development will be permitted provided that the applicant has made every reasonable attempt to secure suitable business reuse, and the application is supported by a statement of the efforts which have been made. This specific criterion is not in accordance with the NPPF which has no such criteria but specifies that the development must be sustainable in order to be acceptable. On this basis, the application will be considered in line with policy H8 and the NPPF with the exception of that criterion which is considered to be onerous and unnecessary.
- 9.7 The NPPF concentrates on sustainable forms of development, for example the preference would be for new residential development being located in proximity to services, public transport and jobs. For that reason, paragraph 55 of the NPPF sets out that isolated new homes in the countryside should be avoided. However, paragraph 55 goes on to set out special circumstances under which isolated new homes would be acceptable, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 9.8 The reuse of the farm buildings is preferable as it would lead to the enhancement to the immediate setting. The site is relatively remote but, as it is within 1km of Clapham with services and amenities readily available, the principle of the barn to dwelling conversion is acceptable.
- 9.9 Paragraph 55 therefore recognises that a new home formed from a redundant or disused building may not be as sustainable in terms of location as newly built dwellings would be expected to be. Notwithstanding this, the main thrust of the NPPF in terms of its presumption in favour of sustainable development is such that this should be achieved as far as possible.
- 9.10 The development would lead to enhancement of the immediate setting. The proposal is therefore considered to comply with the aims and objectives of the NPPF, in particular paragraph 55 of the Framework.
- 9.11 In regard to the proposed porch, criterion 5 of policy H8 states that the conversion to residential use will be permitted provided that “the building is large enough to provide sufficient accommodation for the reasonable requirements of a normal household without the need for substantial extension or alteration”.
- 9.12 The building to be converted will have sufficient space to have self-contained residential accommodation. The porch would be formed within the existing footprint of the building and would not necessitate any extensions to the building which would conflict with the requirements of policy H8.
- 9.13 Criterion 7 also states “any domestic curtilage should be minimal, unobtrusive and capable of being screened”. The proposed curtilage will follow existing fenced/walled boundaries and would not be excessive in its size or encroach unacceptably into the open countryside.

Visual considerations;

- 9.14 External alterations consist of amendments to the roof to include the provision of 3 rooflights, and the opening up of additional windows to serve the proposed habitable rooms. Additionally, there would be some external space for vehicle parking.
- 9.15 The materials to be used in the conversion are to match the existing building including the boundary treatments, doors, roof and walls. There are no existing window openings still in use. The window frames will be painted timber though the exact finish is currently not specified. However, painted timber frames are considered appropriate and would respect the original barn, subject to a condition to control the paint colour.
- 9.16 Criterion 7 of Policy H8 states that any domestic curtilage should be minimal, unobtrusive and capable of being screened. The barn is in close proximity to the highway to the south-east. The main views from public vantage points would be received from this highway. The curtilage proposed around the building

is considered to be minimal with areas available for car parking and amenity space. In addition, due to the topography of the site and the landscaping currently present to the south-west, the proposed dwelling would receive the most direct views from the east. The site has the capability of being screened from this side.

- 9.17 The existing walls fronting the highway are proposed to be lowered to 0.95m in height to improve visibility. It is considered that the lowering of the wall is preferable to rebuilding the wall back from the highway as this would maintain the landscape character of the surrounding area.

Neighbouring privacy and amenity;

- 9.18 The barn is in a remote location where residential properties are not close in proximity. The closest residential property to the site is a dwelling 450m south-west near Clapham railway station. It is considered that due to this separation distance from the application site, the proposal would not result in a detrimental impact on neighbouring amenity. On this basis, the proposal complies with the core principles of the NPPF, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land (paragraph 17).

Ecology;

- 9.19 Paragraph 109 of NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 9.20 Paragraph 99 in Circular 06/2005 'Biodiversity and geological conservation' states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.
- 9.21 A full bat activity survey has been submitted with the application and was prepared to establish the capability of the buildings as habitats for protected species. The survey was conducted over 2 days on 17th May and 30th May 2017 which is within the peak bat season of May-August.
- 9.22 The survey concluded that a 'day' roost determined to be of low importance for common pipistrelle bats has been identified within the building. As a result a mitigation licence will be required and mitigation for the inclusion of a bat box incorporated into the structure of the building. The submitted plans include details for the provision of the bat box.
- 9.23 In addition to the above bat activity survey, a wildlife protected species survey was prepared to assess the site and its surroundings for presence of barn owls or use of the site as a barn owl roost. The survey was undertaken on 29th August 2017 which is within the main barn owl nesting season of March to August.
- 9.24 The survey concluded that the site has, in the past, been used as a roost site for barn owls. There is little evidence of a barn owl nest "scrape" but there are areas where it may be possible for one to be made. It was recommended that no further survey work is necessary at the site for barn owl activity but must be surveyed by a suitably licenced person prior to exclusion/development of the site. Additionally it is recommended that a permanent roost is built into the development. Finally, it is recommended that two barn owl boxes should be mounted on poles along the hedgerow which runs to the south-west of the site. However, as the specified locations for those boxes are outside the red outline of the site it would not be enforceable.
- 9.25 Amended plans were submitted after this survey which include the provision of the permanent barn owl roost. Based on the amended plans received and the details contained within the bat and barn owl surveys, and subject to the aforementioned mitigation measures, development would be acceptable and would maintain the quality of habitat for bats and barn owls.

Highway Safety;

- 9.26 The site is accessed directly from the highway to the south-east. NYCC Highways Authority has stated that they have no objections to the proposal subject to conditions on private access/verge crossings, closing of existing access and visibility splays. This comment was received prior to amended plans which show the existing access being reused without the creation of an additional access. On this basis, it is considered that the suggested conditions for verge crossing and closing of existing access are not relevant and will therefore not be attached as conditions to any planning permission. However, the condition for visibility splays will be included.
- 9.27 The existing walls fronting the highway are proposed to be lowered to 0.95m. This is to improve visibility splays when egressing the site. Additionally, a new stockproof fence would be constructed further back from the highway to ensure the new visibility splays would be protected. On this basis the proposal is considered acceptable in terms of highway safety.

Other Matters;

- 9.28 1. Site still used for agricultural purposes
- 9.29 The AONB planning officer, Parish Council and one objector have stated that they believe the barn is not redundant and is currently being used for agricultural purposes. The NPPF states that it is supportive of such schemes “where the development would re-use redundant or disused buildings...”. While it has been established that the building is not disused, it could be considered that it is redundant. The NPPF does not supply a definition of redundant buildings. However, it is considered that a building is redundant if it is surplus to requirements, unnecessary or unwanted. It has been confirmed by the applicant’s agent that the barn is redundant. Whilst its last productive use was for agricultural storage, it is now used for more trivial storage. The photos supplied as part of the Parish Council’s objection was from a previous bat survey taken on the previous ecologist’s site visits on the 2nd and 3rd October 2016. The case officer has visited the site during the course of this application and can confirm that the nature of the agricultural storage is much more trivial and is satisfied that the barn can be considered to be redundant.
- 9.30 2. Open countryside development.
- 9.31 The parish council and 1 interested party have objected to the proposal on the grounds that the site is within the open countryside and that this form of development should be discouraged. While it is acknowledged that the barn to be converted is in the open countryside, the conversion of an existing building in the open countryside is supported by local and national planning policy. Indeed, the vast majority of barns are located in rural and remote locations detached somewhat from a settlement. While this barn is remote by this definition, it is also sited adjacent to the road connecting Clapham cum Newby to the north-east with Clapham railway station and Keasden to the south-west. The barn is well connected with other settlements and amenities. On this basis, the proposal is considered to be sustainable and is acceptable.
- 9.32 3. National Grid High-Pressure Gas Main.
- 9.33 The National Grid originally objected to the scheme as a new access road encroached across the Feeder Pannal/Nether Kellet gas pipeline. However, the National Grid later withdrew their objection following the submission of amended the plans showing the re-use of the existing access which does not encroach across the pipeline. The parish council mentioned in their objection that the proposed dwelling would be in close proximity to the gas-main which was, when laid down, deliberately routed so as to avoid habitation. However, the National Grid is the expert in this field and has no concerns about the proposed development. In addition, the HSE does not advise against granting permission. Additionally, there are many properties across the district including farms and converted farm buildings which are in close proximity to the pipeline. On this basis, it is considered that the proximity of the proposed development from the pipeline is acceptable.
- 9.34 **Conclusion;**
- 9.35 The proposed conversion of the agricultural building to a dwellinghouse is considered to be acceptable in principle, complying with the aims and objectives of the NPPF. The benefits of the re-use of the

existing building would outweigh any harm and satisfies the guidance in paragraph 14 of the NPPF. The proposal is also considered to be acceptable in terms of visual amenity and highway safety. Additionally, the information contained with the bat and barn owl surveys satisfy the requirements for the potential impact upon protected species. Therefore, the proposal is in accordance with Paragraph 109 of the NPPF.

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. This permission relates to the following plans:

- Drawing No 621/4/20 received 25th August 2017.
- Drawing No 621/4/21 received 09th July 2017.
- Drawing No 621/4/22 received 09th July 2017.
- Drawing No 621/4/100 received 25th August 2017.
- Drawing No 621/4/110 received 09th July 2017.
- Drawing titled "Owl Nest" received 06th October 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans.

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

4. Unless otherwise approved in writing by the Local Planning Authority, no external lighting shall be installed on the external elevations of the building.

Reason: To ensure that any external lighting installed at the site does not cause a nuisance to surrounding occupiers, detract from the visual amenity in the surrounding area as a result of light pollution, or disrupt the commuting routes of protected species at the site as outlined in Section 5 of the Bat Activity Survey, and in accordance with Paragraph 109 of the NPPF.

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

Reason: In order to restrict the construction of extensions, outbuildings and other development within the curtilage of the dwellinghouse which, if uncontrolled, could have a harmful impact on the character,

openness and quality of the open countryside and AONB in accordance with the provisions of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies H8 and ENV2, and the National Planning Policy Framework.

During Building Works

6. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately.

A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority.

The site shall not be brought into use until such time as all the validation data has been approved in writing by the Local Planning Authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the Local Planning Authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres measured along both channel lines of the major road C387 from a point measured 2 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

Prior to first occupation (O)

8. All window and door openings hereby approved shall be of a timber construction and, before the dwelling hereby approved is first occupied, shall be painted in a colour which has first been submitted to and approved in writing by the Local Planning Authority. The duly installed windows and doors shall be retained as such thereafter.

Reason: To ensure the use of materials that are sympathetic to the rural 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 policies H8 and ENV2.

9. Before the dwelling hereby approved is first brought into use the bat box shown on drawing no. 621/4/21 and the owl hole shown on the drawing titled 'owl nest' shall be installed and made available for use in accordance with the details shown on the approved plans and in section 5 and paragraph 5.2 of the bat and barn owl surveys by 'PBA Applied Ecology Limited' and 'Lucille Fairbank Wildlife Survey and Consultancy' respectively. Once installed, the bat box and owl hole shall be retained as such thereafter.

Reason: To ensure that appropriate mitigation measures are introduced as part of the development in order to maintain the favourable conservation status of protected species in accordance with the 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. In particular the Council Has:

- requested amended design approaches to address the planning issues which have arisen in relation to dealing with this application.

- accepted additional information / changes to the scheme post validation.

Informative:

The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. The applicant is advised that, as a bat roost has been found to be present within the building, it will be necessary to seek a protected species license from Natural England before any development takes place. Planning consent does not provide a defence against prosecution under this act.

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.



Application Number: 2017/18286/FUL

Proposal: Conversion of barn to dwellinghouse.

Site Address: Calterbar Barn Crina Bottom Clapham Lancaster

On behalf of: Trustees Of Dr. J. A. Farrer's Discretionary Will Trust

REPORT TO PLANNING COMMITTEE ON 18th December 2017

Application Number:	45/2017/17923
Proposal:	Outline application with all matters reserved for a residential development of two dwellings
Site Address:	Land Adjacent To 103 New Village Ingleton LA6 3DJ
On behalf of:	Mr Slinger
Date Registered:	18th October 2017
Expiry Date:	13th December 2017
Case Officer:	Mr Sam Binney

The application has been referred to Planning Committee as the proposal has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1. Site Description

- 1.1 The application site is an irregularly shaped plot of land of approximately 0.09 hectares to the south-east of 103 and 105 New Village, Ingleton. The surrounding area is predominantly residential to the north, west and south. To the east are open agricultural fields.
- 1.2 The site is outside the Ingleton development limits.

2. Proposal

- 2.1 Planning permission is sought to erect 2 detached dwellings on land to the south-east of 103 and 105 New Village, Ingleton. The application has been submitted in outline form with all matters reserved for consideration at the reserved matters application stage.
- 2.2 The application is for two private dwellings with no affordable housing. The development proposal is below the Council's adopted threshold where a contribution towards affordable housing is sought.

3. Planning History

- 3.1 No planning history since 1974.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).
- 4.2 Saved Local Plan Policies ENV1 and ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

5. Parish/Town Council Comments

- 5.1 Ingleton Parish Council: *"objects to this application due to loss of privacy to nearby residents, loss of amenity by removal of trees on the site, potential drainage problems, increase in traffic and intensification of residential dwellings it would represent. There is significant remains of coal mining under the whole area. The Parish Council also notes that the site lies within a Special Landscape Area"*.

6. Consultations

- 6.1 NYCC Highways: No objection. Conditions relating to access construction and parking spaces (2 per dwelling) may be applicable on full application.
- 6.2 United Utilities: No comments received within statutory consultation period.
- 6.3 Environment Agency: No objection to the proposal subject to the inclusion of a condition regarding construction in line with the flood risk assessment.
- 6.4 Environmental Health: No objection but recommend conditions regarding construction hours, noise, asbestos removal, dust, sewerage and clean topsoil.

7. Representations

- 7.1 8 letters of representation have been received from 6 properties. A summary of the objections are outlined below;
- There is only one access to this site between 103 and 105 which is limited between the two houses.
 - Any further development would be out of the current building line.
 - Development would involve cutting down of mature trees which give residents privacy. The block of woodland is also a haven for wildlife.
 - The proposed access from the site to the rear of No 86 and 88 can only be obtained by permission of the owners of these properties as they are privately owned and maintained.
 - How many more houses are likely to be built in the village before the infrastructure is in total collapse?
 - Is there a “cutoff” point in the village whereby no further dwellings can be built?
 - **Officer’s Note:** Development Limits were established for the 1999 Local Plan which carry minimal weight. The site falls just outside the development limit boundary so is classified as open countryside. Development will only be permitted in certain circumstances.
 - The land behind the trees is part of the spoil heap from the coal mining industry and is extremely wet and boggy in places so drainage could be a problem.
 - Concern how the services would be supplied to the site.
 - Had this application been for one bungalow, it might have had stood a better chance of being accepted, but in our opinion two dwellings is not acceptable.
 - The road is often blocked due to parents visiting back entrance to school.
 - Vehicles visiting the site during construction would be inconvenient and could cause damage.
 - Officer’s Note: The above 2 bulletpoints are in regard to access which is a reserved matter. This will therefore be assessed at a later stage.
 - Do not believe it to be appropriate to “squeeze in” two additional dwellings.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development on this site, the impact upon the character and amenity of the area, the impact of developing this site upon the amenity of neighbouring residents and upon highway safety; the impact of the development upon trees; flood risk.

9. Analysis

Principle

- 9.1 Following the Coalition Government’s abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the ‘development plan’ comprises the ‘Craven District (Outside the National

Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

- 9.2 The application site lies partially outside but within close proximity to the existing development limits of Ingleton and therefore Saved Policy ENV1 applies. Saved Policy ENV1 is permissive of small scale developments appropriate to the 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. This policy is considered to be broadly in line with the objectives of the NPPF.
- 9.3 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 Saved Local Plan Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or redevelopment of land or premises subject to meeting set criteria. These include that new development will not result in the loss or damage to spaces identified as important to the settlement character; would not result in the loss of land of recreation or amenity value, such as parks, playing fields, playgrounds, informal open space or allotments. These are general planning considerations, broadly in line with the NPPF. However, this policy refers specifically to development taking place within development limits of Skipton and named local service areas (including Ingleton). Therefore, while the policy is not entirely relevant, the criteria contained within the policy is considered to be relevant.
- 9.5 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.6 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.7 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."
- 9.8 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."
- 9.9 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.

- 9.10 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."
- 9.11 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.
- 9.12 It is recognised that the site is located adjacent to the development limits boundary as defined by Policy ENV1 of the 1999 Local Plan. However, it is considered that as Policy ENV1 was not prepared under the Planning & Compulsory Purchase Act 2004 that it can be given limited weight in the decision making process. In addition, the Council has recently both approved and refused applications for residential development in locations outside of the defined development boundaries. In officers opinion this situation remains unchanged. Each application will still need to be assessed on its own merits and its suitability for residential development.
- 9.13 The site has not been identified as a preferred site for housing in the emerging Local Plan. Notwithstanding this, the emerging policy within the Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force.
- 9.14 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is outside of the development limits of Ingleton. However, the development limits as identified in the Plan are out of date and cannot be strictly adhered to, but the site is located adjacent to the boundary and in close proximity to dwellings to the north, west and south which are located within walking distance of the centre of Ingleton.
- 9.15 Ingleton has good pedestrian and vehicle connections to local services and facilities (e.g. Primary School, Public Houses & Local Village Shops). In addition the village is serviced by local transport services which connect with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.16 Saved Local Plan Policy ENV1 seeks to protect the open countryside from sporadic development. Due to the close proximity of neighbouring dwellings, it is considered that the proposal would constitute rounding off development. This form of development is considered appropriate in principle.
- 9.17 It is considered that the site is suitable for residential use, and can achieve a high quality development and use land effectively. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.18 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area.
- 9.19 In conclusion, the site is outside of the development limits for Ingleton. However, given its close proximity to the village centre which is served by local transport services, connecting Ingleton with neighbouring villages and towns, the site is considered to be a sustainable location for residential development. Furthermore, the proposal would provide some economic and social benefits and any

adverse impacts of the proposal would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole to withhold consent.

9.20 The impact of the proposed development upon the character and amenity of the area

9.21 The application site occupies a 'backland' position to the rear of properties fronting New Village to the north-west and south. The development of such land is not usually viewed favourably because it does not normally relate well to its surroundings. However, in this instance it is considered that due to the location and size of the site, and its relationship to its surroundings, it could satisfactorily accommodate two dwellings.

9.22 The proposed dwellings could mirror the dwelling to the north-east of new Village 'Tan-y-Bryn' in terms of its relationship to the rest of New Village. Tan-y-Bryn is a single dwelling accessed between No 111 and 113 New Village but is on a much smaller plot than this application site. On this basis, it is considered that two dwellings in this location could harmonise with the surrounding area. Despite concerns to the contrary, the development of this site for the purposes of two dwellings could reasonably be achieved whilst still preserving the character and appearance of the area.

9.23 The impact of developing this site upon the amenity of neighbouring residents

9.24 In addition to the concerns outlined above, 'backland' development can often give rise to amenity issues. These include overlooking of, and light loss to, neighbouring properties and disturbance to local residents from vehicles entering and leaving a site. The specific details of the layout and scale of the proposal are reserved matters so limited information is available at this stage. However, the size of the plot is large so in principle it is considered that these concerns can reasonably be overcome in this instance.

9.25 The access to the site is a reserved matter but it is indicated that it will be between No 103 and 105 New Village. This is an existing vehicular access to the side and rear of these dwellings including an area of hardstanding and garages. This access passes close to the external walls of the neighbouring dwellings. If the intensification of this existing access increases it could result in amenity issues to neighbouring occupiers.

9.26 No plans are currently available for the footprint, height or orientation of the proposed dwellings. It is considered that as spacing from existing neighbouring properties can be achieved, it is unlikely that significant detrimental impacts would occur as a result of overshadowing or having an overbearing impact upon neighbouring properties. In view of the above it is contended that the development of this site for the purposes of two dwellings could also reasonably be achieved whilst safeguarding the amenities of local residents.

9.27 The impact of developing this site upon highway safety

9.28 The application does not formally seek approval of the means of gaining vehicular access to the site. However, the plans show that this is to be gained from New Village to the north-west between No 103 and 105. This is an existing vehicular access and if used for the proposed dwellings would result in some intensification of its use.

9.29 In view of the above, and as the application site is considered to be large enough to satisfactorily accommodate two dwellings and associated space for the parking and 'on-site' turning of vehicles, it is considered that, despite concerns to the contrary, this proposal is unlikely to give rise to any undue highway safety concerns. This view is supported by the Highways Authority.

9.30 The impact of the development upon trees

9.31 There is substantial landscaping present on site in particular to the southern boundary. This includes a variety of shrubs and trees of differing types and heights. While the exact footprint of the proposed dwellings isn't known at this stage for the proposed dwellings, it is anticipated that the removal of some existing landscaping would be required.

9.32 The site is not within a designated conservation area and none of the trees are protected by Tree Preservation Order. However, the retention of the landscaping would be preferable where possible.

Conditions to control the landscaping could be attached to any permission to ensure suitable landscaping is retained or replaced.

9.33 Flood Risk

9.34 The site is mainly within Flood Zone 1 with some areas in Flood Zones 2 and 3. Flood Zone 2 overlaps with the south-west corner of the site, while Flood Zone 3 overlaps with the south-east section of the site. The NPPF classifies different forms of development as having different levels of flood risk vulnerability. It states that residential development is classified as 'more vulnerable'. Additionally, development which is classified as 'more vulnerable' is considered acceptable if located within Flood Zones 1 or 2, but not if located within Flood Zone 3.

9.35 The Environment Agency has no objection to the scheme as long as no development would take place within Flood Zones 2 or 3. Additionally, a condition is requested to control this, and that all proposed mitigation measures are fully implemented prior to occupation of the dwellings. It is considered that as only small sections of the site are within Flood Zones 2 and 3, it is possible and appropriate to have dwellings constructed on the site while remaining outside of Flood Zones 2 and 3.

9.36 Coal Mining Area

9.37 The site is located within a Coal Mining Reporting Area. The Coal Authority state that the site is within a low risk development area so there is no formal need for consultation. However, the standing advice should be followed. For development within a low risk area there is no need for a desk based coal mining risk assessment.

9.38 On this basis, the standing advice only recommends an informative to be attached regarding the reporting of any coal mining features encountered during development to The Coal Authority. In this instance the proposal is considered acceptable in terms of coal mining risk subject to the above informative being attached to the permission.

9.39 Conclusion

9.40 It is contended that the proposal will comply with the requirements of saved Local Plan Policies ENV1 and ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the requirements of Sections 6, 7, 11 and 12 of the National Planning Policy Framework. The development of this site for the purposes of two dwellings is considered to be acceptable in principle and is considered to be achievable without adversely affecting the amenity of neighbouring properties or causing undue harm to highway safety.

10. Recommendation

10.1 To grant planning permission.

Conditions

Time Limit for Commencement

1. No development shall commence until approval of the details of the siting, scale and appearance of the dwelling, the means of access thereto and the landscaping/boundary treatments (hereinafter called the reserved matters) have been obtained from the Local Planning Authority in writing.

An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

Approved Plans

2. The permission relates to the following plans:

- Drawing titled "Block Plan" received 02nd October 2017.

- “Flood Risk Assessment” received 23rd September 2017.
- “Additional Information” received 16th March 2017.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and the conditions of this permission unless subsequent revisions are approved as non-material amendments.

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.

Before You Commence Development

3. Details of the existing and proposed ground levels, and of the finished ground floor level of the new dwellings, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The ground levels, and finished floor level of the dwellings, shall thereafter be set at the approved levels.

Reason: In order to ensure that the development suitably harmonises with its surroundings, in accordance with the requirements of Saved Local Plan Policy H3 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Ongoing Conditions

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwelling hereby approved nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to retain a degree of control over the development in the interests of safeguarding neighbouring properties from potentially un-neighbourly development.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2017s 5997 – FRA D01 and the following mitigation measures detailed within the FRA:

No development shall take place in Flood Zones 3 or 2. All development to take place in Flood Zone 1.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Informatives

1. 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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

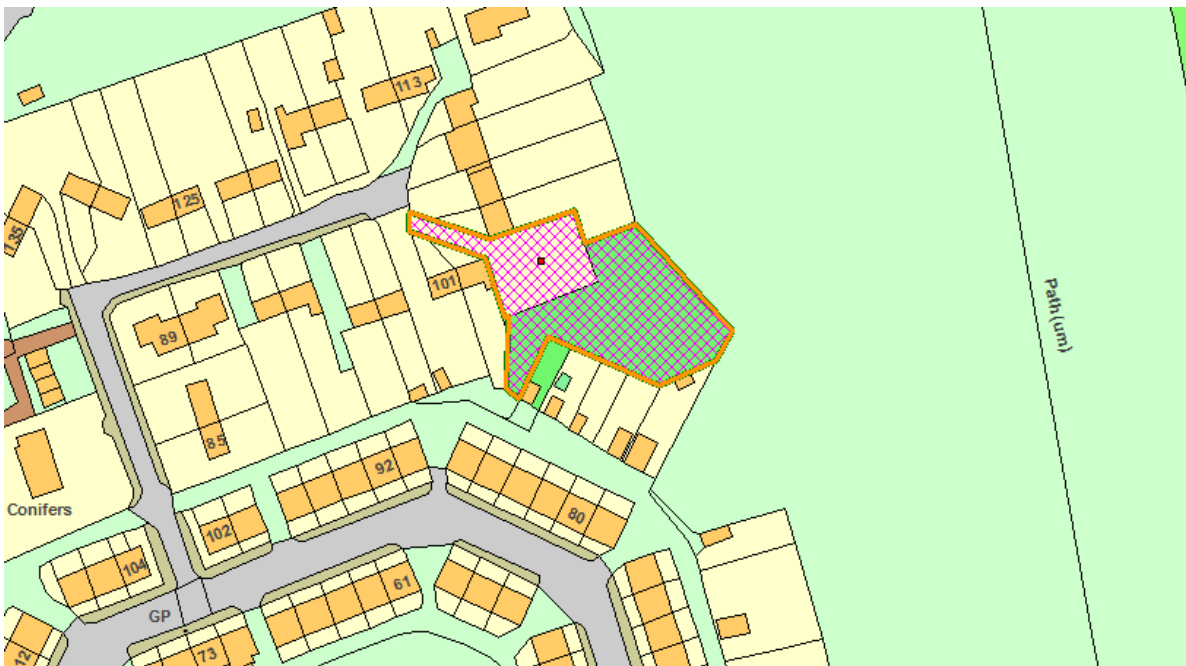
Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com

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. In particular the Council has: -

- engaged in pre-application discussions



Application Number: 45/2017/17923

Proposal: Outline application with all matters reserved for a residential development of two dwellings

Site Address: Land Adjacent To 103 New Village Ingleton LA6 3DJ

On behalf of: Mr Slinger