



CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 20th November 2017

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REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18340/FUL

Proposal: Residential development of 73 dwellings including associated infrastructure

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

On behalf of: Miller Homes

Date Registered: 29th August 2017

Expiry Date: 28th November 2017

Case Officer: Mr Matthew Taylor

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

1. **Site Description**

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

2. **Proposal**

- 2.1 The application seeks full planning permission for a residential development of 73 dwellings with associated infrastructure including a shared footpath/cycleway extending through the site between Skipton Road and The Bailey, and the provision of a total of 5832 square metres of public open space.
- 2.2 The proposed dwellings would be arranged around a network of cul-de-sacs branching in northerly and westerly directions off the main estate road and would include a combination of terraced, semi-detached and detached houses delivering a mix of one (6 plots), two (17 plots), three (6 plots), four (19 plots) and five (25 plots) bed dwellings. A total of 29 plots (40% of the total) would be provided as affordable housing delivering a mix of 6 x 1 bed; 17 x 2 bed; and 6 x 3 bed dwellings scattered in three pockets throughout the site.
- 2.3 The estate road would follow a T-shaped layout with access to be gained via The Bailey in the southeast corner. The dwellings would be organised in three parcels, with 15 plots bordering existing houses on Overdale Grange and Cross Bank to the east; 31 plots located to the north and west of the estate road to border Skipton Road; and 27 plots to the south and west of the estate road bordering The Bailey. Strips of landscaped public open space would follow a shared footpath and cycleway to the northern and southern boundaries with flanking highways and would merge with a larger area of public open space to the southwest corner which includes a Local Equipped Area for Play (LEAP) and shallow balancing pond. Buffers of landscaping would be retained and strengthened to the site perimeter and the existing dry stone wall would be retained and repaired at its present height.
- 2.4 All dwellings would be two storeys in height and would incorporate a mix of dual-pitched and hipped roofs. Garages would be of a single storey height. A total of 13 house types are proposed across the site. The majority of dwellings (53 plots), including all those to the edges of the site, would be finished in natural stone. A limited number of plots (20) to the central areas of the site would be finished in artificial stone. Slate roofs would be used to all plots. Outbuildings would replicate these materials. Boundary treatments will comprise stone walls to the rear and side of prominent plots on the edges of the site and at junctions of the estate road; low-level railings to the front and side of corner plots and timber fencing to rear garden boundaries where these would be less visible from surrounding highways.
- 2.5 A total of 179 off-street car parking spaces (including garages) would be provided as part of the development at an average of 2.45 spaces per dwelling across the site. The majority of parking would be provided on an 'in-curtilage' basis, with parking courtyards formed opposite terraced dwellings on plots 28-32 and 38-42.
- 2.6 Access to the development is to be gained from The Bailey to the southeast corner of the site. A dedicated right hand turn lane with a ghost island approach would be introduced at the junction of the site access with The Bailey. Part of the existing carriageway would be widened to allow the construction of the right-hand turn lane.
- 2.7 The shared footpath/cycleway to the northern, western and southern edges of the site would measure 2.5m in width and would form a triangular route around the site perimeter running in a general south-westerly direction from an opening on Skipton Road towards The Bailey. Two openings are proposed onto The Bailey to the southeast and southwest corners of the site and a third opening is proposed close to the junction of Skipton Road with The Bailey, though the feasibility of providing a crossing point at this junction is currently being investigated and will be clarified prior to the committee meeting.

3. **Planning History**

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

4. **Planning Policy**

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

4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan is in the pre-publication stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.

4.3 **National Policy:**

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

4.4 **CDLP:**

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

4.5 **ELP:**

SP1 – Meeting Housing Need
H2 – Affordable Housing

5. **Parish/Town Council Comments**

5.1 *Skipton Town Council* – Comments as follows:

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

5.2 *Embsay Parish Council* – Comments as follows:

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

6. **Consultations**

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

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

6.2 *Historic England* – Updated comments received 30.10.17:

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

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

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

- The applicant proposes to discharge surface water to a sewer as infiltration is impractical and there is no connection to a local watercourse. Yorkshire Water will therefore be required to advise on an appropriate discharge rate to their apparatus.
- The drainage strategy should make adequate provision for: (i) containing exceedance flows on the site in order that they do not cause flooding of properties; (ii) containing runoff on the site for all events up to the 1 in 30 year event; (iii) ensuring that flows resulting from rainfall in excess of a 1 in 100 year event are managed in exceedance routes that avoid risk to people and property; (iv) making an allowance of 10% for urban creep; (v) arrangements for ongoing maintenance of SUDS over the lifetime of the development.
- Providing that these matters are addressed a condition can be imposed to ensure suitable surface water management.

6.4 *Natural England* – Comments as follows:

- The application site is in close proximity to the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), and therefore has the potential to affect its interest features. These are European sites which are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The sites are also notified at a national level as West Nidderdale, Barden and Blubberhouses Moors Site of Special Scientific Interest (SSSI).
- The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority (i.e. the consultation does not include a Habitats Regulations Assessment). Your authority should therefore determine whether the

proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

- Natural England notes that Habitats Regulations Assessment of the draft Craven Local Plan (dated May 2016) identified likely significant effects on the integrity of the North Pennines SPA and SAC as a result of increased access and recreational disturbance from the increase in housing over the plan period. We advise that your Authority assess this proposal in the context of in-combination access and recreational disturbance on the North Pennines SPA and SAC with the Craven Local Plan. It will be necessary to ensure consistency between the evidence base work for the Local Plan and any required avoidance and mitigation measures for this proposal. Where evidence is already available in relation to the Local Plan this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.
- Please note that if your authority is minded to grant planning permission contrary to Natural England's advice, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.
- **Landscape advice** – Natural England welcomes the submission of a Landscape and Visual Impact Assessment (LVIA) and agrees with the conclusions. Based on the documents submitted, Natural England has no objection to the proposed development. We do not consider that the proposed development would compromise the purposes of designation or special qualities of the National Park.

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

- An analysis of police recorded incidents covering a 300m radius of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. In summary, there were 23 crimes and 11 anti-social behaviour incidents recorded during this twelve month period, with criminal damage being the most significant issue. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as being at a low level.
- The design and layout shown in the proposed Site Layout Plan is to be commended as it has a number of 'Designing out Crime' features incorporated, which will reduce the opportunity for crime and disorder. It has outward facing frontages providing natural surveillance of a defined public realm and enclosed rear gardens. It is also noted that the proposed affordable housing for the site is reasonably well dispersed.
- It is questioned whether the shared footpath/cycleway that runs to the rear of plots 33-35 is necessary as Building for Life 12 recommends that public footpaths should not run to the rear of properties. This is because providing access to rear gardens can leave the rear of properties vulnerable to crime. Consideration should be given to removing this section of path as there is an alternative route available to the side of plot 35. A planning condition should be imposed which requires the applicant to provide details of how this issues is to be addressed.
- Various recommendations are made with respect to cycle storage, the positioning of lighting, landscaping and utility meters, and achieving Secured by Design accreditation.

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

- The archaeological desk based assessment submitted in support of the application indicates that the development site includes traces of former medieval ridge and furrow ploughing with later quarrying/tipping activity in a small area.
- The desk based assessment recommends that a phased programme of archaeological evaluation takes place in order that appropriate mitigation can be proposed. This conclusion is supported.

- The archaeological potential of the site is unlikely to be very significant. Therefore, it is acceptable to carry forward the suggested programme of work through a planning condition. The archaeological work should take the form of a survey of the surviving ridge and furrow and other earthworks associated with quarrying. This should be followed by trial trenching to record several sections of the ridge and furrow. If any earlier remains are preserved beneath the ridge and furrow then further mitigation in the form of a strip, map and record exercise may be necessary. An appropriate condition is recommended in this regard.

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

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

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

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

- Further details are required concerning the play area layout, design and specification which should include play equipment for toddlers to older children up to around 12 years old. The play equipment should be of a natural appearance and chiefly constructed in timber. Details are also required on how the public open space will be managed and maintained in perpetuity. These details could be included in a S106 agreement or potentially secured through planning condition. The public open space and play area should be laid out prior to 50% of the dwellings being occupied.
- The 2.5m wide path (as amended) is acceptable in terms of layout and dedicated access and egress points. The path should be constructed to meet the Sustrans multi user path standards. The full design should be agreed before development commences and the path constructed prior to the 55th dwelling being occupied.
- Public open space 'Area 1' and the play area would meet the SRC2 policy requirements for equipped play and informal play. The multi user paths that run along the southern and western boundary of the site would partly meet the play and recreational needs for youths and adults living at the development. However, in order to meet the balance of youth and adult play and recreational space requirements under SRC 2 a financial contribution of £100,000 is required.

- There are a number of quality deficiencies in youth and adult play and recreation space within Skipton as set out in the Craven Open Space and playing pitch assessment and strategy. I therefore consider that a requirement for an off-site contribution of £100,000 is entirely justified, reasonable and necessary in relation to this scheme. A S106 agreement will be required to secure the off-site contribution.

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

- The applicants have submitted a planning application for 73 dwellings of which 29 are proposed as affordable, equating to 40% onsite provision.
- Craven District Council has substantial unmet affordable housing need for 145 homes per year, evidence of which is provided within the SHMA 2016. The SHMA further evidences the affordable tenure split to meet identified need stating 'In terms of tenure, a split of 15%-25% intermediate tenure and 75%-85% affordable rented would be recommended'.
- The provision of these 29 affordable homes will help to address significant affordable housing need and is in line with emerging policy. The mix provided is: 6 x 1 bed homes @ 60sqm; 12 x 2 beds homes @70sqm; 6 x 3 bed homes @ 85sqm. The units are distributed evenly throughout the site.

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

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

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

- A scheme for the protection of the 225mm diameter foul sewer crossing the site prior to any construction works on the affected areas of the site being undertaken. If this involves diverting the sewer, the developer should submit evidence to the Local Planning Authority that the diversion has been agreed with the statutory undertaker. Yorkshire Water has no objection in principle to the proposed sewer diversion shown on the submitted plans.
- The development shall be carried out in accordance with the details in the submitted Flood Risk Assessment which indicates that: (i) sub-soil conditions do not support the use of soakaways; (ii) surface water will discharge to the public surface water sewer at a restricted discharge rate of 5 litres per second.

7. **Representations**

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

the time of preparing the report a total of 20 representations had been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

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

Design:

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

Highways:

- The 60mph stretch of road from Skipton to Embsay is already busy and dangerous due to tight bends and vehicles travelling too fast. This is a danger to pedestrians, including children walking to school. The development would increase the amount of traffic on surrounding highways, thereby making this situation more dangerous. The developer should be required to introduce a cycle lane on the highway and provide additional traffic control and pedestrian crossings. The speed limit on Skipton Road should also be reduced from 60mph to 40mph.
- The Bailey and Skipton High Street are often at grid lock during peak times and lack the capacity to handle any more traffic. Congestion will be exacerbated by the volume of traffic added by the development, along with the neighbouring Hawkbank Field site, and will result in drivers using Greenacres as a rat-run.
- There are currently no roadside footpaths on either highway bordering the site and no pedestrian crossing facilities. The scheme does not provide safe pedestrian access to and from the development as there seems to be no way for pedestrians to exit the site over Skipton Road. A pavement is required along the eastern side of Skipton Road. The entrance/exit proposed at the junction of Embsay Road and The Bailey is also an unsafe crossing point and dedicated pedestrian islands or crossings should be introduced.
- The Transport Statement contains inaccurate information regarding the number and frequency of bus services. These services do not operate before 9am or after 4.30pm, so they are not available for commuters or most school journeys. The level of public transport is minimal and it is inevitable that the majority of journeys will be made by car.

Amenity:

- The layout and orientation of some plots along the eastern site boundary would adversely affect the amenity of neighbouring occupiers on Cross Bank and Overdale Grange due to loss of outlook, overshadowing and overlooking. This would be particularly harmful where the new dwellings are positioned 'side-on' in relation to the rear of existing houses and do not provide a back-to-back garden buffer between properties. The developer should be required to relocate and re-orientate these plots, alter the roof profiles and introduce landscaping along the eastern boundary in to protect the amenity of existing adjacent dwellings.
- The applicant's visual impact appraisal recognises that the development would have a "major adverse" impact on the occupiers of adjacent properties because their existing open, rural view would change significantly and the horizon would be screened following the construction of the new dwellings. Therefore, the development fails to protect the amenity of the occupiers of neighbouring residential properties in conflict with the objectives stated in the decision notice for application 63/2015/16113.
- The Council has recently refused planning permission for a development of 88 dwellings at Horse Close, Skipton due to the proximity of the proposed houses to adjacent dwellings. The plan for the Horse Close development suggests that the properties proposed as part of that scheme were to be positioned further away from existing dwellings than is proposed in this case. In order to ensure consistency in planning decisions, the Council should take the same approach with this scheme.

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

Other matters:

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

8. **Main Issues**

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

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

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

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

9. **Analysis**

Procedural matters

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

- Plots 63, 64, 66 and 67 (eastern boundary) have been re-orientated to provide a ‘back-to-back’ relationship with existing dwellings on Overdale Grange and Cross Bank.
- Hipped roofs have been introduced to plots 59 and 73 (eastern boundary) to avoid presenting gable ends to neighbouring dwellings on Cross Bank and Overdale Grange respectively.
- A buffer of landscaping comprising a hedgerow with scattered tree planting has been added on the inside of the site’s eastern boundary bordering dwellings on Overdale Grange and Cross Bank.
- The route of the shared cycleway/footway to (and outside) the site perimeter has been extended to provide: (i) a continuous footway linking with Overdale Grange to the southeast corner; (ii) a second point of access onto The Bailey to the southwest corner; (iii) a link at the junction of Skipton Road and The Bailey; (iv) an opening to the northeast corner onto Skipton Road, including this forming a separate emergency access to the site with a demountable bollard. Pedestrian crossing points are to be introduced where this route merges with Skipton Road and The Bailey (save that the link at point (iii) is currently under review), along with new sections of footway on the southern side of the A6131.
- The red brick and rendered house types initially proposed have been replaced with a mix of natural and artificial stone house types.

- Boundary treatments to plots bordering flanking highways and corner plots within the site have been amended to present 1.8m high stone walls to these frontages (as opposed to timber fencing or red brick walls).
- A LEAP has been added to the area of public open space.

Principle of development

Site designation and planning history:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that “large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.”
- 9.3 The site is also identified as a Protected Road Approach to Skipton (Harrogate Road) in policy BE2 of the CDLP. Policy BE2 states that, “in order to protect the immediate road approaches to Skipton, the Council will not permit development in those areas identifies as protected landscapes other than in very special circumstances”. With respect to the Harrogate Road approach, paragraph 2.2 of the policy states as follows:
- “The Harrogate Road approach has an open and attractive character and is of great importance to the setting of the Conservation Area. This approach route to the town centre is a vital component to the character of the town as it brings the open countryside right to the heart of the town centre.”
- 9.4 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.5 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.6 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.7 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. There is, however, an extant outline planning permission on the site for a residential development of 83 dwellings (reference 63/2015/16113). Matters of access and layout were approved as part of this application and, although the current scheme is a full planning application, the existence of this extant permission and the parameters established by it must weigh heavily in favour of the principle of residential development on the site. In addition, and as a result of this extant permission, the land is identified as a committed housing site in policy SP1 of the ELP.

- 9.8 Despite alterations to the alignment of the estate road, the current application follows the general development principles established by the outline permission with respect to the means of access to the site, the extent and location of developable areas, the areas to be provided as open space and the provision of buffers to both highway frontages alongside the northern and southern borders through the provision of a shared footway/cycleway. The application also proposes 10 fewer dwellings and a lower density of development (with more detached houses) than the outline permission. Accordingly, it is not considered that the proposal would result in any additional harm or greater conflict with the objectives of CDLP policies ENV1 and BE2 in comparison the form of development which could be brought forward through an application for reserved matters pursuant to the extant outline permission.

Housing Land Supply:

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

Conclusion concerning principle of development:

- 9.15 The site is located within an area of open countryside and along a protected road approach to Skipton. However, the proposal follows the general development principles established by an extant outline planning permission (reference 63/2015/16113) and proposes a reduced

number and lower density of development in comparison to that extant permission. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Character, appearance and heritage implications:

- 9.16 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.17 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.18 The site is located within the boundaries of the Skipton Conservation Area. This is a “designated heritage asset” for the purposes of the definition in the NPPF. Paragraph 131 of the NPPF indicates that, in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.19 With respect to a development’s impact on the significance of designated heritage assets, paragraph 132 of the NPPF indicates that “great weight should be given to the asset’s conservation” (proportionate to its importance) and identifies that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”.
- 9.20 Paragraph 133 of the NPPF states that “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent” unless this harm is outweighed by substantial public benefits. Paragraph 134 of the Framework indicates that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.21 Paragraph 137 of the NPPF stipulates that “local planning authorities should look for opportunities for new development within Conservation Areas [...] to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”
- 9.22 In addition, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2) [which include “the

planning Acts”], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Layout, scale and design:

- 9.23 The eastern boundary of the site forms a linear border which is viewed against the backdrop of modern dwellings on Cross Bank and Overdale Grange. These cul-de-sacs are characterised by detached houses laid out to a relatively low density and finished in natural stone. Although objectors have referred to the exclusive use of dry stone boundary walls in this development, it is apparent that a number of rear garden boundaries are also enclosed by timber fencing. Where the site narrows towards its southwest corner it is seen alongside open fields to the north on the opposite side of Skipton Road and tree-lined verges to both sides of The Bailey. The site perimeter is enclosed by a dry stone wall which varies in height.
- 9.24 The T-shaped layout of the estate road has the effect of splitting the site into three parcels – (A) a narrow strip flanking the eastern boundary; (B) a rectangular parcel to the south of the estate road running parallel to The Bailey; (C) a triangular area to the north of the estate road bordering Skipton Road.
- 9.25 Dwellings on parcel A would comprise detached houses set in spacious plots and laid out to a low density replicating the pattern of development on the cul-de-sacs of Overdale Grange and Cross Bank. All dwellings would be two storeys in height to complement the scale of neighbouring buildings and their external walls would be finished in natural stone. A combination of dual-pitched and hipped roofs would be used to add variety to the street scene and to reduce the massing of the roof space when viewed from adjacent properties. The existing dry stone boundary wall separating parcel A from neighbouring dwellings would be repaired and retained at its present height, with a buffer of landscaping comprising a hedge and scattered trees planted behind. A combination of open plan frontages, 1.8m high stone walls and 1.2m high railings would form the front/side garden boundaries with the estate road, while rear gardens would be enclosed by 1.8m high timber fencing.
- 9.26 Dwellings on parcel B would be set back between 15m and 24m from the carriageway of The Bailey. The existing tree-lined verge along the southern boundary with the A6131 would be maintained, with the shared footpath/cycleway and its landscaped borders providing a further buffer between the highway and the closest houses. Dwellings within this parcel would comprise a mix of detached houses with front-facing aspects onto The Bailey and terraced/semi-detached dwellings with gable ends facing south at the end of a cul-de-sac. All dwellings along the southern edge of parcel B would be finished in natural stone and the prevailing boundary treatment would comprise a 0.45m high timber knee rail backed by soft landscaping. Solid boundary walls to the end-terraced plots (16 and 17) would comprise 1.8m high stone walls.
- 9.27 Properties flanking Skipton Road on parcel C would incorporate a combination of front, side and rear facing aspects to the highway. The retained dry stone boundary wall and shared cycleway/footway with landscaped verges alongside the northern boundary would ensure the provision of a minimum 5.5m buffer strip with the highway and where the rear elevations of houses faces towards Skipton Road (a total of 3 detached plots), these buildings would be set back at least 16m from the edge of the carriageway and their rear garden boundaries would comprise 1.8m high stone walls backed by soft landscaping. All plots bordering Skipton Road would be finished in natural stone.
- 9.28 A triangular area of open space to the southwest corner of the site measuring 3138 square metres in area would maintain an open buffer at the junction of Skipton Road and the Bailey in order to preserve the open aspect on this junction and the approach to Skipton. A LEAP would be provided within the open space and an attenuation pond (in the form of a modest depression) would create a SUDS basin.
- 9.29 The layout, pattern and density of development would ensure an appropriate balance between the need to deliver a mix of house types (including 40% affordable dwellings) while

maintaining a sense of spaciousness and buffers to flanking highways. The layout of the dwellings would address the site's existing frontages through the orientation of buildings, the provision of buffer strips to maintain separation, the retention of existing tree belts and the use of sympathetic natural stone materials to dwellings and boundary treatments where these would have a roadside aspect. The siting and size of the open space at the junction of Skipton Road and The Bailey would maintain the sense of openness on the approach to Skipton and the absence of development in this area would preserve the retention of protected trees and allow the delivery of an on-site play area and SUDS.

9.30 The use of artificial stone would be limited to 20 dwellings located centrally around the T-shaped junction of the estate road where these plots would be screened from flanking highways by intervening natural stone house types. While objectors have raised concerns with the use of timber fencing to enclose gardens, these boundary treatments would be limited to rear garden areas and would not have a frontage onto adjacent public highways or the estate road. Accordingly, they would not detract from the prevailing stone vernacular of both the existing and proposed buildings.

9.31 The proposal, by virtue of its layout, scale, materials and design, would be compatible with the density and character of surrounding development and would achieve a spacious, open aspect along the road approach to Skipton, commensurate with neighbouring development to the east. Where the site widens, the development would be viewed against the backdrop of existing housing on Cross Bank and Overdale Garage and the whole of its eastern boundary is bordered by the built-up edge of this estate. More sensitive vantage points where the site narrows to its western end would be addressed through the siting of a substantial parcel of open space and the retention of tree-lined boundaries. Accordingly, it is not considered that the development would have any adverse effects on the character and appearance of the street scene.

Effects on the conservation area:

9.32 The principle of residential development within this part of the conservation area has been established through the approval of outline planning permission 63/2015/16113. While it is inevitable that the introduction of buildings on a site which is currently open to flanking roads will alter its appearance within the conservation area, it does not follow that this would automatically result in substantial harm to the significance of the heritage asset. The layout of this application is substantially in accordance with the extant outline permission with respect to the developable areas of the site, the provision of buffer zones alongside both flanking highways, the orientation of dwellings and the siting and extent of public open space.

9.33 Historic England's response acknowledges that the principle of development on the site has been established and, accordingly, their comments are limited to matters concerning how the scheme's detailed design responds to the character and appearance of the conservation area. Initial observations were made by Historic England in a letter dated 19 September 2017 as follows:

- (i) The existing dry stone boundary wall around the site makes an important positive contribution to the conservation area and should be retained, repaired and, where necessary, rebuilt.
- (ii) Skipton is a town on the edge of the Yorkshire Dales and the predominant building material is stone. The use of red brick and render to some of the house types should be avoided in favour of stone.
- (iii) The use of close-boarded fencing to the rear/side boundaries of plots 28, 33, 34, 35, 36 and 53 (bordering Skipton Road) should be avoided.

9.34 Historic England have been consulted on the amended plans and have indicated that, based on the amended plans, there are no objections to the application on heritage grounds. The amended plans (and the changes summarised at paragraph 9.1) have overcome the initial concerns expressed by Historic England with respect to the scheme's detailed design. In

particular: (i) the amended enclosures plan clarifies that the existing dry stone boundary wall is to be retained, repaired and rebuilt; (ii) all brick and rendered house types have been replaced with stone; and (iii) boundary treatments to all plots with a frontage onto existing and proposed highways (including and in excess of those identified by Historic England) have been revised to replace close-boarded fencing with 1.8m high stone walls.

9.35 The proposed development would, by virtue of developing an open field, result in a significant change to the appearance of the site and, in turn, the character and setting of the Skipton Conservation Area. However, and as identified by Historic England, the site's main contribution to the character of the conservation area is afforded by its gateway location to Skipton. In this respect, and for the reasons already set out above, the layout, scale and appearance of the development would preserve the essential characteristics of this gateway location by maintaining a sense of space and openness to roadside frontages, retaining existing features which contribute to this character (e.g. mature roadside trees and the perimeter dry stone boundary wall) and ensuring visual relief from built development by providing a substantial buffer of open space where the site narrows to its western end on the entrance to Skipton. The proposed materials and boundary treatments (as revised), and the two storey scale of the dwellings, would also reflect the prevailing character of surrounding buildings both within and bordering the conservation area.

9.36 As a result, it is considered that any harm to the significance of the conservation area as a designated heritage asset would be "less than substantial" for the purposes of paragraph 134 of the NPPF and, accordingly, that this harm should be weighed against the public benefits the development would bring, having particular regard to the economic and social benefits arising with respect to its contribution to the district's housing land supply and the delivery of affordable housing.

9.37 There are no listed buildings in the immediate vicinity of the site. The closest listed building (the grade I listed Skipton Castle) is located further along The Bailey after a bend in the road and in excess of 0.5km away. Given the degree of separation and screening between the site and the closest listed building, it is not considered that the proposed development would have any adverse effects on the setting or significance of these heritage assets.

Amenity:

9.38 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

9.39 The closest neighbouring dwellings border the eastern site boundary on Overdale Grange and Cross Bank. The existing houses are largely orientated with their rear elevations facing onto the site, though several have chamfered aspects and some have gable ends overlooking the field. Objections have been received from the occupiers of some of these properties on the grounds that the proposal would have a harmful impact on their privacy and amenity due to loss of outlook, overlooking and overshadowing. One objector has made reference to the applicant's Landscape and Visual Impact Assessment (LVIA) which concludes that the development would have a "major adverse" impact on those properties located immediately adjacent to the site. Objections have also been received with respect to the siting of garages and the materials for boundary treatments to enclose the gardens of the proposed dwellings.

9.40 Dwellings proposed alongside the eastern boundary of the site would be exclusively detached in character and would be orientated either with their rear elevations facing towards those of existing dwellings (back-to-back) or in a 'side-on' fashion where elevations lacking habitable room windows would face towards existing houses and their gardens. Where dwellings are positioned 'back-to-back', they would achieve a minimum separation of 21m with the closest neighbouring properties on Overdale Grange and Cross Bank. In the case of 'side-on' plots,

this distance would fall to a minimum of 12.5m, though each of the plots in question (nos. 59, 68 and 73) would incorporate hipped roofs sloping away from the shared boundary. In addition, where 'side-on' relationships are proposed, views from existing dwellings would be at an oblique angle. For example, in the case of the minimum (12.5m) spacing above, the side of the proposed dwelling at plot 73 would be seen at an angle of approximately 45 degrees from the rear elevation of no. 3 Overdale Grange rather than being positioned immediately alongside its rear elevation. As a result, direct views from the rear of no. 3 would be across the gardens of the proposed dwellings rather than towards the side of plot 73.

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

spacing achieved with neighbouring dwellings and oblique siting in relation to them, would ensure that they do not have an overbearing appearance in the outlook of surrounding properties. While concerns have been raised regarding the use of timber fencing to rear garden boundaries, this is a treatment which is commonplace within the estate to the east where boundaries do not front onto estate roads or the existing open field. At 1.8m, the proposed fencing is not so high as to be unduly imposing and is typical of a domestic boundary treatment.

Highways:

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

Access:

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

Traffic generation:

- 9.53 The application is accompanied by a Transport Assessment (TA) which has been reviewed by the Local Highway Authority. With reference to the Trip Rate Information Computer System

(TRICS) database, the TA estimates that the development would generate approximately 45 vehicle movements during the AM peak (8am- 9am) and approximately 32 vehicle movements in the PM peak (5pm- 6pm). This equates to less than 1 vehicle movement per minute during peak periods and, in comparison to the extant outline permission for 83 dwellings, represents a reduction of 8 and 19 vehicle movements during the peak AM and PM periods respectively.

- 9.54 The TA includes an analysis of accident data at 6 junctions in the locality (though 2 of these are located within the town centre) between 31.07.2010 and 31.12.16. A total of 51 incidents are identified across this period, of which 45 were slight, 5 were serious and 1 fatal. The analysis in the TA concludes that “the majority of incidents were as a result of driver /pedestrian and cyclist error and poor judgement on behalf of drivers pulling out of junctions or pedestrians/ cyclists stepping into the carriageway and not as a consequence of any deficiencies in the road network itself.” The TA also concludes that “the majority of the accidents occurred away from the proposed site in the town centre.”
- 9.55 The traffic generation, trip distribution and accident analysis undertaken in the TA provide a proportionate assessment of the development’s impact on the surrounding highway network, both individually and in comparison with the extant outline planning permission (which included approval of the means of access to the site). The Local Highway Authority have not raised any objections to the conclusions set out in the TA and, given the presence of an extant planning permission for a development involving more dwellings and higher levels of traffic generation, it is not considered that the development would have a severe impact on the capacity of the surrounding highway network, either adjacent to or further away from the site. Accordingly, the development would not create conditions prejudicial to highway safety and is in compliance with the requirements of CDLP policy T2 and the NPPF.
- 9.56 The applicant has submitted a Travel Plan (TP) in support of the application. The TP considers the site’s accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future occupiers to travel by more sustainable modes of transport. The TP indicates that the implementation, monitoring and review of the TP will be achieved through the appointment of a Travel Plan Co-ordinator 6 months prior to first occupation until 5 years post full occupation of the dwellings. The implementation of the TP can be secured through condition.

Parking:

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

Developer contributions:

- 9.58 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Affordable Housing

- 9.59 Paragraph 7 of the NPPF refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 indicates as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and

to create sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations.

9.60 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP seeks affordable housing at a rate of 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, Skipton (appeal reference APP/C2708/W/16/3150511). Paragraph 9 of the Inspector's decision concludes as follows in this respect:

- "Policy H2 of the emerging *Craven Local Plan* seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, it is at a very early stage of preparation with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and so I am of the view that the policy can carry no more than very limited weight."

9.61 Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the 'very limited weight' which can be attached to ELP policy H2, the delivery of affordable housing is an objective of the NPPF and so is a material consideration which must be given significant weight.

9.62 The Council's Strategic Housing Market Assessment (SHMA) identifies a need for 145 affordable dwellings per annum in the district. While this cannot translate into a policy requirement, it is nevertheless clear that the evidence in the SHMA provides a strong indication of ongoing need for affordable housing in the district. In this case, it is also noted that outline planning permission 63/2015/16113 was granted subject to a condition requiring 40% of the dwellings to be delivered as affordable housing and that the current application has come forward on the same basis. 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.

9.63 Taking all the above into account, it is considered that a requirement for 40% of the dwellings to be provided as affordable housing is justified in this case.

9.64 The applicant has identified 29 units (equating to 40% of the total) to be delivered as affordable homes in 3 pockets to the northeast, central and western areas of the site. These would comprise 6 x 1 bed, 12 x 2 bed and 6 x 3 bed dwellings. The Council's Strategic Housing Service have indicated their support for this mix and distribution of affordable housing and consider that their tenure should include a split of 15%-25% intermediate and 75%-85% affordable rented.

9.65 The scheme's provision for 40% of the dwellings to be delivered as affordable housing, and the inclusion of an appropriate mix and distribution of that housing, is a substantial social benefit which weighs heavily in favour of the proposal. The delivery of affordable housing is to be secured through a planning obligation as set out in the resolution below.

Open Space

9.66 CLDP policy SRC2 requires new residential developments to provide local open space "within or close to the site" commensurate with the size and nature of the development.

9.67 The submitted plans include the provision of a total of 5832 square metres of informal open space on the site and the delivery of a LEAP to the southwest corner. The Council's Sports Development Officer considers that this level of provision is sufficient to meet the SRC2 policy requirements for equipped play and informal play, and that the multi user paths along the site boundaries would meet part of the recreational needs for youths and adults. An off-site financial contribution of £100,000 is, however, required to meet the balance of youth and adult play and recreational space requirements under policy SRC2 which would not be met through

the proposed on-site provision. This contribution would be used for the provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

- 9.68 The delivery of the on-site public open space and play area (including details of its layout, design, specification and future management and maintenance), and the payment of the off-site contribution of £100,000, is to be secured through a planning obligation as set out in the resolution below.

Education

- 9.69 The Education Authority (NYCC) have requested that the applicant makes a contribution of £248,127 towards the provision of new primary school places in the area. Whilst paragraph 72 of the NPPF indicates support for developments that ensure “a sufficient choice of school places [are] available to meet the needs of existing and new communities”, this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis for these, there is presently no adopted Local Plan policy to support this requirement. It is also noted that planning permission 63/2015/16113 was granted without the requirement for any such contribution. Accordingly, there are insufficient grounds to require the applicant to make the financial contribution requested by the Education Authority.

Highways

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

Other matters:

Flooding

- 9.71 The site falls wholly within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. However, as it is over 1 hectare in area a Flood Risk Assessment (FRA) has been submitted with the application.
- 9.72 Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.
- 9.73 The submitted FRA considers the site’s risk of flooding from separate sources and concludes that the greatest risk is from additional surface water runoff generated as a result of the increased impermeable area from the proposed greenfield development. Accordingly, the main issue to be considered in this case is with respect to ensuring a suitable strategy for surface water drainage in order that the development is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere.
- 9.74 The submitted FRA includes an indicative drainage strategy for the development based on the following principles:

- The geology of the site, and specifically the depth of overlying clays, means that infiltration systems and soakaways are not feasible.
- Storm water attenuation systems should be used to ensure flows from the site to a suitable watercourse or surface water sewer are reduced to agricultural discharge rates.
- A surface water discharge restriction of 5 litres per second is the lowest practical rate that can be achieved and will ensure that the existing agricultural discharge rate is not exceeded. Estimated flood storage volumes to achieve this rate are 852 m³ for the 1 in 30 year storm and 1190 m³ for the 1 in 100 year storm, with the latter rising to 1217 m³ when factoring in a 30% allowance for climate change.
- Attenuation systems can take the form of open swales, ponds or detention basis, or engineering solutions including underground tanks and over-sized pipes to store storm water and limit the rate of discharge from the site.
- If the site is developed with attenuation systems and an agreed discharge rate reduced to agricultural rates of discharge, there would be no increase in the flood risk to properties off site or in the drainage networks downstream of the site.
- The floor levels of the proposed buildings should be a minimum of 300mm above the existing ground level.

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

Ecology

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

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

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

- 9.78 The ecology survey concludes that the development will not impact on any notable or protected habitats and species as the most important habitats features (the perimeter vegetation and dry stone wall) will be retained. In terms of mitigation, the survey recommends that any pruning works to existing vegetation take place outside the bird breeding season (March to August), that the existing dry stone wall is renovated to provide a wildlife refuge, that native trees and shrubs are planted to provide biodiversity enhancements and that 10 all-purpose bat and bird boxes are placed on the existing trees or integrated into the houses.
- 9.79 The proposed development would incorporate the mitigation measures set out in the ecology survey by retaining existing trees, hedging and the dry stone wall to the site perimeter. Biodiversity enhancements would also be delivered through the provision of additional landscaped buffers alongside the boundaries with Skipton Road and The Bailey. The siting of bat and bird boxes can be secured through condition. The site is not designated for its nature conservation value and has habitats of limited value which are unlikely to support any protected species. Appropriate mitigation measures would be put in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraph 109 of the NPPF.
- 9.80 Natural England have made representations on the application concerning the development's potential effects on the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (a designated European nature conservation site). The development's effects in this regard would be limited to indirect impacts associated with increased access and recreational disturbance arising from the increase in housing over the plan period. Natural England have advised that the Local Planning Authority is required to undertake a Habitat Regulations Assessment (HRA) in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010. Natural England consider that this development should be assessed in the context of the potential for access and recreational disturbance 'in-combination' with other housing sites identified in Craven's ELP, including the identification of any avoidance and mitigation measures required to reduce the damage the development is likely to cause.
- 9.81 Natural England have indicated that, if the Local Planning Authority is minded to grant permission without undertaking the HRA it will be required, under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), to notify Natural England "of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice [...] allow[ing] a further period of 21 days before the operation can commence."
- 9.82 The current response from Natural England is in conflict with their comments submitted on 15th September 2015 in respect of application 63/2015/16113 which proposed a larger scale of development than this application on the same site. Those comments stated that:
- "Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes."
- 9.83 When the inconsistency between their responses has been queried, Natural England have indicated that recreational pressure was not raised as an issue with the previous application as the baseline has now changed as a result of other housing allocations in the ELP and the publication of the HRA Screening Assessment Report to accompany the ELP. Natural England have advised that, in order to mitigate against the in-combination effects on the North Pennine Moors SPA from multiple housing sites, provision should be made for alternative recreational green space and reference is made to draft ELP policy INF3 which relates to the provision of new green space in housing developments.
- 9.84 Other than proposing a reduction in the overall number of dwellings, the current application is substantially in accordance with the parameters established under the outline permission. Planning permission 63/2015/16113 remains extant and a reserved matters application for up to 83 dwellings could be submitted without the need for the Local Planning Authority to re-

assess the development's impacts on the SPA (and, in turn, without the need for a HRA). Therefore, it is considered that Natural England's requirement for the Local Planning Authority to undertake a HRA in connection with this development is unduly onerous, excessive and unwarranted for the following reasons:

- Natural England have failed to provide a proper explanation or justification for changing their position between the response for application 63/2015/16113 dated 15th September 2015 and their response on this application dated 13th September 2017. Natural England have referred to a change in the baseline associated with the progression of the ELP and the publication of the Habitat Regulations Screening Assessment Report for the ELP (dated November 2016) which concludes that likely significant effects on the SPA cannot be ruled out as a result of increased recreational pressures from the housing allocations in the ELP. However, the conclusion in the Screening Report is based solely on the 'in-combination' effects of the proposed housing allocations in the ELP and does not include an assessment of existing housing commitments which pre-dated these allocations. While relevant sites coming forward in the future under the allocations in the ELP will be subject to site-specific HRA, it is considered unreasonable to impose this requirement on committed housing sites with an extant planning permission.
- Their response fails to take into account the applicant's fallback position which, subject to the approval of reserved matters relating to scale, external appearance and landscaping, would allow the implementation of a development of a larger scale (an additional 10 dwellings) which would place greater recreational pressures on the SPA without the need or opportunity for any further assessment of 'in-combination' effects. Natural England would not be a statutory consultee on an application for the approval of reserved matters as the principle and quantum of development has already been permitted under the outline permission.
- Natural England refer to policies and allocations in the ELP which have not been subject to independent examination, do not form part of the adopted development plan and can be given only very limited weight in the decision making process. The ELP remains at a relatively early stage of preparation and there is no certainty that the housing allocations within it will come forward in the precise manner set out in the current draft.

9.85 Notwithstanding the above, the development would provide 5832 square metres of informal open space, a LEAP and an off-site contribution of £100,000 towards the provision and/or improvement of open space away from the site in accordance with the requirements of CDLP policy SRC2. The requirements for the delivery of open space set out in saved policy SRC2 are substantially the same as those which will be secured under ELP policy INF3 referred to by Natural England. Accordingly, the development would deliver a substantial amount of open space on the site for future residents and an off-site contribution which would alleviate recreational pressures on the SPA in order that the development is unlikely to have any significant effects on the integrity of the designated nature conservation site.

9.86 The delivery of this open space aligns with the mitigation measures which could reasonably be required to offset any potential effects on the SPA arising from increased recreational disturbance (both individually from this development and in-combination with other housing allocations in the ELP), and there would be no policy basis to require the developer to deliver more open space than is currently proposed.

9.87 Given the above it is, therefore, considered unnecessary to undertake the HRA process in order to arrive at the same conclusion. As the approach recommended by Officers would conflict with the advice in Natural England's response dated 13th September 2017, the Local Planning Authority will be required to notify Natural England of its position in accordance with Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) and allow the relevant 21 day period to elapse following this notification.

Trees

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

Archaeology

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

10. Conclusion

- 10.1 The application seeks full planning permission for a residential development of 73 dwellings on a triangular shaped parcel of land extending to approximately 3.2 hectares on the outskirts of Skipton. The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is also on a

Protected Road Approach to Skipton. Outline planning permission (including access and layout) was granted on 28 January 2016 for a residential development of 83 dwellings on the site pursuant to planning permission 63/2015/16113. This permission remains extant and the site is identified as an 'Existing Housing Commitment' in the Pre-publication Draft Craven Local Plan.

- 10.2 The site occupies a sustainable location for housing which is well connected and accessible to services in Skipton. The scheme follows the general development principles established by extant outline planning permission 63/2015/16113 and proposes a reduced number of houses and lower density of development in comparison to that extant permission. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 10.3 The proposed development, by virtue of its layout, scale, density, design, materials and landscaping, would be compatible with the character of the area and surrounding buildings. The development would preserve existing features on the site that make a positive contribution to the character and appearance of the Skipton Conservation Area and would assimilate successfully into the conservation area in order that it does not cause any substantial harm to its significance as a designated heritage asset. The spacing and relationship of the proposed dwellings with neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking.
- 10.4 The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The development would deliver a substantial number of affordable homes (equivalent to 40% of the total) on the site and would also make provisions for informal open space, play space and an off-site contribution towards open space of the site in accordance with the relevant policies. All protected trees would be integrated as an integral part of the scheme's landscaping strategy and appropriate measures would be put in place to ensure that the scheme has no adverse effects with respect to flooding, ecology and archaeology.
- 10.5 The economic and social benefits arising as a result of the scheme would outweigh any adverse environmental effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11. **Recommendation**

- 11.1 That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:
- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 40% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
 - (ii) The provision, layout, specification, design, management and maintenance of public open space and a Locally Equipped Area for Play on the site in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2.
 - (iii) A financial contribution of £100,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

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

Time limit for commencement (T)

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

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

Approved plans (L)

2. This permission relates to the following plans:

- Scale 1:1250 Location Plan (amended plan received 11.10.17).
- Drawing no. 0222-01 Rev Q – Site layout plan
- Drawing no. 0222-02 Rev C – Presentation plan
- Drawing no. 0222-03 Rev L – Enclosures plan
- Drawing no. 0222-04 Rev L – Materials plan
- Drawing no. 0222-06 Rev B – Site sections
- Drawing no. 0222-08 Rev D – Open space areas

- Package titled 'House Type Planning Drawings – Rev E' which includes:
 - Drawing no. 0222_RE_01 – Regent
 - Drawing no. 0222_WE_01 – Weir
 - Drawing no. 0222_RO_01 – Rowling
 - Drawing no. 0222_GR_01 – Grange
 - Drawing no. 0222_AS_01 – Ashbery
 - Drawing no. 0222_MI_01 – Mitford
 - Drawing no. 0222_RY_01 – Ryton
 - Drawing no. 0222_ST_01 – Stevenson B
 - Drawing no. 0222_ST_DA_01 – Stevenson D.A.
 - Drawing no. 0222_GA_01 – Gala
 - Drawing no. 0222_BU_01 – Buttermere
 - Drawing no. 0222_JU_01 – Jura
 - Drawing no. 0222_TH_01 – Thames
 - Drawing no. 0222_TH_02 – Thames
 - Drawing no. 0222_CH_01 – Chichester
 - Drawing no. 0222_CH_04 – Chichester
 - Drawing no. 0222_SG_01 – Single garage
 - Drawing no. 0222_DG_01 – Double garage
 - Drawing no. 0222_DG_02 – Double garage

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

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

Before you commence development (P)

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

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

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

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of the conservation area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

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

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

6. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

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

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

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

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

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

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

9. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:
 - the proposed highway layout, including the highway boundary;
 - dimensions of any carriageway, cycleway, footway, and verges;
 - visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;

- traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level;
 - the proposed road channel and centre line levels;
 - full details of surface water drainage proposals.
- c) Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
 - cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
 - kerb and edging construction details;
 - typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A timetable for completion of the works detailed in a) to g).

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

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

10. No development shall take place until a scheme for the design and construction of the site accesses at the junctions with the A6131 and Skipton Road (the positions of which are shown on drawing no. 0222-01 Rev Q) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:
- (i) Splays giving clear visibility of 120 metres (in both directions) measured along both channel lines of the A6131 from a point measured 4.5 metres down the centre line of the site access at the junction with the A6131. The eye and object heights shall be 1.05 metres.
 - (ii) Splays giving clear visibility of 50 metres (looking northwest) and 33 metres (looking southwest) measured along both channel lines of Skipton Road from a point measured 2.4 metres down the centre line of the site access at the junction with Skipton Road. The eye height shall be 1.05 metres and the object height shall be 0.6 metres.
 - (iii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.

- (iv) Any gates or barriers to be erected a minimum distance of 6 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- (v) The first 6 metres of the access road/footway extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (vi) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (vii) Tactile paving in accordance with current Government guidance.

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

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

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

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

12. No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
 - (i) The provision of tactile paving.
 - (ii) The provision of a ghost island right hand turn lane for westbound vehicles entering the site from the A6131, including any widening of the existing carriageway.
 - (iii) The provision of pedestrian crossings over the carriageways of the A6131 and Skipton Road in all locations where the shared footway/cycleway emerges onto the existing highway.
 - (iv) The provision of new and/or extended footways: (i) between the opening of the shared footway/cycleway onto the A6131 (southeast corner) and the junction of the A6131 with Overdale Grange; (ii) over the southern verge of the A6131 to provide a link with a ginnel connecting the southern footway of the A6131 with Greenacres.

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

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of

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

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

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

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

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

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

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

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

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

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

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

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

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

17. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document) and shall include:

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

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

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

During building works (c)

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

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

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

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

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

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

Before the development is occupied (O)

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

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

22. The dry stone boundary wall to the perimeter of the site shall be retained, repaired and, where necessary, partially rebuilt in accordance with the details shown on drawing no. 0222-03 Rev L before any of the dwellings hereby approved are first occupied.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to preserve existing features which contribute to the character of the countryside and the

conservation area in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

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

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

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

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

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

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

Statement of Positive Engagement

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

Informative:

Highways:

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

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

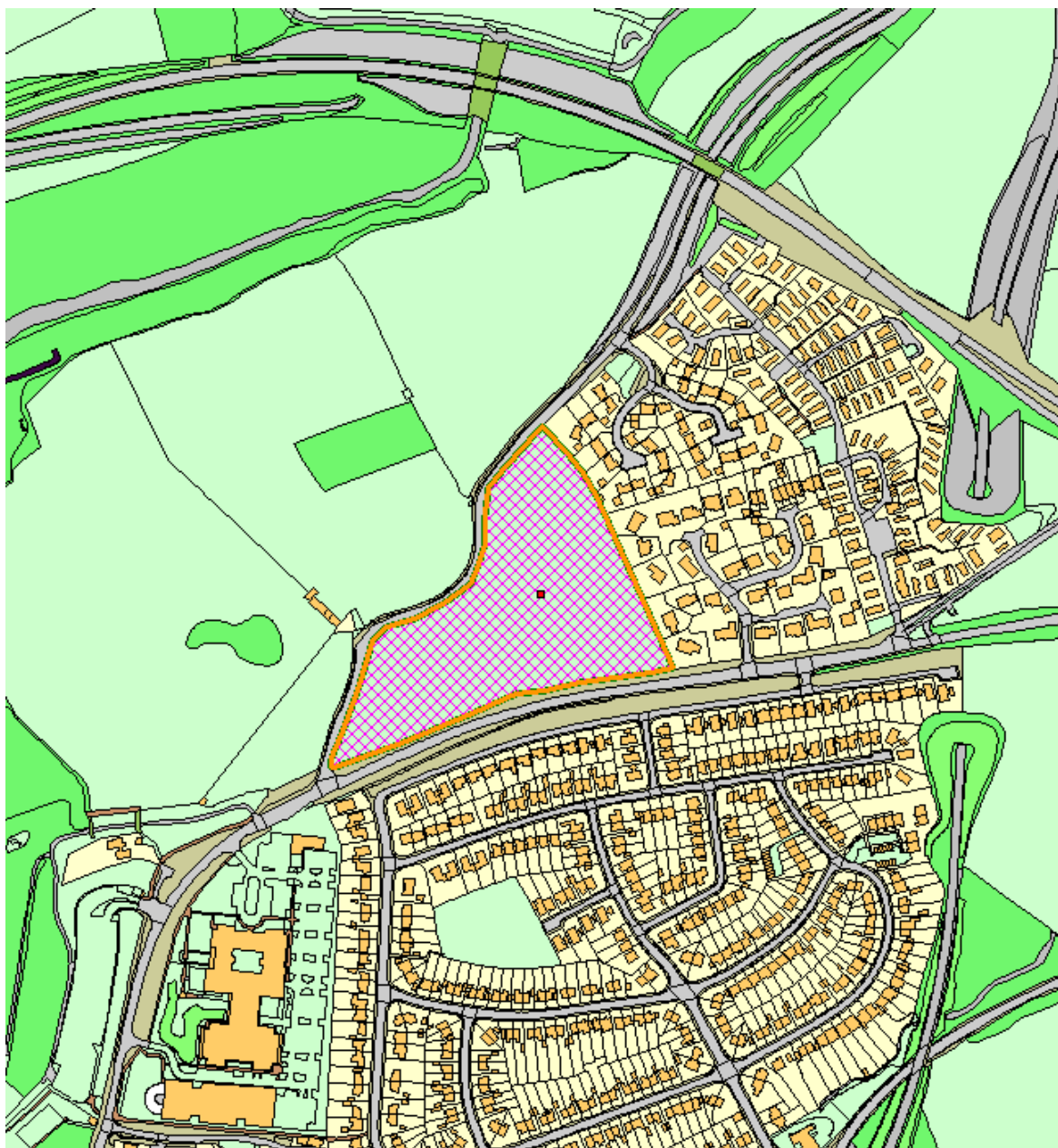
It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Trees:

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

Yorkshire water:

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



Application Number: 2017/18340/FUL

Proposal: Residential development of 73 dwellings including associated infrastructure

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

On behalf of: Miller Homes

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 32/2016/17097

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

Site Address: Malsis Hall Colne Road Glusburn BD20 8DS

On behalf of: Malsis Ltd

Date Registered: 22nd July 2016

Expiry Date: 21st October 2016

Case Officer: Mr Matthew Taylor

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 the *circa* 13 hectare site of Malsis Hall – a grade II listed building set in spacious grounds off the A6068 (Colne Road), Glusburn. The site falls outside the Development Limits shown on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore within Open Countryside. The hall, a former school which closed in December 2014 and is presently vacant, is located to the western end of the site and comprises a split-level two/three storey building on elevated ground fronting a walled garden and open fields to the east/southeast. The list description for the hall reads as follows:
 - “Mansion, built 1866 for James Lund, now a school with later additions. Ashlar with slate roof. Two storeys with a taller belvedere, irregularly composed into 12 bays on the entrance facade (1:3:1:3:1:3) which has a porte cochere. The south facade has 7 bays of which the last breaks forward. The detail is Italianate: pilaster strips at angles, rusticated below and panelled above, carry an entablature and a pierced arcaded parapet. The windows are mostly of 2-lights with cornices on consoles, round-headed to first floor but segmental below. The skyline is enlivened with urns and the belvedere tower, which is roughly central and has similar detail. Later additions include a War Memorial chapel with stained glass windows by John Piper. Interior not inspected.”
- 1.2 The original components of the hall are covered by a pitched roof to the eastern end, with a flat-roofed four-storey tower protruding to the northeast corner. A series of later (20th century) flat-roofed, two storey additions are attached to the northern and western elevations of the hall, with that to the north connecting the hall with a single storey chapel and the larger extension to the west side extending in a south-westerly direction to straddle the fields to the south. These modern additions are finished in a combination of brown and buff brick and floor-to-ceiling glazing.
- 1.3 There are a number of other buildings surrounding the hall. These include a single storey chapel to the northeast corner; a single storey timber outbuilding and two-storey stone house to the east;

two, two-storey stone cottages to the west of the hall connected by an arched entrance; two single storey buildings on lower-lying ground to the northwest of the hall and a modern, portal-framed gym building to the edge of a former playing field on a lower plateau to the northwest. None of these buildings are listed, nor are they referred to in the list description.

- 1.4 The main entrance to the site is off Colne Road to the southeast corner. A single storey lodge building following a staggered, L-shaped layout lies to the north side of the access. This building is part of a separate listing to the hall (grade II) and two ornate stone gate posts to either side of the junction are also grade II listed. The list descriptions for these elements are as follows:
 - “Lodge, circa 1866 (date of Malsis Hall) (qv). Ashlar with slate roof. Simple single-storey L-shaped building in the Italianate style. Plinth and modillion cornice, with rusticated pilaster strips at corners. The gables are treated as open pediments. Coupled round-headed windows with moulded archivolts, sashed with no glazing bars. Round-headed doorway. Two chimneys.”
 - “Gatepiers and railings forming a short screen, circa 1866, in front of Lodge to Malsis Hall (qv). Four square stone piers with alternating rustication, crowned by caps with segmental pediments of each side and (in the case of the 2 inner piers only) by carved floral sprays, joined by dwarf walls surmounted by simple railings.”
- 1.5 From its entrance on Colne Road a driveway runs in a westerly direction through the grounds of the hall up to the main building. This driveway is lined by trees on both sides, with a raised embankment to the south side intervening between a triangular clearing to the southeast corner, a central pond and a series of overgrown sports pitches and tennis courts to the southwest fronting the hall. Land to the north of the driveway is generally flat but set at a lower level, with a gentler slope to the northeast and central areas of the site (the latter including an overgrown cricket pitch and timber dugout) which steepens significantly to the northwest corner where a wooded banking intervenes between the hall and the open fields beyond. A second entrance to the site is located to the southwest of the hall off Car Head Lane, though this has been used as a secondary access for the hall.
- 1.6 The perimeters of the site are heavily screened by surrounding woodland – both within and outside the site – from vantage points on Binns Lane to the north and Carr Head Lane to the south and west. There is an area Tree Preservation Order (TPO) covering the whole of the site (TPO reference 209 2013 A1). Views from Colne Road vary with the south-eastern parcel densely screened by trees to the periphery of the site, but more open views of the hall being available through roadside trees from the A6068. The former sports pitched to the east/southeast and northeast of the hall are now overgrown and, aside from the hardstanding tennis courts enclosed by weld-mesh fencing to the front of the hall, the remnants of these sports pitches have now blended into the landscape.
- 1.7 The watercourse of Glusburn Beck meanders around the northern and western perimeters of the site. A group of terraced dwellings are located on the cul-de-sac of The Old Corn Mill on the opposite side of the beck beyond the northeast tip of the site. Aside from these properties, the closest buildings include the Dog and Gun Public House and a collection of five private dwellings on the opposite side of Colne Road close to the main entrance and a group of five dwellings on Carr Head Lane to the west. Land bounding the site to the north and west comprises open agricultural fields.

2 **Proposal**

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

Phase 1 (conversion and extension of Malsis Hall):

- 2.2 A programme of refurbishment including works of demolition, extension and restoration to Malsis Hall and adjacent outbuildings are proposed to facilitate its conversion to a 51 bed residential care facility (use class C2). The accommodation would be split across 39 bedrooms within the hall and 12 'step down' apartments within the house and cottage to the east and west of the hall respectively. The classification of this use is the same as the previous residential school, so there would be no change in the established planning use class of the buildings.
- 2.3 The purpose of the care facility is to provide rehabilitation and nursing care for individuals who have mental ill-health due to psychological trauma. This could include people who have suffered from abuse or have been involved in a traumatic event (e.g. veterans). The applicant has indicated that the care facility will generate approximately 112 full-time equivalent jobs with 24 hour, 7 day a week care to be provided by staff working in two, 12-hour shifts changing over at 8am and 8pm. Other non-care related staff (e.g. medical practitioners, managers, administration, catering and cleaning staff) would have working hours of 8.30am to 5pm Monday – Friday.
- 2.4 It is proposed to demolish the modern, flat-roofed extensions to the north and west of the hall in their entirety. It is also proposed to demolish one of the cottages to the west of the hall which is attached to these extensions (though its west and north facing walls would be retained), and the detached gym and stable buildings to the west/northeast of the hall. The existing chapel to the northeast of the hall would be retained as a communal meeting/activity space with a small, flat-roofed single storey extension added to the rear. The second cottage to the west (including the arch which links it to the reconstructed façade) would be retained and converted to 8 apartments which will provide a care pathway for residents to be integrated back into the community. The house to the east of the hall would be converted through minor external alterations to the fenestration to provide a further 4 apartments.
- 2.5 Following the demolition of the existing extensions, two new blocks would be constructed to the west side of the hall. The main blocks would form a continuous 'r' shaped wing detached from the hall and incorporating the façade of one of the existing cottages. The blocks would be connected to the hall via a narrow, elongated corridor providing a glazed single storey link extending from the hall's southwest corner. Both blocks would be two storeys in height and would have flat roofs with shallow parapets to their perimeter. The extensions would be finished in a rustic buff brick and would incorporate tall floor-to-ceiling glazing laid out in a regimented pattern with aluminium window frames.
- 2.6 Externally, existing hardstanding areas would be reconfigured to provide a total of 40 car parking spaces for the care facility. The existing walled garden to the east of the hall would be retained and turning areas provided for service vehicles. New footpaths would be provided to allow circulations around the hall.

Phase 2 (sports facilities):

- 2.7 The scheme includes the introduction of three football pitches on the open areas of the site to the north and south of the access drive approaching the hall which were previously marked out for cricket, football, rugby and tennis in connection with the former school. The size of the proposed pitches would allow two of these to be used by multiple age groups in a different orientation. As a result, the scheme would deliver the following:
- One senior 11 v 11 football pitch.
 - One U13-U14 11 v 11 football pitch.
 - One U11-U12 9 v 9 mini football pitch
 - Two U9-U10 7 v 7 mini football pitches.
 - Two U7-U8 5 v 5 mini football pitches.

- 2.8 The laying out of the football pitches would be achieved with minimal regrading works (a maximum of *circa* 1m level change) to the land south of the drive. The land to the north of the drive (a former cricket pitch) is already flat and would require very little regrading.
- 2.9 The second phase of development also includes the refurbishment of an existing timber outbuilding located to the east of the hall (and immediately south of the house) to provide a changing facility for sports users and the provision of a dedicated 32 space car park to the west of the hall with access off Car Head Lane.

Phase 3 (residential development):

- 2.10 A total of 67 dwellings would be created on the site. These would comprise 66 new build houses and the conversion of the existing grade II listed lodge at the site entrance to a detached, four-bed dwelling. The dwellings would be laid out in three pockets to the southeast (17 units), northeast (16 units) and northwest (34 units) corners of the site. Each parcel would be served by a separate cul-de-sac branching off the main access drive, with a new buffer of trees to be planted along the north and east sides of the estate road serving the north-western parcel. Additional landscaping would also be planted to the rear of the lodge to provide separation with the new dwellings.
- 2.11 All housing would be two storeys in height and would provide a combination of detached, semi-detached and terraced types, including 8 apartments laid out in two adjacent blocks to the south-eastern parcel. The development would deliver the following mix of housing: 21 x 2 beds; 18 x 3 beds; 25 x 4 beds; and 3 x 5 beds. Externally, the dwellings would be finished in stone and slate roofs. Smaller house types would have flat facades characterised by regimented and consistent window patterns, with features including protruding gables, chamfered bay windows, canopies and integral garages used to break up the elevations of larger house types. The proposed apartments would be laid out in two separate blocks and would have the appearance of a row of terraced houses.
- 2.12 Alterations to the grade II listed lodge to facilitate its conversion include the addition of shallow, single-storey lean-tos to its rear elevation (northeast and northwest corners) to create a fourth bedroom and sunroom. The extensions would be finished in matching materials. All existing window and door apertures would be re-used.
- 2.13 The application includes the provision of 11 dwellings which would meet the definition of “affordable housing” set out in the NPPF. The affordable homes would be delivered in two locations to the southeast (4 units) and northwest (7 units) parcels and would comprise 4 x 2 bed apartments and 7 x 3 bed dwellings. The two bed apartments would be offered as intermediate tenure, with all three bed dwellings to be offered on an affordable rented basis.
- 2.14 The majority of dwellings would benefit from in-curtilage parking and would incorporate driveways providing two off-road car parking spaces. A number of plots would also benefit from detached and/or integral garage provision. Where this is not the case (in respect of the 8 apartments to the southeast parcel), a parking courtyard to the rear of the buildings would provide 12 spaces for these units.
- 2.15 The third phase of development also includes the provision of a play area to the north of the access drive, intervening between the playing fields and the north-eastern development parcel. The play space would cover an area of approximately 1200 square metres and would comprise a mix of equipped and informal play apparatus designed in a naturalistic style to blend with the surrounding woodland.

Other:

- 2.16 A separate application for listed building consent (reference 32/2016/17098) relating to works associated with the conversion of listed buildings on the site has been submitted in tandem with the planning application and is being considered separately to the application for planning permission.

Access:

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

3 Planning History

- 3.1 32/2016/17098 – Listed building consent for conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and conversion of listed lodge building to dwellinghouse – Pending consideration.
- 3.2 32/2014/14460 (land to east of hall) – Re-submission of application 32/2013/13633 for residential development – Resolution to approve subject to 106 agreement, decision pending.
- 3.3 32/2014/14387 (land west of hall) – Re-submission of previous planning application 66/2013/13634 for residential development –Approved subject to S106 agreement to secure enabling development where the proceeds from the development were to be re-invested in school through the repair of the listed buildings.
- 3.4 32/2013/13634 (land west of hall) – Residential development – Refused for the following reason:
- The proposed residential development is not acceptable due to its isolated and unsustainable location remote of the main settlement of Glusburn. As a consequence the proposals fail to comply with the National Planning Policy Framework. Furthermore, the Council consider that the principle of allowing ‘enabling development’ in order to provide funding for repairs to the listed Malsis Hall, was not justified therefore an exception to approve this development contrary to ordinary planning policy could not be made.
- 3.5 32/2013/13633 (land to east of hall) – Residential development - outline with access only for up to 41 dwellings – Refused for the following reason:
- The proposed residential development is not acceptable as it would cause harm to the setting and significance of the Grade II Listed Buildings of Malsis Hall, the Lodge to Malsis Hall and the Gatepiers and railings to Malsis Hall. It is considered that the significance of these heritage assets would be unacceptably impacted upon as their historic parkland setting would be unacceptably reduced in scale and altered in appearance by the introduction of the proposed housing. As a consequence the proposals fail to comply with the National Planning Policy Framework and the best practice set out in PPS5: Planning for the Historic Environment Practice Guide. Furthermore, the Council consider that the principle of allowing ‘enabling development’, in order to provide funding for repairs to the listed Malsis Hall, was not justified and therefore an exception to approve this development contrary to ordinary planning policy could not be made.
- 3.6 66/2000/1184 – Construction of new pre-preparatory school, formation of new parking/drop off area - Approved April 2001.
- 3.7 66/2000/842 – Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house - Approved April 2001.
- 3.8 66/2000/841 - Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house - Application withdrawn.

4 Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the ‘CDLP’).
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan (ELP) is in the pre-publication stage and has not been subject to

independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.

4.3 **National Policy:**

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

4.4 **CDLP:**

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

4.5 **ELP:**

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

4.6 **Other Documents:**

Craven Playing Pitch Strategy – Version 1.0 (February 2016)

5 **Parish/Town Council Comments**

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

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

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

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

6 **Consultations**

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

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

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

- The applicant has submitted a Phase 1 contaminated land assessment. In light of this report, a condition should be imposed requiring a precautionary approach to deal with any unexpected contamination encountered.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; (ii) requiring a dust management plan; (iii) requiring the submission of an external lighting scheme.
- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.
- Regard should be had for the safe removal of any potential asbestos containing material present on site. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.
- No comments concerning water supply.

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

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

6.4 *Historic England* – Updated comments received 31.10.17:

- The site of the former Malsis School has multi-period significance, from the potential archaeological remains of the medieval hall to the two phases of the Victorian mansion and its ancillary buildings to the alterations made during its school use which spanned the greater part of its existence and includes the Second World War memorial chapel with its John Piper stained glass windows. The Grade II listed and the curtilage listed buildings, many of which are of high aesthetic value, are set within an unregistered but almost complete historic landscape setting of high aesthetic value. In addition to aesthetic value, the site also has high historic, evidential and communal value.
- Historic England welcomes the re-occupation and repair of Malsis Hall and the removal of certain less significant 20th century additions. We very much welcome the retention of the Chapel with its stained glass windows. We are broadly content with the conversion and extension of the Hall as a care facility, subject to your Council seeking advice from its historic building advisor regarding the detailed treatment of the interior of the Hall.
- Amendments have taken place and the sports provision is now acceptable on heritage grounds, subject to the pitches remaining without lighting. The position of the play park has also been improved.
- Although some of the housing has been removed, the proposed housing would still irreversibly harm the aesthetic value of the site and its ability to be 'read' and appreciated as

an expression of the wealth and prosperity of its owner, both of which are key aspects of its significance . We consider this harm would be very great. If the previous resolution to approve Application 32/2014/14460 remains valid, Historic England would be willing to accept the same quantum of development on the same site, subject to appropriate landscaping, tree protection, archaeological provisions and controls on lighting. The housing proposal remains considerably greater than this. We would certainly wish at least to see the four house plots to the east of the proposed play park removed and the play park moved eastwards into their place. The housing at the western end of the site also remains harmful, especially in view of the long access road required (the reasons for which we understand).

- On account of the amount of housing still proposed we continue to object on heritage grounds to the application. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131 to 135. If having considered the harm to the significance of the heritage assets and the public benefits of the housing proposal your Council is minded to grant consent, we consider this would need to be subject to appropriate conditions concerning landscaping, tree protection, archaeological provisions and controls on the lighting of the site.
- In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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

Listed building and care facility:

- Given the on-going deterioration of the condition of the building, exacerbated by its vacancy which encourages vandalism and theft, I suggested that it is important to secure early consents for work so that repairs and improvements can be undertaken at an early stage and prevent further decay and damage. This may mean that the principle of some works can be agreed through the existing applications but that details can be agreed at a later stage through appropriate conditions.
- The extent of demolition is acceptable where it relates to the 20th C school buildings as they have no heritage significance and their clearance will better reveal the historic buildings.
- I can see no justification for the proposed demolition (and partial rebuilding) of the “Bell House” (the SE service wing). An internal inspection illustrated that it has undergone some changes but also that it has an early staircase and a highly unusual roof structure of crossed trusses to enable use of the first floor.
- I consider that the stables at the lower level at the west of the ensemble have high heritage significance and should be retained, repaired and re-used (possibly as outbuildings).
- The proposals for demolishing the first floor 20th C additions around the belvedere tower and the making good of the roofs of the retained single storey buildings should be clarified.
- One of the annotations on the proposed drawings is “new window following demolition of existing dining hall, surrounds to match existing using modern materials”. However, I recommend that any surrounds/making good should be in matching natural materials (i.e. natural stone and painted timber). Inevitably, many decisions about details of making good can only be agreed after demolition when the extent and condition of surviving historic fabric is known but a condition should require a methodology and details to be agreed before implementation.
- I noted that some windows were in advanced states of decay and that some have already been altered. Original windows are important historic fabric and in normal circumstances window replacement needs to be justified by undertaking a comprehensive survey of the condition of all windows. However, given the specific design of the existing windows and the proposed use, I suggest that comprehensive replacement might be acceptable, provided that the new windows are on an exact like-for-like basis (albeit with slim-line double glazing) and some of the original windows on the rear had vertical glazing bars.

- The design of the service buildings needs to be altered to ensure that attention is paid to the existing openings in order that their heritage significance is not harmed by the proposals.
- The restoration of all heritage assets should be assured through the production of a Conservation Management Plan for the site which will set out convincing proposals and a timetable for all heritage assets.

Residential development within setting:

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

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

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

6.7 *Natural England* – Comments as follows:

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

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

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

- I have received a copy of an archaeological trial trenching report relating to this application. The trial trenching was a focussed exercise to determine the significance of archaeological remains associated with the demolished Malsis Hall (opposite the Dog and Gunn Inn). Although the trial trenching identified a number of features associated with the hall these were not well preserved and had been heavily robbed of stonework and damaged by landscaping. There was no evidence from the trial trenching to suggest a medieval establishment of the hall. Although the remains are still of interest they are not of such significance as to preclude development providing that appropriate mitigation is put in place to make a fuller record prior to construction.
- In previous correspondence I have expressed concern that the applicant has not considered the general archaeological potential of the area in a broader sense. This is an extensive greenfield site adjacent to a watercourse. As with any greenfield area there is potential for undocumented archaeological remains, particularly those from the Prehistoric to Roman periods. I have previously recommend that archaeological field evaluation takes place on the proposed housing areas along the Glusburn Beck in order to assess the archaeological potential.
- Although I recommend that further evaluation takes place to assess the archaeological potential in greenfield areas it is fair to say that the types of archaeological deposit expected

would not normally be of such significance as to form a development constraint. There is of course the possibility of unexpected archaeological remains of exceptional quality and this would have to be borne as a risk. I understand that the 'greenfield' element of the application will be a late phase of development and the local authority will have to make a balanced judgement regarding the timing of archaeological fieldwork and the desirability of bringing the listed buildings back into use. If the evaluation is not carried out at this time then I recommend that it is carried forward as a planning condition. I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal in the area of Malsis Hall. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

6.10 *NYCC Education* – Requested a financial contribution of £292,314 for primary education facilities in connection with an 86 dwelling development (no response sent in connection with amended plans). No contribution is sought for secondary school facilities.

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

- The design standard for the site is DMRB and considering the extant use of the site the required visibility splay is 60 m east, 100m west by 2.4 metres. This visibility is available on A6068. Some adjustments may be required at access on Carr Head Lane (e.g. removal of Leylandi trees).
- It is understood that the roads within the development will not be offered to the highway authority for adoption. However, for safety traffic islands should be provided in the middle of the A6068 immediately west of the site access [see dwg 1267-F01E] and just west of Carr Head Lane / A6068 junction [see dwg 1267-F01D for the latter]. This area has been a "high risk site" in the past; traffic islands will make turning right safer and generally improve vehicle manoeuvres and speeds.
- In addition, raised kerbs, drop crossings, tactile paving, poles and 1 bus shelter should be provided at the adjacent bus stops. Additional paths should also be provided to allow pedestrians shorter routes and routes avoiding the vehicular access.
- Conditions are recommended with respect to: (i) the construction of roads and footways for the dwellings; (ii) the construction of the site accesses; (iii) the provision of visibility splays; (iv) off-site highway improvements and their delivery prior to first occupation of the development; (v) construction traffic routing and parking to form part of a construction management plan; (vi) the submission of a travel plan.

6.12 *Sport England*: No objections. Comments 31.10.17 as follows:

- It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.
- Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England'
- The amended scheme now includes retaining an additional area of playing field to the north annotated as 3 and 4 on the amended site master plan. As part of the assessment of this consultation, Sport England has sought the views of the Football Association (The FA). The FA is supportive of the revised scheme subject to conditions concerning the design, construction, quality and maintenance of the sports pitches and the design and layout of the change room and equipment storage.

- Although there is a loss of playing field, Sport England is mindful of a number of characteristics that related to the proposal. The amended plans which are subject to this consultation now result in less playing field being lost through the retention of the playing field to the north. The proposal is acceptable to the FA who offer their support. Accordingly, Sport England does not object to the application subject to the imposition of conditions or a legal agreement concerning (i) a community use agreement; (ii) a detailed design for the sports pitches; (iii) details of the design and layout of the changing room; (iv) a maintenance scheme for the sports pitches.

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

- The playing fields and proposed site layout and play area proposal will meet the children, youth and adult play and recreation needs generated by the 67 units.
- The Play Area proposal (updated 06/10/17 version) shows a concept design for the play area, now located to the north of the main hall access drive. It is screened from the drive and residential houses to the east and adequate boundary treatment of existing trees to the north of the play area, stream and wildflower area to the west. The proposal is for un-fenced space. Formal footpath access points are located along the southern side of the play area, which leads to the main hall drive and connects to the proposed new residential areas. The officer raises the potential safety issue of not having gates at entry points due to close proximity of the main drive and new access drive to the residential units to the east. This matter can be picked up at detailed design and specification stage if deemed necessary.
- The concept design shows an equipped play space of 300m² (centre) and a natural play spaces (west and east) of path 500m² with a total space of 1206m². The total amount of space meets the Children's equipped play area and Informal play area amount (1206m²). The Equipped play area size is slightly under policy requirements 300m² compared to 452m² required but there is some natural play items located in the natural play zone to the east, which brings the proposal up to the required amount. Subject to a detailed design, the officer considers that the proposed play area fully meets SRC2 policy requirements.
- The officer fully supports the design intent of the proposal and considers it will meet the Council's adopted policy on green play priority in the Open Space Assessment and Strategy (2016).

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

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

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

- Malsis Hall (grade II listed) is considered to be a historically important house in Craven with much of its landscape garden surviving despite the Hall being used as a school from 1920-2014. Thus the Hall's parkland setting enhances and greatly contributes to its significance, and in particular the long carriage drive approach to the Hall from the easterly lodge is a significant historic feature of this designed landscape.
- Though we of course would wish to support proposals that would lead to the restoration of the historic buildings on this site, we consider that the proposed extent of new development is totally unacceptable and would greatly harm the setting of both Malsis Hall and its Lodge.

- We consider that these current proposals would have a much greater detrimental impact on the historic landscape than those proposed in 2013 (32/2013/1363 & 32/2013/1364) due to the large increase in the number of proposed new dwellings and their siting on the major section of the parkland to the north of the main carriage drive. We note that those proposals of 2013 were refused as they would cause harm to the setting and significance of Malsis Hall, its Lodge and Gate Piers.
- We thus suggest these new proposals would cause much additional severe harm to the setting and significance of Malsis Hall, its Lodge and Gate Piers in comparison with those of 2013. Thus we strongly object to this planning application, which we consider to be contrary to the National Planning Policy Framework.

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

- On the Statutory Sewer Map there is a 300 mm diameter combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. However, YW is satisfied with the proposed sewer diversion and the proposed building stand-off from the public sewer centre line.
- The submitted drawing shows surface water proposed to be drained to watercourse. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.
- Conditions should be attached to any permission granted requiring: (i) separate systems for the disposal of foul and surface water; (ii) no piped discharge of surface water from the site should take place until works to provide a satisfactory outfall for surface water have completed.

7 **Representations**

- 7.1 The appropriate neighbouring properties were notified of the original application for 86 dwellings by letter. In addition, as the proposal represents a departure from the provisions of the CDLP, is for major development and affects the character of a listed building, notices have also been posted at the site and in the local press.
- 7.2 An additional round of publicity and re-consultation took place in July 2017 in respect of amended plans showing a development of 70 dwellings and allowed a further 21 days for comments. A total of 30 representations have been received in connection with the application. Of these, 20 are in objection and 10 are in support. The points in the representations are summarised as follows:

Principle of development:

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

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

- Previous applications on the site (references 32/2014/14387 and 32/2014/14460) were submitted with the intention of repairing the listed building and to fund the continued

occupancy of the site by the school. As the current applications are unconnected with the school and are by a private developer, they should be considered independently of the previous proposals which can now be disregarded.

Impact on listed buildings:

- Whilst the restoration of the hall and the removal of the 20th century additions is welcomed, the excessive amount of housing proposed within the parkland isn't sympathetic to the listed building and will erode its long term value as a heritage asset.
- Historic England continue to object to the application due to the overdevelopment and urbanisation of the setting of Malsis Hall which is contrary to paragraphs 131-135 of the NPPF.
- Malsis Hall should prosper on its own merits and as such, no housing development should be permitted on the site. Previous applications for planning permissions were intrinsically linked to the continuation of the school. With the demise of the school, this provides the new owners the opportunity to focus on Malsis Hall itself, and not enable the intrusive urbanisation of valuable rural land.
- The 1960's chapel is integral to the Hanson Hall, which will be demised under this application, and would look rather odd if abandoned by itself on the front lawn.

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

Design:

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

Highways:

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

Amenity:

- Any intensification in the use of the playing fields would detract from the rural character of the site's surroundings through the use of flood lighting, increased noise levels from users and spectators, greater air pollution from cars being used to transport players and supporters to the site. If the sports pitches are allowed, conditions should be imposed preventing the use of flood lighting or any evening use of the sports pitches.
- Although the plans show that existing trees on the site will be retained, the proximity of these specimens to some of the dwellings would result in these properties receiving little natural light and continued pressure for removals in the future.

- The development will have an imposing visual impact on the occupiers of dwellings on the opposite side of Colne Road facing the site. This has not been taken into account in the applicant's assessment.

Sports facilities:

- Malsis School made regular use of the sports fields during school hours during term time. There was occasional use of the grounds out of term time by visitors. It is untrue that these facilities have been used outside of the school context in any material way as they suffer from drainage issues. In reality, they are simply the Malsis Hall's original parklands with markings laid down for use as rugby and cricket pitches. There are no bespoke changing facilities and they were never intended to be used as an independent sporting facility.
- The proposed sports pitches would only make provision for football. The previous pitches included provision for cricket, tennis, rugby, hockey and golf. Therefore, the proposed pitches do not deliver a like-for-like replacement of the previous sports facilities.
- The Malsis site has been identified as the preferred site for a sports hub to meet the needs of local clubs and the community. There is a current and future need and high demand for quality playing pitches in South Craven which the development would help to meet.
- The proposed development would deliver improved sports facilities for local clubs and the community which would be of significant benefit. The timetable for development should ensure that the delivery of these facilities is not left until the end of the programme as there is an immediate need for their delivery.

Other matters:

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

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

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

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

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

- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- 8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
1. The principle of residential development on the site.
 2. Whether the proposal satisfies any of the exceptions set out in paragraph 74 of the NPPF which would allow the development of existing open space and land used for sport and recreation (including playing fields).
 3. The development’s effects on the character and appearance of the area, having particular regard to its impact on the significance of heritage assets.
 4. The development’s impact amenity.
 5. The scheme’s effects on highway safety.
 6. Whether the development would deliver appropriate planning gain contributions in accordance with relevant national and local planning policies.
 7. Other material considerations relating to flooding, ecology, trees and archaeology.

9 **Analysis**

Procedural matters

- 9.1 When originally submitted in July 2016, the application included a residential development of 86 dwellings, the provision of four sports pitches to the south side of the entrance drive and the loss of the chapel, and façade and arch of the cottage to the west of the hall. There have been two main tranches of amendments to the scheme. The first was in June 2017 and the second in October 2017. The application is now being assessed in accordance with the final tranche of amendments. The principal changes to the scheme arising from these amendments are as follows:
- The number of dwellings proposed within the hall’s grounds has been reduced to 67 through the removal of housing within the central area to the north side of the access drive and to the edges of the north-eastern and north-western development parcels.
 - The existing chapel building and the façade of the cottage (and its connecting arch) are to be retained.
 - The sports pitches have been relocated to be spread across the north and south sides of the access drive.
 - A play area has been introduced to the north side of the access drive.
 - Additional woodland planting buffers have been introduced alongside the estate road serving development in the north-western parcel and to the rear of the lodge.

Principle of development

Designation and planning history:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that “large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.”
- 9.3 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.4 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.5 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.6 There have been four previous applications for residential development on the site submitted in 2013 (references 32/2013/13633 and 32/2013/13634) and 2014 (32/2014/14387 and 32/2014/14460). These applications split the site into two parcels to the east and west of the hall’s grounds and involved development on a smaller scale than that now proposed. Both 2013 applications were refused due to their effects on the significance of heritage assets. In spite of this, the Council subsequently resolved to grant planning permission for the 2014 applications which involved a similar quantum of development. Application 32/2014/14387 (west of the hall) was granted as an enabling development subject to a S106 agreement requiring the proceeds to be re-invested in the repair of Malsis Hall. However, the officer report for application 32/2014/14460 made clear that any resolution for approval of this application would be based on the scheme’s individual planning merits, rather than being justified on the basis of an enabling development.
- 9.7 All four of the abovementioned applications were submitted on behalf of the previous occupier of the school. This occupier’s interest in the site has now ceased and the land has been sold to a private developer who no longer intends to continue with this use. In the case of application 32/2014/14387, as this was permitted on the basis that it formed an enabling development to support the continued use of the school, there is no realistic opportunity for this permission to be implemented. In terms of application 32/2014/14460, a decision has not been issued on this application as a S106 agreement was never completed following the closure of the school. Given the length of time that has elapsed since the Council’s resolution in respect of application 32/2014/14460, it would be open to the Council to finally dispose of this application without issuing a decision and it is evident that there is no reasonable prospect of this scheme being brought forward.
- 9.8 Given the above, it is not considered that the Council’s resolutions in respect of applications 32/2014/14387 and 32/2014/14460 provide a legitimate fallback position for the applicant. In particular, as the decision on application 32/2014/14460 has not been issued, it does not establish the principle of residential development on the areas of the site identified in that application. In any case, the current application is significantly and materially different from both the 2013 and 2014 applications. In particular, it proposes a much greater quantum of housing and

a scheme of redevelopment for the hall and sports facilities which did not form part of any of the 2013 or 2014 applications.

- 9.9 The land is identified as a preferred housing site in draft policy SP8 of the ELP (site reference SC085). Specifically, the policy identifies a net developable area of 0.2 hectares and a yield of 36 dwellings for “Land at Malsis”. The policy goes on to set out 8 criteria for development of the site, with the overarching objective being for the conversion of the listed former school building to apartments and the delivery of green infrastructure within the historic parkland in order to preserve its setting. Whilst the proposed development far exceeds the quantum and extent of development set out in ELP policy SP8, the ELP remains at a relatively early stage in its preparation and, accordingly, can carry only limited weight in the overall planning balance. In particular, it is not considered that the development’s conflict with ELP policy SP8 would, in itself, provide sustainable grounds for refusing planning permission.

Location:

- 9.10 The site occupies a prominent location fronting onto a classified road. Whilst outside Development Limits, it is located immediately adjacent to the edge of the settlement boundary of Glusburn and is well related to shops and services in Cross Hills – the centre of which is within 1km of the site access onto Colne Road. There is a footway on the north side of Colne Road which provides a continuous pedestrian link between the site access and Cross Hills and bus stops are in place on both sides of the A6068 outside the Dog and Gun within 100m of the site access which operate services running at half hourly intervals towards Burnley (westbound) and Keighley (eastbound). Therefore, the site is peripheral to the settlement boundary and has reasonable access to public services by modes of transport other than private car relative to the development’s scale. In particular, the development would not result in the introduction of isolated homes in the countryside for the purposes of paragraph 55 of the NPPF.

Housing Land Supply:

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

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

Landscape character:

- 9.16 Whilst the site is located on the edge of Development Limits, the proposal would result in a substantial incursion of built development into the open countryside away from the built-up periphery of the settlement. This would diminish its openness and result in urbanisation on the rural fringe of Glusburn. This is, however, the case with most greenfield developments in the open countryside and consideration must be given to the specific characteristics of the site and the severity of the development's adverse effects when assessing the level of harm which such an incursion would cause.
- 9.17 In this case, there are substantial, mature woodland buffers both within and to the perimeters of the site which provide substantial screening from vantage points to all four sides. This woodland is particularly dense along the northern and western edges, and where the site narrows to its southeast corner between the pond and the site access onto Colne Road, including a dense covering of roadside trees. All these trees are protected by a TPO. The woodland thins towards the junction of Clone Road and Carr Head Lane and planting is more fragmented with less mature species bordering Carr Head Lane where the hall becomes visible.
- 9.18 The redevelopment of the hall would result in an overall reduction in the massing of this building in comparison to the current scenario. In particular, the demolition of the existing 20th century extensions and their replacement with enlargements which achieve greater spacing with the hall over a reduced footprint and a mix of two and single storey scales would reduce the overall massing of this cluster of buildings when seen from vantage points on Colne Road and Carr Head Lane. Moreover, the existing open aspect of northerly views from the junction of Colne Road and Carr Head Lane where the tree line thins would be preserved through the siting of open playing fields and green space to the front (southeast) of the hall.
- 9.19 All existing trees bordering the site are to be retained as part of the scheme. In addition, existing woodland buffers within the site would be supplemented through the introduction of internal planting. The location of the three housing parcels to the northeast, southeast and northwest corners of the site, combined with the topography to the north of the hall, would ensure that the proposed residential elements of the scheme would be contained and substantially screened from surrounding vantage points by existing landscaping. There would also be significant screening and spacing between each parcel of housing as a result of intervening green spaces which would avoid the impression of an overly dense layout.
- 9.20 Given the above, it is not considered that the scale, siting, layout and quantum of the different components of the development would cause unacceptable harm to the character of the surrounding area or the wider landscape, either in near or distant views.

Conclusion concerning principle of development:

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

the NPPF, the presumption in favour of sustainable development set out in paragraph 14 of the NPPF is engaged. Accordingly, planning permission should only be refused if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

Loss of open space:

- 9.23 A number of sports pitches were marked out on the site in connection with its former use as a school. These pitches included provision for football, tennis, rugby and cricket on land to the north and south sides of the access drive. It is also apparent that parts of the site to the northeast and southeast corners were used for golf. Although sports pitches on the site have been used within the last 5 years, the land has now become overgrown and the former sports use has lapsed. It is also acknowledged that the previous sports pitches were used almost exclusively by the school and delivered very limited wider community use. All use of the pitches ceased when the school closed.
- 9.24 Paragraph 73 of the NPPF states that:
- “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”
- 9.25 Paragraph 74 of the NPPF indicates that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 9.26 The Council published the ‘Craven Playing Pitch Strategy’ (the PPS) in February 2016. The PPS provides a strategic assessment and analysis of the supply and demand of playing pitches (grass and artificial) which serve football, rugby union, cricket and hockey throughout the district.
- 9.27 Paragraph 3.7.8. of the PPS identifies one of the key objectives of the strategy as “the protection and reconfiguration of the Malsis site to provide a secure home for Sutton FC and Cross Hill Cosmos FC. This hub site should provide high quality pitches with long term secured access to the clubs to address the current low quality and unsecured access across multiple sites and displaced demand outside of the district.”
- 9.28 Table 49 of the PPS identifies a series of recommendations for strategic sports sites. With respect to Malsis, the key actions in the table accept that part of the site’s former playing fields can be disposed of subject to “protection and enhancement of the 3ha southern area playing fields”. The table sets out the envisaged scope of these works as involving “[reconfiguration] and improving drainage to provide new football pitches (1 adult, 2 youth and 2 mini-soccer).” The need for a community use agreement to secure the future use of the football pitches by Crosshills Cosmos FC and Sutton FC is also highlighted, as is the need for a “fit for purpose clubhouse and changing rooms”.
- 9.29 The development includes the introduction of three football pitches on the open areas to the north and south of the access drive which were previously marked out in connection with the school. The size of the proposed pitches would allow two of these to be used by multiple age groups in a different orientation. As a result, the scheme would deliver a total of 7 football pitches (with a

maximum of 5 capable of being used simultaneously) catering for five age groups from U7-U8 to seniors.

- 9.30 The delivery of the sports pitches is in accordance with the strategy in the PPS which highlights a deficiency in football pitch provision in South Craven and identifies Malsis as a priority “hub” site for football at paragraph 3.7.9. Although there would be a loss of the former cricket, rugby, tennis and hockey pitches on the site as a result of the exclusive use for football, the PPS does not identify a deficiency in pitch provision for these sports.
- 9.31 The application also includes the refurbishment of an existing timber outbuilding to the west of the sports pitches to provide a changing room and includes a 32 space car park for users of the sports pitches.
- 9.32 Sport England’s latest comments on the updated masterplan acknowledge that the proposed pitch provision to the north side of the access drive would result in less playing field land being lost in comparison to previous iterations of the scheme and, accordingly, conclude that any “harm caused by the loss of the playing field to housing will be outweighed by benefits to sport brought about by the overall scheme.” Accordingly, Sport England do not object to the application subject to conditions and/or a legal agreement being put in place to secure: (i) a community use scheme; (ii) a scheme for the design of the sports pitches; (iii) a scheme for the delivery of changing room facilities; (iv) a maintenance scheme for the grass sports pitches.
- 9.33 Paragraph 74 of the NPPF sets out three circumstances where existing playing fields can be built on. The first and third scenarios are not applicable in this case. However, the second bullet point allow such developments providing that:
- “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”
- 9.34 In this case the development would deliver enhanced sports pitches for football, both in quantitative and qualitative terms, in order to provide a ‘hub’ site as set out in the objectives of the PPS. This approach is supported by Sport England and the Council’s Sports Development Officer, with the former concluding that any harm arising from the loss of the existing pitches would be outweighed by the wider benefits to sport arising from the delivery of a greater quantity and quality of football pitch provision, along with enhanced ancillary facilities in the form of a changing room.
- 9.35 Given the above, it is considered that any loss of the former school playing fields arising as a result of the development would be mitigated through their replacement with equivalent or better provision in terms of quantity and quality in a suitable location. Accordingly, the requirements of paragraph 74 of the NPPF are satisfied.

Character, appearance and effects on heritage assets:

- 9.36 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.37 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission

should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 9.38 There are three grade II listed buildings on the site. These include the main hall to the western end and the lodge and gate piers adjacent to the site entrance from Colne Road. All these buildings are “designated heritage assets” for the purposes of the definition in the NPPF. With respect to other curtilage buildings, Historic England have identified the “Second World War memorial chapel with its John Piper stained glass windows” as a heritage asset of significance and the Council’s Heritage Advisor has also indicated that one of the mid-19th century stable buildings has “high heritage significance”.
- 9.39 Paragraph 131 of the NPPF indicates that, in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.40 With respect to a development’s impact on the significance of designated heritage assets, paragraph 132 of the NPPF indicates that “great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.** As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. **Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.** Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”
- 9.41 Paragraph 133 of the NPPF states that “where a proposed development will lead to **substantial harm** to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or all of the following criteria apply:
- “the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.”
- 9.42 Paragraph 134 of the Framework indicates that where a development “will lead to **less than substantial harm** to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 9.43 In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:
- “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have **special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.**

- 9.44 With respect to non-designated heritage assets, paragraph 135 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. **In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.**”
- 9.45 The Council has received objections to the scheme from Historic England and the Yorkshire Gardens Trust. The thrust of these objections relates to what is considered to be an excessive quantum of housing development within the historic parkland of the hall. These consultees consider that the level of housing proposed would irreversibly harm the aesthetic value of the site and erode its setting by diminishing its ability to be read and appreciated as an expression of the wealth and prosperity of its owner – both of which are key aspects of its significance. Similar concerns regarding the housing’s impact on the setting of the hall have been expressed by the Council’s Heritage Advisor who, additionally, has reservations concerning the demolition of some elements of the hall, one of its curtilage buildings (the 19th century stables) and the design of the proposed extensions.
- 9.46 No objections have been raised with respect to the sports pitches, providing that they remain without lighting, nor have specific concerns been expressed with respect to the conversion of the lodge or the gate piers at the site access (both of which would be retained as part of the scheme).
- 9.47 The submitted consultation responses identify two principal sources of harm arising as a result of the development – (i) harm associated with the conversion and redevelopment of Malsis Hall to provide the care facility; and (ii) harm to the setting of Malsis Hall arising from the quantum of housing. The implications of each of these are addressed in turn below:

Conversion and redevelopment of Malsis Hall:

Demolition

- 9.48 The redevelopment of the hall includes the demolition of several 20th century flat-roofed additions to the northern and western elevations of the building. The removal of these elements is supported by Historic England and the Council’s Heritage Advisor. The scope of demolition also extends to four ancillary outbuildings located to the west of the hall, including one of the existing cottages (save for the north and west facing walls of its façade and a connecting arch), a portal-framed gym building and two stables set on a lower tier. A second cottage and the chapel are to be retained.
- 9.49 There is some conflict between the responses from Historic England and the Council’s Heritage Advisor with respect to the partial retention of the south-eastern cottage (referred to as the “bell house” and “service buildings” by the Heritage Advisor). While Historic England “welcome [...] the partial retention of the façade of the service block” the Heritage Advisor considers that there is a lack of justification to support the demolition of the remainder of the building and that the fenestration to the retained façade fails to pay regard to the existing openings and requires a redesign. In terms of the stables, Historic England indicate that these “have historic value in illustrating the ancillary buildings to be expected in a small country estate of the period” but, unlike the Heritage Advisor who considers one of the stables to have “high significance” which would warrant their retention, they do not oppose their demolition.
- 9.50 The cottage and stables are ancillary outbuildings to the hall which, by virtue of their age and character, have significance which is allied to that of the listed building. While these outbuildings are likely to fall within the hall’s original curtilage, they are read as ancillary and secondary features to the rear of the hall and are not visible from the main driveway approach. Instead, the cottage is seen as a flanking building alongside the main service entrance and the stables are set on a lower tier which is heavily screened from the hall by tree planting. Therefore, as individual features, their importance is considered to be equivalent to a “non-designated heritage asset”.
- 9.51 The cottage is currently attached to the listed building via the unsympathetic 20th century additions and, in accordance with advice from Historic England, its western and northern walls (including the archway connecting the two cottages) are to be retained and adapted as part of the

development in order to preserve the interest to the service entrance. The applicant is investigating the fenestration arrangement to the façade with a view to altering window proportions and designs to more closely resemble the current arrangement in order to address the Heritage Advisor's comments in this regard. Subject to a satisfactory window design being achieved, it is considered that the retention of the cottage's façade would preserve the features of greatest interest to this building, in accordance with the advice from Historic England.

- 9.52 With respect to the stables, their retention would prejudice the delivery of approximately 8-10 dwellings on the northwest development parcel. When considered in the overall context of the scheme – and having particular regard to the viability constraints set out in later in the report – it is not considered that the significance of one of these buildings as heritage assets is sufficient to warrant a requirement to remove 8-10 dwellings from the proposal. In addition, the harm arising from the loss of the stables must also be balanced against the benefits of bringing other heritage assets (e.g. the chapel and second cottage) back into use.
- 9.53 The Heritage Advisor has also commented on the use of materials for some of the new window openings to the hall following the demolition works and the making good of elevations following these works. These matters can, however, be dealt with by condition and the Advisor notes that the scope of these restoration works will be difficult to clarify prior to the demolition being undertaken.

Extensions:

- 9.54 The current 20th century additions to the west of the hall would be replaced by an 'r-shaped' wing in the form of two flat-roofed, two storey blocks. This wing would be connected to the hall via a slender (4.5m wide) corridor forming an elongated link between the southwest corner of the hall and the new two storey blocks. The link would comprise floor-to-ceiling glazing to its southern elevation and a blank wall to its north side. The extensions would be finished in buff brick and would incorporate aluminium windows laid out in a regimented pattern with generous proportions.
- 9.55 Historic England indicate that they "are broadly content with the conversion and extension of the Hall as a care facility" subject to detailed treatments of the building interior being agreed with the Council's Heritage Advisor. Previous comments on the use of certain materials to the extension (e.g. timber cladding) have been overcome through the submission of amended plans. Accordingly, there are no objections from Historic England to the proposed extensions.
- 9.56 The proposed extensions are of a contemporary style and design which is markedly different to the hall. While they are simple in their appearance and do not attempt to replicate the ornate detailing of the hall in a 'pastiche' style, their modest scale, massing and height, generous window proportions, complementary materials and uncomplicated design would, when considered in combination with their spacing from and siting in relation to the hall, ensure that they appear as subservient additions which do not compete with or detract from the character of the listed building. The extensions would be seen as a separate entity with limited connection to the hall and the lightweight design and single storey height of the linking corridor between them would avoid any substantial harm to the listed building. Certainly, the proposed extensions would represent an improvement in comparison to the current 20th century additions.

Housing development within the hall's setting:

- 9.57 Historic England, the Yorkshire Gardens Trust and the Council's Heritage Advisor identify the hall's well-preserved open parkland as key component of its setting which makes a substantial contribution to its significance. Whilst this is not disputed, the hall's grounds are not designated as a registered park or garden for the purposes of paragraph 132 of the NPPF. Therefore, it is no requirement to provide "wholly exceptional" justification for any harm to the parkland setting arising from the development. Instead, the test is whether the harm to the setting of the listed building arising from the extent and characteristics of the proposed residential development within the parkland would result in "substantial" or "less than substantial" harm to the significance of Malsis Hall and, in turn, whether there are any public benefits arising from the scheme which are sufficient to outweigh the harm.

- 9.58 The residential elements of the scheme would be constructed across three parcels to the northeast (16 units), southeast (17 units) and northwest (34 units) of the site. It is clear from the consultation responses that the most valuable component of the hall's parkland is the "long carriage drive approach to the Hall from the easterly lodge".
- 9.59 Historic England acknowledge that the amendments to the scheme which have resulted in the removal housing from the central area to the north of the drive and re-located playing fields and a play area on this part of the site are positive steps in reducing the severity of harm to the hall's setting. Nevertheless, Historic England conclude that "the proposed housing would still irreversibly harm the aesthetic value of the site and its ability to be 'read' and appreciated as an expression of the wealth and prosperity of its owner, both of which are key aspects of its significance" and consider this harm to be "very great". Similarly, the Yorkshire Gardens Trust describe this harm as "severe". The Council's Heritage Advisor considers the level of harm to be "substantial" for the purposes of paragraph 132 of the NPPF.
- 9.60 Both Historic England and the Heritage Advisor have indicated that they would willing to accept the same quantum of development on the same areas of the site which the Council resolved to approved under application reference 32/2014/14460. That application was submitted in outline with access being the only matter applied for and did not specify a number of dwellings. Instead, it showed development in two parcels to the northeast and southeast corners of the site along similar (though over a smaller area) lines to the current proposal. That application did not include any housing within the parcel to the northwest of the site where 34 dwellings are now proposed.
- 9.61 It is evident that the hall's open parkland is an important feature of its significance and that it makes a substantial contribution to its setting. The parkland has been well preserved as a result of the site's previous use, with its open areas having been used predominantly for sports pitches (though the enclosed synthetic pitch to the immediate east of the hall is an unattractive addition). It is, however, also the case that the value and contribution of the parkland to the hall's setting varies across the site with some areas being of greater or lesser significance as a result of their relationship with the hall, topographical changes and screening.
- 9.62 It is agreed that the most valuable components of the parkland are those flanking the driveway approach to the hall from the east. In particular, the land to the north of the drive is at a similar (though slightly lower) level and screening of this becomes more intermittent on the approach to the hall before the route steepens on the bend. Similarly, views across the former playing fields to the front (southeast) of the hall are of substantial value as they provide an open vista through to vantage points on Colne Road and give an appreciation of the hall's grand and spacious setting.
- 9.63 In contrast, the triangular parcel to the southeast corner (the site for 17 units) is set on a higher plateau behind a steep banking to the south side of the drive and the intervening woodland on the banking provides a substantial screen from this aspect. Views from Colne Road are also significantly limited by mature roadside planting to its southern boundary and where the site narrows at the main entrance. A pond and encircling woodland to the west of this parcel provides a substantial visual buffer with the hall and the open space in front of it. As a result, this parcel is read as a separate and enclosed entity of the wider parkland and is of lesser significance.
- 9.64 The largest development parcel (34 dwellings) is located to the northwest corner of the site. Although this parcel is in closest proximity to the hall, there is a steep fall of between *circa* 3m and 8m across a wooded embankment between the edge of the hall's immediate surroundings and the proposed dwellings. The combined effect of this topography and woodland means that, save for a run of 10 properties to the northwest of the retained cottage (plots 23-34), the majority of housing within this parcel would not be viewed in conjunction with the hall. Moreover, the 10 dwellings adjacent to the lodge (on the approximate site of the stables) would be seen on significantly lower lying land and screened from the main hall by the cottage and proposed extensions. The estate road to this parcel would branch in a north-westerly direction off the main access drive and would run along the edge of the retained open space. Due to level changes across the embankment to the west, the need to separate residential and care home traffic and the impracticalities of taking access for the housing off Carr Head Lane, this is the only feasible

position for the estate road. However, the estate road would be laid out to 'hug' the intervening tree line with the entrance drive and a substantial buffer of landscaping would follow the curvature of its northern and eastern edges to the adjacent field. Accordingly, the layout, topography and landscaping to development within this parcel would have a 'containing' effect by separating and secluding the housing from the hall and the more sensitive areas of the wider parkland.

- 9.65 The parcel to the northeast corner of the parkland (where 16 units are proposed) is considered to be the most sensitive of the three housing sites due to the minimal level changes with the drive and the thinner screening along its southern flank. In addition, this parcel would be seen immediately to the rear of the listed lodge building and has the potential for separate impacts on the setting of this building (albeit that the housing would be seen alongside later additions to the rear of the lodge). The development has, however, sought to limit any harmful effects in this regard by introducing a substantial buffer of additional landscaping to the rear of the lodge, locating a landscaped verge between the south side of the cul-de-sac and the main drive and scaling back the quantum and density of housing by providing an open, natural play area to act as a buffer between the western edge of the parcel and the adjacent playing fields beyond.

Housing layout, scale and design:

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

Summary:

Phase 1 development:

- 9.68 The works associated with the redevelopment of the hall include the removal of unsightly 20th century enlargements attached to the north and west sides of the building that currently form incongruous and unsympathetic additions to its external fabric. Minor changes are proposed to restore the building's elevations following the demolition works and these can be achieved sympathetically subject to conditions concerning the use of materials. Curtilage outbuildings including a chapel and cottage to the front and rear of the hall respectively would be retained and converted. The extensions to the hall, whilst contemporary in their appearance, would appear as simple and modest additions which, with the exception of a narrow glazed link, would be detached from the hall and of a subservient size, scale and design which would not detract from the special architectural or historic interest of the listed building. These are all positive aspects which weigh in favour of the scheme and are necessary to secure the building's viable future use.
- 9.69 The redevelopment of the hall would result in the loss of other curtilage buildings which contribute to the significance of the heritage asset. These include stables on a lower level to the northwest and the substantial dismantling of one of the cottage buildings (the 'bell house'), though its external façade would be retained. There is also a need to redesign the fenestration to the retained elevations of the bell house. The total and/or substantial loss of these buildings would harm the significance of the heritage asset and must weigh against the scheme.

Phase 2 development:

- 9.70 The provision of enhanced sports facilities for community use would preserve the openness of the hall's historic parkland and would deliver substantial public benefits by addressing an identified quantitative and qualitative deficiency without harming the significance of heritage

assets. Accordingly, the benefits arising from this component of the development must weigh heavily in favour of the scheme.

Phase 3 development (housing)

- 9.71 It is acknowledged that the proposed residential development would result in urbanisation of the hall's historic parkland setting and, accordingly, that this element of the scheme would harm its significance as a designated heritage asset. However, the siting, layout, scale and characteristics of the housing development – having particular regard to its use of topographical changes and retention and strengthening of landscaping – would ensure that this harm is limited to the least sensitive areas of the parkland which are of lesser significance to the overall setting. Those areas of highest significance which relate more closely and prominently to the immediate surroundings of the hall and its driveway approach (the components of greatest significance) would be preserved. The conversion of the listed lodge at the site entrance would also preserve the special architectural and historic interest of the listed building and the gate piers would be unaffected by the scheme.
- 9.72 The applicant has provided a viability appraisal which includes estimates associated with the cost of redeveloping the hall and the value of the care home following these works. The viability appraisal has been assessed by the Council's Valuation Surveyor, who finds it to be a fair and accurate appraisal of the scheme's commercial viability. The appraisal indicates that the applicant would incur a significant financial loss in the order of 25% by undertaking the phase 1 works to restore and redevelop the hall. The proposed residential element of the scheme is required to offset this and it is clear that the scheme will not progress without it.

Conclusion on character, appearance and heritage implications:

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

Amenity:

- 9.76 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 9.77 In addition, paragraph 123 of the NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.78 The closest neighbouring properties comprise a collection of three-storey dwellings on the opposite side of Glusburn Beck fronting the cul-de-sac of The Old Corn Mill adjacent to the north-eastern tip of the site. The closest of the proposed dwellings would be located approximately 35m from the nearest property on The Old Corn Mill and would be separated by a substantial buffer of

mature planting alongside the intervening watercourse. Similarly, pockets of dwellings to the east (Bridge End) and south (Lower Malsis) would be separated from the development by the busy thoroughfare of the A6068 and would achieve spacing in excess of 45m from the closest of the proposed dwellings. Minimum Spacing with dwellings on Carr Head Lane would be approximately 110m, with dense woodland providing an intervening buffer.

- 9.79 Given the level of spacing and screening achieved between the development and surrounding buildings, and given that all the dwellings and extensions to the hall would be two storeys in height, it is not considered that the proposal would have any undue impact on the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook.
- 9.80 Objections have been submitted citing potential issues of noise and light pollution associated with the care home and sports pitches. The application does not include any external floodlighting to the sports pitches and, accordingly, these would only be capable of use during daylight hours. The only lighting included as part of the scheme is incidental lighting to the external areas of the site around the car park and grounds of the care home. This would comprise a combination of ground-mounted LED uplights adjacent to the building's main entrance, wall-mounted luminaires, bollards and street lamps. The level of light emitted by these sources would not be unduly intense. In any case, a condition has been imposed requiring full details of any external lighting scheme as recommended by the Council's EHO.
- 9.81 Whilst it is recognised that the proposed development has the potential to give rise to increased noise and disturbance as a result of increased comings and goings associated with the care home and community sports uses, the shift patterns of staff for the care home (12 hours shifts commencing at 8am and 8pm) and the daylight limiting use of the sports facilities would avoid the potential for noise and disturbance at unsocial hours. Moreover, the dominant noise source in the area is likely to be traffic travelling along the A6068, which will extend beyond the operating hours of the sports facilities. Indeed, as the development itself involves a significant residential component, future occupiers would expect to be safeguarded from such noise sources at unsocial hours. The restriction in the use of the community sports facilities and the fact that the care home is in itself a use which is inherently residential, combined with the spacing and landscaped buffers between the different uses, would achieve this both within and outside the site.

Highways:

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

Access:

- 9.84 The principal means of vehicle access to the site would be from the existing entrance at the junction of Colne Road to the southeast corner. There is a 30mph speed restriction in place on the A6068 at this point, though this increases to 60mph a short distance to the west of the junction. The existing access would be utilised to provide a priority (give way) junction at the site access with Colne Road which achieves visibility splays of 2.4m x 60m (eastbound) and 2.4m x 100m (westbound). Aside from the realignment of the kerb radius on the junction, the provision of tactile paving to provide a pedestrian crossing over the access and ground markings, there would be no requirement to modify the current junction. The site access would merge with a 5.5m estate road following the route of the existing access drive.

- 9.85 The existing access on Carr Head Lane would be utilised as a secondary access for limited staff parking (7 spaces) and mobility impaired access to the care home, and to serve a 32 space car park associated with the community use of the sports pitches. Visibility splays of 2.4m x 60m (westbound) and 2.4m x 60m (eastbound) would be available at this junction. Access between the entrance on Carr Head Lane and the remaining elements of the development would be restricted by a combination of gates and bollards to prevent vehicle passage.
- 9.86 The Local Highway Authority (LHA) have raised no objections to the proposed means of access to the site subject to the imposition of appropriate conditions to secure visibility splays and appropriate construction of the access points. A condition has also been recommended requiring the introduction of off-site highway improvements on Colne Road to secure: (i) the construction of two traffic islands in the middle of the A6068 at points immediately west of the site access onto Colne Road and just west of the Carr Head Lane/A6068 junction; and (ii) the introduction of raised kerbs, dropped crossings, tactile paving, poles and bus shelters at the bus stops adjacent to the site access from Colne Road. Appropriate conditions have been imposed in this regard in the interests of highway safety and to promote the use of the sustainable transports modes. Accordingly, it is considered that the proposed access arrangements would provide a safe and suitable means of access to the site for all users.

Traffic generation:

- 9.87 The application is accompanied by a Transport Assessment (TA), though this related to an earlier iteration of the scheme which involved a 43 bed care home and up to 100 dwellings. Whilst the level of traffic generated by the amended scheme would be reduced in comparison to the figures estimated in the TA, its conclusions remain relevant and provide a robust analysis.
- 9.88 With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the care home and residential developments would generate 60 combined two-way vehicle movements during the AM peak (8am- 9am) and 58 vehicle movements in the PM peak (5pm- 6pm). This equates to approximately 1 vehicle movement per minute during peak periods.
- 9.89 The TA includes a modelled capacity assessment of the proposed junction of the site access with the A6068 in the 'with development' scenario up to 2021. This analysis concludes that the junction is forecast to operate within capacity at peak AM and PM periods and would have no adverse effects on the wider highway network once development traffic is dispersed onto Colne Road.
- 9.90 An analysis of accident data in the vicinity of the site access over the period 2010-2014 revealed no reported accidents at the site access, two accidents of 'slight' severity at the junction of Colne Road and Carr Head Lane and one accident of 'serious' severity at the junction of Colne Road and The Old Corn Mill. The LHA have identified a requirement to introduce traffic islands west of the junction of the site access with Colne Road and the junction of Carr Head Lane with Colne Road in order to assist right hand turning at these junctions and improve vehicle manoeuvres and speeds. Accordingly, any deficiencies in the surrounding network would be addressed through the conditioned off-site highway improvements.
- 9.91 The traffic generation, trip distribution, junction capacity modelling and accident analysis undertaken in the TA provide a robust assessment of the development's impact on the surrounding highway network. The LHA have not raised any objections to the conclusions set out in the TA. Therefore, it is not considered that the development would have a severe impact on the capacity of the surrounding highway network either adjacent to or further away from the site, nor would it create conditions prejudicial to highway safety. The proposal is therefore in compliance with the requirements of CDLP policy T2 and the NPPF.
- 9.92 The applicant has submitted a Framework Travel Plan in support of the application. This considers the site's accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future staff and residential occupiers to travel by more sustainable modes of transport. The Framework Travel Plan indicates that the

implementation, monitoring and review of the plan will be achieved through the appointment of a Travel Plan Co-ordinator prior to first occupation until 5 years post full occupation. The implementation of the Framework Travel Plan can be secured through condition.

Parking:

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

Developer contributions:

- 9.94 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.95 A development of the size proposed would be required to make contributions towards the delivery of affordable housing (at a rate of up to 40% of the total, subject to viability) and open space in accordance with ELP policy H4, policy SRC2 of the CDLP and the NPPF. The Local Education Authority (NYCC) have also requested an off-site financial contribution towards the provision of new primary school places.
- 9.96 With respect to ensuring that contributions to be achieved through planning obligation do not prejudice a scheme's viability, paragraphs 173 and 205 of the NPPF state that:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
 - Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 9.97 The applicant has provided a viability appraisal which outlines estimated build costs for the development and anticipated values/revenues (though this appraisal was based on the original iteration of the scheme which included 86 dwellings). The appraisal concludes that the applicant would incur a significant financial loss in delivering the phase 1 works to restore and redevelop Malsis Hall to a care home, with the cost of these works outstripping its value on completion by approximately 25%. As a result of this the appraisal concludes that, even with a residential development of 86 dwellings within the hall's grounds, the scheme would be unviable as the level of profit delivered would be far below the profit margin required to secure finance.
- 9.98 The viability appraisal has been assessed by the Council's Valuation Surveyor. It was agreed that, owing to the applicant's unique relationship with the care home operator and their long-term

interest in this business, the appraisal should include an assessment of the residential component of the scheme on its own merits (separating out the care home) to determine the viability of any planning contributions. Based on an agreed approach to assessing the residential aspect of the development, the Council's Valuation Surveyor concludes that a housing scheme of 86 dwellings would be capable of delivering 14 units of affordable housing (equivalent to 16% of the total), and that any other financial contributions would make the scheme unviable.

- 9.99 The application has been amended significantly following the conclusions in the original viability appraisal. Nevertheless, the applicant has agreed to make a contribution of 11 affordable dwellings on the site on the basis that this equates to 16% of the revised total of 67 houses. This position is accepted by the Council's strategic housing service, as has the location, mix and tenure of the affordable units. The development would also provide an on-site play area and sports pitches which, subject to an appropriate community use agreement, the Council's Sports Development Officer considers would meet the requirements of CDLP policy SRC2 with respect to the delivery of open space.
- 9.100 The Education Authority have requested that the applicant makes a financial contribution of £292,314 for primary education facilities. Whilst paragraph 72 of the NPPF indicates support for developments that ensure "a sufficient choice of school places [are] available to meet the needs of existing and new communities", this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis for these, there is presently no adopted Local Plan policy to support this requirement. In any case, the viability information provided by the applicant and accepted by the Council's Valuation Surveyor concludes that the development would be unviable if such a contribution was to be required.

Other matters:

Flooding

- 9.101 The watercourse of Glusburn Beck flanks the northern and western boundaries of the site. As a result, parts of the site on the fringes of this watercourse are located in flood zones 2 (land with between a 1 in 100 and 1 in 1000 or 1% - 0.1% annual probability of river/sea flooding) and 3 (land with a > 1 in 100, or >1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. The remainder of the site (which forms the majority of the site area) falls in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).
- 9.102 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".
- 9.103 A Flood Risk Assessment (FRA) has been submitted in support of the application. With respect to the development's relationship to the flood zones identified on the Flood Map, the FRA concludes that:
- "Due to the steep sides of the banking on site adjacent to the watercourse there is only generally a nominal amount of Flood Zone 2. The majority of this area contains numerous 'protected' trees which will therefore remain undeveloped and as open space."
 - "A few properties closest to Glusburn Beck are at the boundary of Flood Zones 1, 2 and 3 and so Finished Floor Levels are to be set sufficiently high to mitigate any potential risk."
 - It can be seen that with reference to the site specific Flood Zones no development is proposed within Flood Zones 2 or 3. Proposed Finished Floor Levels are proposed significantly higher than Flood Zone 2 and provide more than the minimum 600mm freeboard."

- 9.104 The result of the site-specific analysis of flood zones undertaken in the FRA (and, in particular, the modelling of these in relation to level changes between the bank of the watercourse and the proposed dwellings along the fringes of the watercourse) concludes that, due to local topographical changes and the finished floor levels of the dwellings, no development is proposed within flood zones 2 or 3.
- 9.105 The Environment Agency have indicated that, providing the development is undertaken in accordance with the details in the FRA which would place all development in flood zone 1, there are no objections to the scheme. Accordingly, the applicant has demonstrated through site-specific analysis that development would be directed away from areas at the highest risk of flooding in accordance with paragraph 100 of the NPPF.
- 9.106 The FRA also includes an indicative drainage strategy for the development based on the following principles:
- The geology of the site means that infiltration systems and soakaways are not feasible.
 - The peak discharge rates for the 1, 30 and 100 year return periods have then been assessed including a 30% allowance for climate change and all house roof areas being increased by 10% to account for possible urban creep.
 - Hydrobrake controls and below ground storage will ensure that discharge rates and volumes are achieved for 4 outfalls which will split the surface water discharge along the watercourse.
 - Surface water attenuation will be provided prior to each outfall and will be located within maintained and managed open space.
- 9.107 Both the Lead Local Flood Authority (LLFA) and Yorkshire Water have been consulted on the application. Neither has raised any objection to the principles of the drainage strategy set out in the FRA (though the LLFA has clarified what allowances should be made for urban creep in the final drainage design). Instead, conditions have been recommended requiring: (i) details of a final design for the disposal of surface water from the site, including separate systems for foul and surface water drainage and (ii) the provision of satisfactory outfalls prior to any piped discharge first taking place. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

Ecology

- 9.108 The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.109 In addition, paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following (relevant) principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
 - Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 9.110 The application is accompanied by an ecological survey which includes an impact assessment of the development's effects on protected habitats and species following visits to the site on 1 occasion in 2012 and 2013, on 5 occasions in 2015 and on 8 occasions in 2016. The ecology

appraisal includes a full botanical survey of the site and surveys to establish the presence or absence of bats, amphibians, nesting birds, brown hares, badgers water vole and otters.

9.111 The ecology survey makes the following conclusions:

- The plant species assemblages recorded across the development area are all common in the local area and of considered of low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value.
- Boundary woodland was considered to be of semi-natural origin with a diverse understorey, this is outside the development footprint and will be protected during development.
- Low numbers of common bat species were recorded foraging over the site.
- Activity surveys and building inspections undertaken in September 2015 identified three Common Pipistrelle bats emerging from a transitional roost beneath an eaves board on one of the stable buildings (referred to as 'building 2' in the report). This is not a maternity roost and forms a transitional or day roost site for a low number of common bat species. Accordingly, the identified roost has low conservation significance and mitigation can be achieved through the provision of bat boxes or by allowing access to new buildings. There is no evidence that any of the other buildings on the site are used for bat roosting.
- Trees on and within the site boundaries were assessed for their potential to provide bat roosts. All of the trees on or within the site boundaries were classified as either Category 3 (Low risk) or Category 2 (Medium Risk). Bat species are unlikely to rely on the development site for foraging but use of the site boundaries and tree lines through the site does occur.
- There was no evidence of other notable or protected species recorded on the site.

9.112 While concluding that existing features and habitats on the site are generally of low ecological value (with those of greatest value being retained as part of the development), the ecology survey identified the presence of a transitional/day roost for bats within one of the stable buildings which is to be demolished as part of the scheme. Accordingly the survey identifies that, without mitigation, there is a high risk for the alteration or loss of a transitional/day roost for low number of Common Pipistrelle bats in Building 2 and that these bats are also at a risk of being killed or injured.

9.113 The survey concludes that, due to its use by a limited number of common bat species and the fact that it is not a maternity roost, the transitional/day roost identified in Building 2 has low conservation significance. The survey includes a series of recommendations for measures to be put in place in order to mitigate the impacts arising from the loss of the roost. These include:

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

9.114 In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in

accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010. This assessment is made through the application of three derogation tests as set out in 53(2)(e) and 53(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

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

- 9.115 With respect to the first test, although the development is not in the interest of public health and safety, social and economic benefits would arise in this case through the provision of dwellings on the site of the demolished stable building which would not arise if this building were retained. Therefore, the first test is satisfied.
- 9.116 The alternative to developing the site in the manner proposed would be to ‘do nothing’. Therefore, there is no satisfactory alternative and the second test is satisfied.
- 9.117 The ecology survey concludes that the detected transitional/day roost is used by a low number of common bat species and is therefore of low significance. The survey indicates that, owing to the availability of other more suitable roosting sites in other buildings and trees in the wider area, buildings on the site are unlikely to offer significant roosting potential and that even without mitigation or compensation there is unlikely to be an impact on the favourable conservation status of bats locally. Whilst direct compensation is not required for a roost of low importance, suitable mitigation would be put in place through the provision of bat boxes to provide appropriate biodiversity enhancements. Accordingly, it is considered that the favourable conservation status of bats locally is unlikely to be significantly impacted either positively or negatively as a result of the proposal. Therefore, the third test is satisfied.
- 9.118 The proposed development would incorporate the mitigation measures set out in the ecology survey by retaining and supplementing existing trees and delivering features to provide suitable biodiversity enhancements. The siting of bat boxes and limiting the period for vegetation removal to minimise effects on nesting birds can be secured through condition. The site is not designated for its nature conservation value and has habitats of limited value. Appropriate mitigation measures would be put in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraphs 109 and 118 of the NPPF, and the Conservation of Habitats and Species Regulations 2010.

Trees

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

Archaeology

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

10 Conclusions

- 10.1 The application seeks full planning permission for a mixed use development including the restoration, conversion and extension of Malsis Hall (a grade II listed building) to a care home, the provision of three multi-use football pitches with associated changing facilities and a residential development of 67 dwellings (including the conversion of a grade II listed lodge) within the grounds. The site falls on the edge of, but outside, the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map.
- 10.2 The site occupies an edge of settlement location which is well connected with and accessible to services in Glusburn. The land is contained on all sides by dense buffers of woodland planting and those areas that are most prominently in view within the surrounding landscape would be retained as open space. Accordingly, the scale, siting and density of development would not result in unacceptable encroachment into the open countryside in a manner which would undermine its intrinsic character and quality. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 10.3 The development would deliver enhanced sports pitches for football, both in quantitative and qualitative terms, in order to provide a ‘hub’ site as set out in the objectives of the Craven Playing Pitch Strategy. This approach is also supported by Sport England. Accordingly, any loss of the former school playing fields arising as a result of the development would be outweighed by the wider benefits to sport arising from the delivery of replacement provision of a greater quantity and quality, along with associated ancillary facilities in the form of a changing room.
- 10.4 The redevelopment of Malsis Hall to provide a care facility would have a positive impact on the listed building through the removal of unsympathetic 20th century additions to the north and west facing elevations, the restoration of the remaining elevations and the conversion of other curtilage

buildings including a chapel, cottage and house. The new extensions to the hall, whilst contemporary in their appearance, would appear as simple and modest additions which would be of a subservient size, scale and design and would not detract from the special architectural or historic interest of the listed building. The provision of the sports facilities would maintain the openness of the hall's immediate grounds to the front of the building and can be achieved without harming the listed building and its setting.

- 10.5 The redevelopment of the hall would, however, result in the loss of other curtilage buildings that contribute to the significance of the heritage asset (one stable building and the substantial demolition of one of the cottages) and the proposed residential development within the hall's grounds would result in significant urbanisation of its historic parkland setting. Accordingly, these elements would harm the significance of heritage assets on the site.
- 10.6 The demolition of curtilage buildings is necessitated by the nature of the development and the need to deliver housing in order to make the scheme commercially viable. The elevations of the cottage (and a connecting archway) of greatest significance would be retained and adapted as part of the scheme. The siting, layout, scale and characteristics of the housing development – having particular regard to its use of topographical changes and retention and strengthening of landscaping – would ensure that its harm to the setting of heritage assets is limited to the least sensitive areas of the parkland which are of lesser significance. Those areas of highest significance which relate more closely and prominently to the immediate surroundings of the hall and its driveway approach would be preserved. Therefore, it is considered that the level of harm to the significance of designated heritage assets arising from the proposed development would fall within the category of 'less than substantial'. The development would deliver public benefits through the restoration of the hall (including securing its optimum viable use), the delivery of enhanced sports facilities to address an identified quantitative and qualitative deficiency, and would contribute to the supply of housing to address a shortfall in the district, including the provision of 11 affordable homes. These public benefits are considered to outweigh the less than substantial harm to the significance of heritage assets arising as a result of the scheme.
- 10.7 The proposed development, by virtue of its use, layout, scale, density, design, materials and landscaping, would be compatible with the character of the area and its relationship with surrounding uses would ensure that the development has no undue impact on the amenity of neighbouring occupiers through noise, lighting, loss of outlook, overshadowing, overlooking or any other nuisance. The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.
- 10.8 The development would deliver appropriate contributions towards affordable housing and open space commensurate with the scheme's viability and measures can be put in place to ensure that the scheme has no adverse effects with respect to trees, flooding, ecology and archaeology.
- 10.9 The economic, social and environmental benefits arising as a result of the scheme would outweigh any adverse environmental effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11 Recommendation

- 11.1 That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:
- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 16% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
 - (ii) A community use agreement for the sports facilities and changing room to be delivered as part of the second phase of development.

- (iii) The provision, layout, specification, design, management and maintenance of a play area on the site, the size and location of which is shown on the approved plans.

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

Time limit for commencement (T)

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

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

Approved plans (L)

2. This permission relates to the following plans:

- Drawing no. GA00 – Location plan.
- Drawing no. 0380_PLI_90_001 Rev P16 – Site masterplan.
- Drawing no. H5095-PP-002 Rev A – Phasing plan.
- Drawing no. H5095-AHL-001 – Affordable Housing Layout.
- Drawings titled 'Malsis Play Area Proposal'.
- Drawings titled 'House Type - A, B, C, F, H, K, N, P and R' plans and elevations overview.
- Drawings titled 'House Type – D and E' plans and elevations overview (amended plans received 6.11.17).
- Drawings titled 'Apartment Type – M' plans and elevations overview.
- Drawing titled 'The Lodge Elevations Overview'.
- Drawing titled 'The Lodge Plans Overview'.
- Drawings titled 'Sports/Playing Field Strategy 09.10.2017 update'.
- Drawing no. 1507SHW/MSD/E002 – Illustrative section and external photographs.
- Drawing no. 0380_PLI_L_94_001 Rev P12 – Tree protection measures.
- Drawing no. 15-093-101 Rev G – Proposed site plan.
- Drawing no. 15-093-103 Rev A – Proposed demolition plan.
- Drawing no. 15-093-105 – Proposed demolition masterplan.
- Drawing no. 15-093-119 Rev F – Indicative lower ground floor.
- Drawing no. 15-093-120 Rev H – Indicative ground floor.
- Drawing no. 15-093-121 Rev F – Indicative first floor.
- Drawing no. 15-093-122 Rev C – Indicative second floor.
- Drawing no. 15-093-123 Rev B – Indicative roof plan.
- Drawing no. 15-093-150 Rev C – Proposed elevations (1 of 3).
- Drawing no. 15-093-151 Rev C – Proposed elevations (2 of 3).
- Drawing no. 15-093-152 Rev D – Proposed elevations (3 of 3).
- Drawing no. 15-093-320 Rev B – Cottage proposed floor plans.
- Drawing no. 15-093-350 Rev C – Cottage proposed elevations.
- Drawing no. 15-093-420 Rev B – Malsis house proposed plans and elevations.
- Drawing no. 15-093-SK500 – Chapel site plan.
- Drawing no. 15-093-520 – Chapel floor plan.
- Drawing no. 15-093-521 – Chapel roof plan.
- Drawing no. 15-093-550 Rev A – Chapel proposed elevations.
- Drawing no. 0380_PLI_L_97_100 Rev P02 – Care facility hard landscape and boundary treatments plan.

Except as provided for by other conditions to this permission, the development shall be carried out in accordance with the approved plans or 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) Local Plan and the National Planning Policy Framework.

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

Reason: To ensure that works associated with the restoration of the listed building (phase 1) and provision of sports facilities within the site (phase 2) are front-loaded and take place prior to any residential development (phase 3), the acceptability of which relies on the phase 1 and 2 developments first being completed, in accordance with the requirements of the National Planning Policy Framework.

Before you commence development (P)

4. No development associated with the phase 2 and 3 works identified on drawing no. H5095-PP-002 Rev A shall take place on the parts of the site relating to those phases until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- (j) A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

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

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

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

- (ii) The constituency and colour of the mortar to be used in the pointing of any stonework.
- (iii) Details of the type, colour and texture of any other materials to be used on the external surfaces of the buildings.

The development shall thereafter be implemented in full accordance with the duly approved scheme before the phase 1 development hereby approved is first occupied.

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

6. Notwithstanding any description of materials in the application, no development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev A shall take place on the part of the site relating to that phase until full details of all materials to be used on the external surfaces of the buildings associated with that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the listed building and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans, no development (other than demolition) associated with (i) any of the phase 1 works identified on drawing no. H5095-PP-002 Rev A; and (ii) the conversion of the lodge on plot 67 which forms part of the phase 3 works, shall take place until details of all windows and doors (including both new and replacement openings) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the buildings associated with (i) and (ii) are first occupied, and shall be retained as such thereafter.

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

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

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

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

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

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

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

10. No development associated with the phase 2 and 3 works identified on drawing no. H5095-PP-002 Rev A shall take place on the parts of the site relating to those phases until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 14 July 2017 have been addressed. Phases 2 and 3 of the development shall thereafter be carried out in full accordance with the duly approved details.

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

11. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev A shall take place until a scheme for the design and construction of the site accesses at the junctions with Colne Road and Carr Head Lane (the positions of which are shown on drawing no. 0380_PLI_90_001 Rev P16) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- (i) Splays giving clear visibility of 60 metres (looking east) and 100 metres (looking west) measured along both channel lines of the A6068 from a point measured 2.4 metres down the centre line of the site access at the junction with the A6068 (Colne Road). The eye and object heights shall be 1.05 metres.
- (ii) Splays giving clear visibility of 60 metres (looking west) and 100 metres (looking southeast) measured along both channel lines of Carr Head Lane from a point measured 2.4 metres down the centre line of the site access at the junction with Carr Head Lane. The eye and object heights shall be 1.05 metres.
- (iii) 7 metre radius kerbs to give a minimum carriageway width of 6.5 metres at the site accesses and the construction of the first 8 metres of the access road extending into the site in accordance with NYCC's Standard Detail number A1.

- (iv) Any gates or barriers to be erected a minimum distance of 11 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- (v) The first 20 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (vi) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (vii) Tactile paving in accordance with current Government guidance.

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

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

12. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev A shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:
 - (i) The provision of tactile paving.
 - (ii) The construction of two traffic islands in the centre of the carriageway of the A6068 in positions immediately west of its junctions with the site access onto Colne Road (as shown on drawing no. 1267-F01E) and Carr Head Lane (as shown on drawing no. 1267-F01D), including associated road markings.
 - (iii) The upgrading of two existing bus stops on the A6068 located to the west of the site access (eastbound and westbound) to include provisions for raised kerbs, dropped crossings, tactile paving, poles and a bus shelter, together with associated road markings.

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

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

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

The means of enclosure shall be erected in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

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

14. No development associated with the phase 3 works identified on drawing no. H5095-PP-002 Rev A shall take place on the parts of the site relating to that phase until a scheme for the provision of footways to link pedestrian traffic from the development with existing footways on Colne Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the size, layout and design of the footways and their points of connection with existing footways on Colne Road (including details of the need to remove any vegetation and/or sections of the existing boundary wall). The footways shall be constructed and made available for use in accordance with the duly approved scheme before any of the dwellings associated with the phase 3 works hereby approved are first occupied, and shall be retained as such thereafter.

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

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

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

16. No development associated with the phase 2 works identified on drawing no. H5095-PP-002 Rev A shall take place on the parts of the site relating to that phase until a scheme containing the following documents has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England):
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the reconfigured football pitches which identifies constraints that could affect playing field quality.
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The scheme shall also include details of the design and layout of the pitches which shall comply with the Football Association guidance.
 - (iii) A Maintenance Scheme for the grass pitches including a maintenance schedule, details of the Performance Quality Standard testing arranged via the Football Association Pitch Improvement Programme, and a mechanism for review

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

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

17. No development associated with the phase 2 works identified on drawing no. H5095-PP-002 Rev A shall take place on the parts of the site relating to that phase until a scheme for the size, siting, design and layout of the sports changing accommodation has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The sports changing accommodation shall thereafter be delivered and made available for use in accordance with the duly approved scheme before the sports pitches hereby approved are first brought into use, and shall be retained as such thereafter.

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

18. No development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev A shall take place on the part of the site relating to that phase until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document) and shall include:

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

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

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

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

- (a) hours of work for site preparation, delivery of materials and construction;

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

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

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

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

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

During building works (c)

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

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

22. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev A first taking place, a soft landscaping scheme for the external areas of the site relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the

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

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

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

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

24. Notwithstanding any details contained within the application, no external lighting associated with each phase of development identified on drawing no. H5095-PP-002 Rev A shall be installed on the part of the site relating to that phase until a scheme for its installation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. All external lighting shall thereafter be installed in accordance with the duly approved scheme.

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

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

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

Before the development is occupied (O)

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

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

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

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

Statement of Positive Engagement

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

Informative:

Highways:

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

Yorkshire Water:

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

Sport England:

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

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

Coal Authority:

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

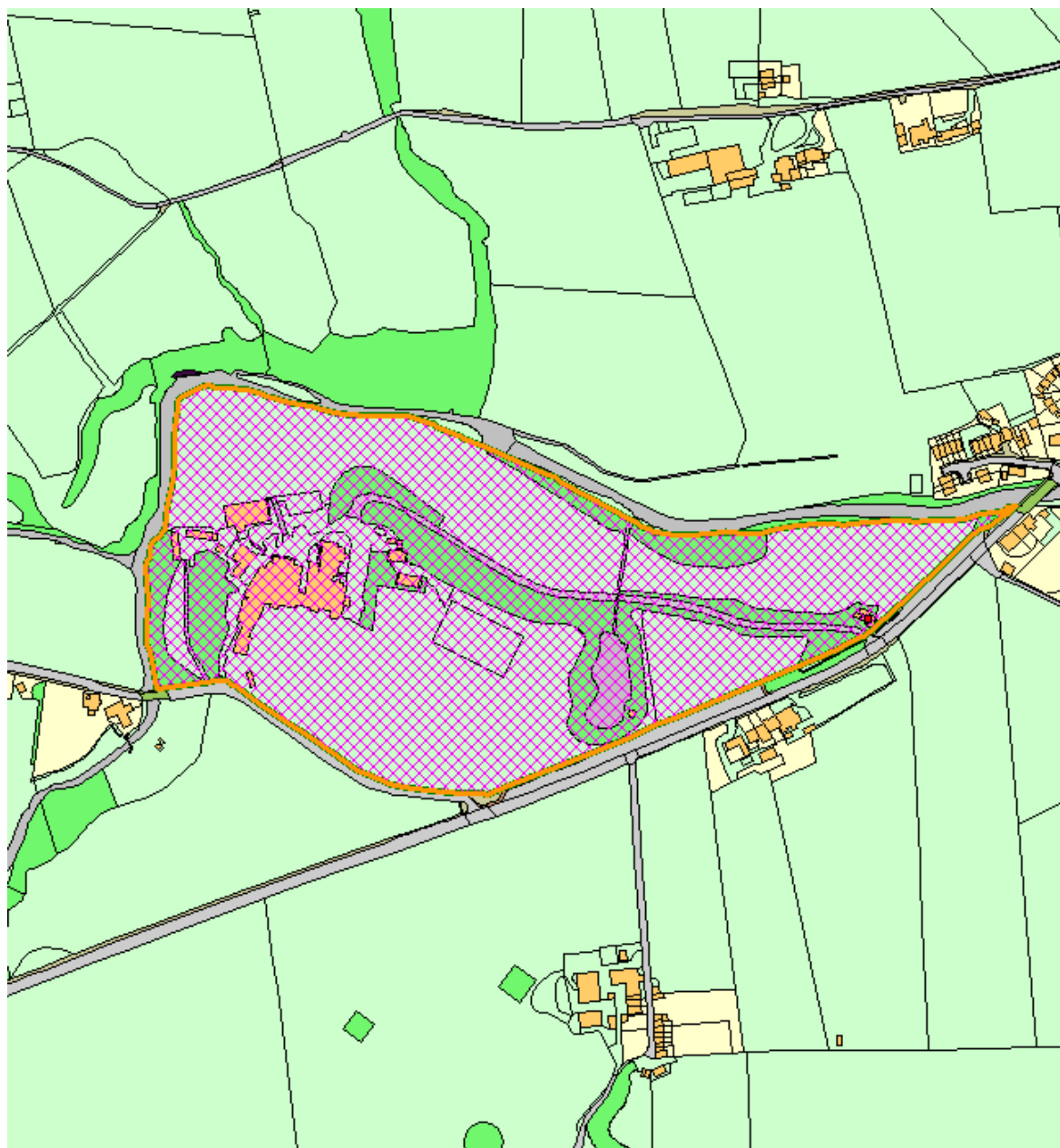
Further information is also available on the Coal Authority website at:

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

Ecology:

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

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



Application Number: 32/2016/17097

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

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

On behalf of: Malsis Ltd

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 63/2016/17523

Proposal: Proposed new car park (up to 180 spaces), improvements to sports pitch including improved playing surface and marking out of pitch, site access and associated ancillary works.

Site Address: Land Adjacent To Carleton New Road, Skipton, BD23 2AZ

On behalf of: Dalesway Construction Ltd

Date Registered: 18th November 2016

Expiry Date: 17th February 2017

Case Officer: Mr Matthew Taylor

The application has been referred to the Planning Committee at the request of Councillor Peter Madeley.

1. **Site Description**

- 1.1 The application relates to a *circa* 1.4 hectare parcel of land located to the eastern end of the Sandylands Sports Centre off Carleton New Road, Skipton. The site is rectangular in shape and comprises an area of open grassland which has recently been used as football pitches. The land is designated as 'Existing Recreation/Amenity Space' on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. Parts of the site also fall within flood zones 2 and 3 as defined on the Environment Agency's Flood Map.
- 1.2 The site is set at a significantly lower level to Carleton New Road and is flanked by steep embankments to its northern and eastern edges. In spite of surrounding level differences the land itself is relatively flat, with the submitted topographical survey indicating a 0.68m difference between the field's high (northeast corner) and low (southwest corner) points. A flat-roofed changing room building and storage container are located to the southwest corner of the site and a small dugout is located centrally alongside the western boundary. The site is bordered by tennis courts and a go-karting track to the west. An access road branching in a westerly off Carleton New Road runs parallel to the southern boundary. These adjoining uses are separated by a combination of timber and wire mesh fencing.
- 1.3 Sandylands Sports Centre provides several outdoor sports pitches catering for football, rugby, tennis and cricket, along with a fitness centre within a building to the centre of the site. There is an existing car park to the east of the fitness centre which is accessed off Engine Shed Lane to the north of the complex. Surrounding uses outside the site are predominantly industrial in character and include a series of low-rise units to the north (flanking Engine Shed Lane) and east (flanking Carleton New Road).

2. **Proposal**

- 2.1 The application seeks permission for the construction of a 180 space car park on part of the football pitch to the southern end of the site. The car park would be accessed via the existing entrance off Carleton New Road, though the following improvements to the current access would be made:

- A 20m long section of the internal road between the junction of the site access and the entrance to the car park would be widened to 5.5m.
- The existing wall at the junction of the access with Carleton New Road would be lowered to 1m to provide a visibility splay of 2.4m x 60m in both directions.
- A new section of footpath at a width of 1.5m would be provided to the north side of the vehicle access and would link with a pedestrian crossing over Carleton New Road.

2.2 The description of development given by the applicant also refers to improvements to the existing sports pitch “including improved playing surface and marking out of pitch”. However, no specific details are provided with respect to improvements to the pitch’s playing surface. The site has already been used as football pitches and has been marked out for this purpose. Therefore, the re-marking out of the pitch is not development requiring planning permission.

3. **Relevant Planning History**

3.1 5/63/1251 – Erection of new changing rooms – Approved 4/5/1989.

4. **Planning Policy Background**

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:**

T2 – Road Hierarchy

4.4 **Other Documents:**

Craven Playing Pitch Strategy – Version 1.0 (February 2016)

5 **Parish/Town Council Comments**

5.1 *Skipton Town Council* – Object. Comments as follows: “Strong objection due to a loss of public amenity training pitch. Also there is no guarantee of future public use for this plot of land.”

6 **Consultations**

6.1 *Airedale Drainage Commissioners* – Comments as follows:

- The site extends to some 1.39 hectares and the land falls in flood zones 2 and 3 on the Environment Agency Flood Map. It is important that the speed which water runs off the site is not increased as this will have a negative impact downstream.
- A condition should be attached to any permission granted to ensure that suitable water attenuation systems are included within the site so that the proposed works do not increase run off above the current level of the existing greenfield site.

6.2 *Canal and River Trust* – Advised that they have no comments to make.

6.3 *Environment Agency* – Comments as follows:

- As long as the development is carried out as detailed within the Flood Risk Assessment the EA have no objections.

- The LPA may wish to impose planning conditions securing any flood risk mitigation measures recommended in the Flood Risk Assessment or deemed necessary by the council. You may also wish to ensure that the proposed development is consistent with the planning recommendations set out in your Strategic Flood Risk Assessment.
- The EA support the suggestion in the Flood Risk Assessment that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding.

6.4 *Environmental Health (Contamination)* – No known contaminated land implications.

6.5 *Environmental Health (Noise)* – No potential environmental protection issues.

6.6 *Lead Local Flood Authority* – Comments as follows:

- The application form states that surface water will be disposed of via existing watercourse as preliminary investigation finds infiltration to be impractical but proposes tests to verify.
- Calculations are shown for attenuation. However, the allowance for climate change is incorrect and a drainage layout plan is required. The flood risk assessment, section 5, proposes a climate change allowance of 20%. An increase in rainfall intensity of 30% must be used for climate change.
- The flood risk assessment, section 5, proposes a surface water discharge restriction of 5l/s which is acknowledged to be the smallest practicable.
- The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. For a whole or part brownfield site, greenfield runoff volume and/or 70% of demonstrable existing positively drained runoff volume for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible.
- Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off site.
- Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. A plan showing exceedence flow routes is required.
- Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event.
- The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.
- 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 there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Maintenance proposals for the SuDS are required.
- The applicant should submit further information to deal with the above requirements prior to any planning permission being given. Once this information is received a planning condition could be imposed to ensure suitable surface water management.

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

- The required visibility splay at the junction of the site access is 60m by 2m. This can be achieved.
- Conditions are recommended concerning the construction of the site access, visibility at the junction with Carleton New Road and the retention of parking spaces in perpetuity.

6.8 *Sport England* – Objected to the application on two separate occasions (01.12.16 and 04.01.17). Latest comments dated 04.01.17 as follows:

- Sport England has sought the views of the Football Association (The FA) on the additional information. The FA's comments have been summarised as:
 - The FA's position has not changed from our original objection.
 - The pitches are well used, form part of a key sporting site for Skipton and should be protected or improved. The applicant's current proposals do not achieve this.
 - Skipton LMS and Skipton Junior are growing clubs with a high demand for pitches. The current pitches at this and the adjoining site are full and reducing the number of pitches would only compound this issue.
 - The application should either propose a suitable replacement pitch or provide details of how the quality of the remaining 11v11 pitch can be sufficiently and sustainably upgraded to increase its carrying capacity. Should the latter be the preferred option we would recommend the following: (i) **Design** - Natural Turf Pitch should be designed by a qualified registered agronomist; (ii) **Construction** –The construction of Natural Turf Pitches should be project managed or signed off by the same registered agronomist that produced the design (iii) **Quality** – Pitches should pass a PQS test to a 'good' standard before the pitches are used. The testing should be arranged via the FA Pitch Improvement Programme; (iv) **Maintenance** - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design agronomist recommendations.
- Given the comments of the FA and the fact that the pitches are in use, Sport England does not consider that the applicant has demonstrated exception E1 of Sport England's Playing Fields Policy which requires that "A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport." Therefore, Sport England maintains its objection to this application.
- Sport England would suggest that the applicant explores options to meet exception E4 of Sport England's Playing Fields Policy and provide new replacement playing field. Exception E4 states "the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
- To meet E4, the playing field needs to be replaced within the locality. Replacement must represent a genuine replacement i.e. creation of a new playing field. Improvements to existing playing field do not represent a genuine replacement because the quantity element of the exception has not been addressed only the quality element. Sport England also suggests that the applicant addresses the issue of the replacement playing field in the first instance, before addressing the technical issues that may arise from any ball stop mitigation that could be required in relation to the adjacent cricket ground.
- Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

6.9 *CDC Sports Development Officer* – Objects to the application. Comments as follows:

- Due to the Sport England national planning policy relating to the protection of playing fields, the Sports Development Officer recommends that the Council follows the recommendation they set out in any response make on the application as they are a statutory consultee on such applications.
- Further comments made in response to the applicant's case are referred to later in the report.

Representations

7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the application constitutes major development notices have also been posted on site and in the local press. A total of 6 letters of representation have been received. The points made in the letters are summarised as follows:

Objections:

- The flood report fails to cover the severe flooding in 2015 during which the adjacent buildings experienced heavy flooding. This was documented in the local press. The development will significantly increase the amount of hard surfacing within the site and, in turn, has the potential to worsen existing drainage problems and make surrounding sports pitches unplayable.
- The proposed access to the car park from Carleton New Road is presently shared with Skipton Rugby and Cricket clubs. This is a narrow road which is of an insufficient width to allow two-way traffic flow. The application does not appear to include any improvements to the existing access to overcome this and the addition of 180 vehicles would significantly exacerbate the existing problem.
- The highway statement submitted with the application does not relate to this proposal and, instead, refers to a different scheme for a multi-storey car park with a different means of access.

Support:

- The proposed will help to alleviate existing on-street parking pressures on Carleton New Road. The area has seen a huge increase in parking demand in recent years and this can cause obstruction and danger to other traffic, particularly larger vehicles visiting nearby industrial units.
- The car park would be valuable to users of Skipton Railway Station and other sports facilities on the site. It would also improve existing visibility at the junction onto Carleton New Road and would allow further waiting restrictions to be introduced on Broughton Road and Carleton New Road in order to alleviate existing congestion issues.
- The pedestrian crossing over Carleton New Road will improve pedestrian safety.
- The development would result in further investment in existing sports facilities which will support local clubs. The existing football pitch will be retained and makes good use of the spare land adjacent to it.

General:

- The applicant should provide high ball-stop netting to the southern boundary with the cricket pitch to protect vehicles from ball strikes.
- Control barriers should be installed at the entrance/exit of the car park.
- Further details concerning boundary treatments are required.
- Surface water drainage needs to be fully addressed to ensure that it does not exacerbate existing drainage issues.
- The existing changing facilities should be improved.
- Pedestrian access between the car park and the existing sports centre should also be provided.

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 the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant policy context, the existing use of the site, the representations received in respect of the application and the nature of the development applied for, it is considered that the main issues in this case are:

1. Whether the proposal satisfies any of the exceptions set out in paragraph 74 of the NPPF which would allow the development of existing open space and land used for sports and recreation (including playing fields) and, if not, whether there are any material considerations sufficient to outweigh the harm the development would cause as a result of this loss.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on highway safety.
4. The development's effects on the amenity of surrounding occupiers.
5. The proposal's effects on flood risk.

9 **Analysis**

Loss of open space:

9.1 Paragraph 73 of the NPPF states that:

- “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

9.2 The Council published the ‘Craven Playing Pitch Strategy’ (the PPS) in February 2016. The PPS provides a strategic assessment and analysis of the supply and demand of playing pitches (grass and artificial) which serve football, rugby union, cricket and hockey throughout the district.

9.3 The application site is referenced as “Skipton LMS Pitch” in the PPS and is described in Table 16 (titled ‘football sites with deficiencies in supply’) as “a two pitch site with an adult pitch and a 7x7 pitch [which is] the homeground for Skipton LMS seniors.” The second column to Table 16 of the PPS makes clear that there are two pitches on the site and recommends as follows with respect to their protection and enhancement:

- “This site should be protected as playing fields as part of the Local Plan. This land has recently been bought by a local businessman and is now subject to development plans for part of the site. If these development plans are successful, the mini-soccer could be re-allocated to the nearby Sandylands pitches or if the maintenance programme was improved, could be over marked onto the adult pitch.”

- “The site requires a new clubhouse and ancillary facility, which could then be utilised by the nearby Sandylands pitches. Both pitches are also in need of improved maintenance programmes and investment in the quality of the provision. The FA has stated that they would support this project, on the assumption that there is still adequate supply for football at the site. The clubhouse development would also be a prerequisite for the application to be supported. The club should look to work with the FA to improve their maintenance programmes, in line with plans to develop an equipment bank and provide training to maintenance teams.”
 - “The site requires a new ancillary facility, to be provided as part of the planning application.”
- 9.4 Table 49 of the PPS sets out a series of recommendations for the enhancement of existing sporting facilities. With respect to the application site, Table 49 of the PPS identifies opportunities for enhancement of sports on the site as follows:
- “The site requires a new clubhouse and ancillary facility, which could then be utilised by the nearby Sandylands pitches. Both pitches are also in need of improved maintenance programmes and investment in the quality of the provision. A recent acquisition of the site provides opportunity for development and facility improvement.”
 - “New site owner to refine plans for their private on-site development on 1/3rd of land with remaining pitch space. This must be retained for a high quality full sized football pitch and fully implemented by way of planning gain agreement. Work collaboratively with the Sandylands Grass Pitches action to create a fit-for-purpose facility mix across the entire site.”
- 9.5 Paragraph 74 of the NPPF indicates that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 9.6 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin decision-taking. The twelfth bullet point to paragraph 17 of the NPPF states that planning should “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”
- 9.7 Although the site is designated as ‘Existing Recreation/Amenity Space’ on the CDLP Proposals Map, policy SRC 1 which related to this designation has not been ‘saved’ as part of the direction from the Secretary of State. Accordingly, policy SRC1 no longer forms part of the development plan and cannot be afforded any weight in the decision making process. Instead, paragraph 74 of the NPPF provides the prevailing policy context against which proposals involving the loss of existing playing field land are to be assessed.
- 9.8 A “playing field” is defined in Annex 2 of the NPPF as “the whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 [now succeeded by the 2015 Order].”
- 9.9 A “playing pitch” is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) as “a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football [...]”.
- 9.10 The application site extends to a total area of approximately 1.39 hectares. The submitted plans show the retention of a single, full-size football pitch to the north end of the site covering

approximately 0.5 hectares and the provision of a 180 space car park within a *circa* 0.4 hectare parcel to the southern end. Following consultation with the Football Association (the FA) and with reference to the PPS, Sport England and the Council's Sports Development Officer (SDO) indicate that the land proposed for the car park has recently been used as a 7 v 7 ('mini soccer') size football pitch by a local sports team – 'Skipton LMS Juniors'. This is contested by the applicant who, instead, contends that there has only ever been a single playing pitch on the site and that the land to be developed as a car park has previously been used for occasional training purposes by a single junior team.

- 9.11 The site is presently characterised by open grassland and is not currently marked out as sports pitches. The areas proposed for the retained pitch and car park are, however, physically distinct from the more overgrown runoffs to the edges of the site and it is apparent that these parts of the site are maintained separately as a continuous short-sward surface. The PPS, which dates from February 2016, identifies the presence of two football pitches on the site (an adult pitch and a 7 v 7 pitch). The presence of two pitches on the site used by local clubs – Skipton LMS and Skipton Juniors – is also identified by the FA and Sport England.
- 9.12 The applicant has submitted two supplementary plans (drawing no. 101 and 102) dated April 2017 which are intended to show visualisations of the development. These drawings include photographs of the existing site and superimposed images of a pitch-side stand, dugouts, floodlighting and fencing, along with the car park. The two drawings are to be read in conjunction with a site plan labelled drawing no. 100. The applicant has indicated that these three plans are submitted for illustrative purposes only. However, it is clear from the photographs relating to 'existing' views 'A' and 'B' that four sets of goalposts are present on the site – two for the 11 v 11 pitch to the northern end and two for the 7 v 7 pitch to the south. The positioning of these goalposts suggests that the site was being used as two separate pitches at the time the photos were taken. Images from 'Google Streetview' dated August 2016 also show the presence of goalposts on the land to the southern end of the site.
- 9.13 Having regard to the evidence in the PPS, the representations from the FA and Sport England and the images of the site provided by the applicant, it is reasonable to conclude that the site has recently accommodated two football pitches. It is also apparent that these pitches exceed the size threshold for "playing pitches" set out in the DMPO and, accordingly, are classed as a "playing field" for the purposes of the definition in the NPPF. Therefore, the proposed car park development would result in the loss of playing field land and must be assessed in accordance with the provisions of paragraph 74 of the NPPF.
- 9.14 Paragraph 74 of the NPPF sets out three exceptions where existing playing fields can be built on. The first of these provides for circumstances where "an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements".

Playing Pitch Supply:

- 9.15 The applicant contends that, regardless of whether the site accommodates one or two pitches, there is a surplus in football pitch provision in Craven. The applicant makes reference to the summary of key findings for football in paragraph 7.2 of the PPS to support this assertion. Specifically, the second bullet point to paragraph 7.2 identifies balance figures (expressed as "matches per week") as follows for football pitches: "adult football +11.5 pitches, youth football +7 pitches and mini soccer +19.5 pitches."
- 9.16 Paragraph 3.7.4 of the PPS indicates that "at present, supply exceeds demand for adult football, youth football and mini-soccer. It is clear, however, that throughout the district there is limited spare capacity at sites, with 7 sites showing a deficit for overall capacity." In addition, the first, third, sixth and seventh bullet points to paragraph 7.2 indicate that:
- "The supply and demand results indicate that on the whole, there is sufficient capacity across Craven for football pitches, with deficiency at seven sites across the study area."
 - "This balance shows that there is a small over-supply of football pitches in Craven, which would be significantly higher if the quality of pitches allowed a higher carrying capacity."

- “The FA will also support the development of Sandylands as a multi-sport hub site, as this will improve the quality and quantity of provision at one of the most accessible and largest sites in the district.”
- “There is high reliance on education sites for the supply of grass pitches, which is a risk as provision for curriculum sport will take priority if the pitches are unable to take the demand from community use, especially during periods of poor weather.”

9.17 The study area for the PPS relates to the whole of the district of Craven. Accordingly, the balance figures in paragraph 7.2 present a districtwide analysis of supply and demand rather than a catchment level analysis. In contrast, exception E1 of Sport England's Playing Fields Policy requires that “a carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport”. Accordingly, it does not follow that the districtwide surplus in football pitch provision identified in the PPS translates to an “excess of playing field provision in the catchment” for the purposes of Sport England's Playing Fields Policy E1.

9.18 With respect to the districtwide surplus identified in the PPS, the SDO has indicated that the supply and demand analysis is skewed by the presence of several large playing pitch sites in the north of the district (Settle, Giggleswick and Low Bentham). The SDO indicates that the sites with the greatest excess in playing pitch provision are not within the catchment of the application site (Skipton) or the football team ('LMS') which uses the site. The SDO considers that it would be unreasonable to expect teams for Skipton to have their home ground based in Settle or Bentham (between 16 and 22 miles away from the site) and opines that the definition of a 'catchment' in Sport England's Playing Fields Policy E1 should be limited to the town of Skipton.

9.19 It is clear that the PPS provides a districtwide analysis of supply and demand for football pitches rather than the 'catchment' scale assessment required by Sport England. In addition, it is noted that the objection from Sport England includes comments from the FA which indicate that “Skipton LMS and Skipton Junior are growing clubs with a high demand for pitches [and] the current pitches at this and the adjoining site are full and reducing the number of pitches would only compound this issue.” The comments of the SDO concerning the geographical and travel constraints associated with clubs in Skipton accessing facilities in other parts of the district are also noted. Moreover, one of the key objectives of the PPS is to develop Sandylands as a “multi-sports hub” and Table 16 indicates that the site should be protected for future use as playing fields in order to contribute to this provision.

9.20 When all these factors are taken together, it is considered that the loss of the mini soccer pitch on the site would be contrary to the objectives of the PPS and would fail to meet the exception set out in policy E1 of Sport England's Playing Fields Policy. In terms of the first bullet point to paragraph 74 of the NPPF, the applicant has failed to undertake any proper catchment-level assessment which clearly shows that the football pitch which would be lost as a result of the development is surplus to requirements or the effect that its loss would have on the balance of football pitch provision in the catchment.

Replacement provision:

9.21 The second exception in paragraph 74 of the NPPF provides that playing fields can be built on where “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality”.

9.22 The application does not include the provision of any replacement football pitch to compensate for the loss of the 7 v 7 playing field upon which the car park would be constructed. The applicant does, however, contend that the development would deliver qualitative benefits to mitigate the loss of the mini soccer pitch through improvements to the surface of the retained pitch and the provision of ancillary facilities including an improved equipment store, additional

parking and enhanced access arrangements to improve accessibility for the retained pitch and the Sandylands facility generally.

- 9.23 Although the applicant refers to proposed improvements to the playing surface of the retained pitch and the delivery of ancillary facilities, no specific details of these have been provided as part of the application. Supplementary plans (drawing nos. 100, 101 and 102) dated April 2017 include photographs superimposed images of a pitch-side stand, dugouts, floodlighting and fencing, along with the car park. There are, however, no detailed drawings showing the scale, design and appearance of these features and the applicant has advised that they are for illustrative purposes only. Similarly, the applicant has provided no precise information concerning the scope and nature of improvement works to the retained pitch to allow an increased carrying capacity for the playing field.
- 9.24 The response from Sport England includes comments from the FA which, in terms of the potential for replacement provision, indicate that:
- “The application should either propose a suitable replacement pitch or provide details of how the quality of the remaining 11v11 pitch can be sufficiently and sustainably upgraded to increase its carrying capacity. Should the latter be the preferred option we would recommend the following:
 - **Design** - Natural Turf Pitch should be designed by a qualified registered agronomist.
 - **Construction** –The construction of Natural Turf Pitches should be project managed or signed off by the same registered agronomist that produced the design.
 - **Quality** – Pitches should pass a PQS test to a ‘good’ standard before the pitches are used. The testing should be arranged via the FA Pitch Improvement Programme.
 - **Maintenance** - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design agronomist recommendations.”
- 9.25 The applicant considers that the above details concerning the pitch improvement works to increase its carrying capacity can be secured (and deferred at this stage) through the imposition of a planning condition. However, in the absence of any precise details concerning the scope and nature of the pitch improvement works and the layout, appearance, scale and design of the ancillary facilities also mentioned by the applicant, there can be no certainty that the playing field land which would be lost as a result of the development would be replaced by equivalent or better provision in terms of quantity and quality. It would not be appropriate to defer the submission of these details through the imposition of a condition as, without them being provided and known up front, it could not be reasonably concluded whether they would be sufficient to meet the exception in paragraph 74 of the NPPF.
- 9.26 Although the FA suggest that, subject to the submission of precise details, the loss of the mini soccer pitch could be overcome by improving the quality and carrying capacity of the retained 11 v 11 pitch, it does not appear that this position is supported by Sport England’s Playing Fields Policy E4 which requires that “the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an **equivalent or better quality and of equivalent or greater quantity**, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development [emphasis added].”
- 9.27 Therefore, even if qualitative improvements were made to the retained 11 v 11 pitch, this would not necessarily address Sport England’s requirement for an “equivalent or greater quantity” of playing pitch provision. In any case, the applicant has failed to provide any detailed technical information concerning improvements to the retained pitch and/or the delivery of ancillary facilities in a suitable location to ensure that the loss resulting from the development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Accordingly, the second exception in paragraph 74 is not satisfied.

- 9.28 The third exception in paragraph 74 of the NPPF relates to circumstances where “the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss”. The proposed car park is not a facility for alternative sports and recreation provision and, accordingly, could not reasonably be considered to fall within this category. Therefore, the third exception is not relevant in this case.

Benefits of additional car parking:

- 9.29 The applicant contends that the provision of a car park in this location would benefit users of Skipton Railway Station, neighbouring businesses, the town centre and other sports facilities at Sandylands in order to offset any harm arising from the loss of playing field land. There is, however, no compelling evidence to support the applicant’s presumption that there is a need for or deficiency in the level of car parking available in the locality. Moreover, although the applicant’s supporting statement makes clear that the car park is intended to generate revenue, there is no indication as to on what basis the car parking would be offered to users (e.g. pay-and-display, season tickets etc.) or how the charges would compare to other car parks in the locality.
- 9.30 With respect to Sandylands, there is an existing *circa* 150 space car park already available on the site which provides free parking for users of the sports facilities. Accordingly, a chargeable car park would have limited appeal to patrons of Sandylands. A number of industrial units are located to the north and east of the site off Engine Shed Lane and Carleton New Road. These premises have their own dedicated parking areas for staff and customers and there is no evidence of unmet parking demand arising from them. A limited number of free on-street parking spaces for these units are also available on Carleton New Road, with the remainder of the highway having waiting restrictions to prevent obstructive parking. Skipton Railway Station has its own car park (*circa* 100 spaces) and on-street parking is also available on Broughton Road. With respect to the town centre, the site is located approximately 1km from Skipton High Street and there are numerous car parking intervening between the site and the town centre in closer proximity for both long (e.g. Cavendish Street, Coach Street and Jerry Croft) and short (e.g. Morrisons and Tesco) stay.
- 9.31 The applicant’s case in favour of the car park relies on the assumption that there is a parking problem in the locality due to a deficiency in provision and unmet demand. There is, however, no objective analysis or evidence to support this assertion and given the availability of various other alternative parking facilities to serve each of the uses mentioned by the applicant, it is considered that any benefits arising from the introduction of the car park would be limited and certainly would not outweigh the substantial harm the development would cause through the loss of playing field land.

Amenity, character and appearance:

- 9.32 Paragraph 58 of the NPPF sets out six principles of good design and paragraph 64 indicates that permission should be refused for development of poor design that fails to improve the character and quality of an area.
- 9.33 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”. Having particular regard to noise, paragraph 123 of the Framework indicates that planning decisions should:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 9.34 The site is bounded by sports pitches and buildings to the south and west, and by industrial units to the north and east. The closest dwellings are located on Carleton Avenue approximately 140m to the southeast and on Broughton Road *circa* 96m to the north.
- 9.35 The application site comprises a flat parcel of open grassland set at a significantly lower level to Carleton New Road. The proposed car park would result in the creation of a hardstanding, tarmac surface across approximately one-third of the site area towards its southern end. The proposed hardstanding surface of the car park would result in the urbanisation of the existing playing field and would create visual clutter where up to 180 vehicles could be parked on the site. Whilst this would reduce the openness of the site, the car park would also be seen in conjunction with the hardstanding tennis courts and go-karting track to the west, and alongside the urban context of industrial units to the north and east. Given the character of surrounding uses, the site's location to the eastern periphery of the Sandylands Sports Centre and the nature of surrounding topography, it is not considered that the proposed car park would have a harmful impact on the character and appearance of the street scene or the surrounding landscape.
- 9.36 The submitted plans and visualisations indicate that the application includes the erection of floodlighting, dugouts, a small stand for spectators and close-boarded timber fencing to separate the retained playing field and the car park. The applicant's supporting statement also refers to the erection of a new equipment store. In spite of this, no detailed plans or elevational drawings showing the dimensions, scale, design or appearance of these features have been provided. The applicant has indicated that the visualisations have been submitted for illustrative purposes only. Nevertheless, it is unclear what (if any) buildings, enclosures and ancillary apparatus are being proposed as part of the application and there is a lack of sufficient detail concerning these elements which prevents a proper assessment of their effects on the character and appearance of the area and the amenity of neighbouring occupiers. In particular, any floodlighting has the potential to cause disamenity due to light pollution and it is considered that the erection of a close-boarded timber fence in the position suggested on the illustrative plans would introduce an oppressive, solid enclosure compared to the weldmesh fencing which is commonplace to the remainder of the site.
- 9.37 The abovementioned buildings, enclosures and floodlighting are not shown on the plans that the applicant has indicated are submitted for determination (drawing nos. 616/SK2A and 616/SK2B), nor are they included in the description of development. As a result, these features do not form part of the scheme and their appropriateness is not being assessed under this application. A separate application for planning permission would be required for the erection of the buildings, floodlighting and fencing shown on drawing nos. 100, 101 and 102.
- 9.38 Immediately adjoining uses are of a leisure and industrial character. The closest neighbouring dwellings are located a minimum of approximately 96m away and are separated from the site by intervening industrial units. When considered in this context (and given that the buildings and floodlighting shown on drawing nos. 100, 101 and 102 do not form part of the application), the proposed development would not have any adverse impact on the amenity of neighbouring occupiers by reason of scale, use, noise or light pollution.

Highway safety:

- 9.39 CDLP policy T2 requires that developments are appropriately related to the surrounding highway network and do not generate volumes of traffic in excess its capacity. In addition, paragraph 32 of the NPPF states that development should provide safe and suitable access for all users and should only be refused on transport grounds where its "residual cumulative impacts are severe".
- 9.40 The application includes works to widen the existing vehicle access off Carleton New Road to 5.5m and the lowering of flanking walls to allow the provision of a 2.4m x 60m visibility splay at the junction of the site access with Carleton New Road. The access track into the site would also be widened to 5.5m to allow two-way traffic flow between the junction and the entrance to the car park, and a 1.5m wide footpath would be provided to the north side of the modified

access road. To its eastern end, the footpath would link with a pedestrian crossing over Carleton New Road to provide a connection with the footway on its eastern flank.

9.41 The Local Highway Authority consider that the visibility splay at the junction of the new access with Carleton is sufficient and are satisfied with the proposed means of pedestrian access between the site and the highway. Accordingly, it is considered that the proposed access arrangements are safe and suitable for the volume and characteristics of traffic associated with the development and would not prejudice highway safety.

9.42 The application is accompanied by a transport assessment which appears to relate to an alternative scheme for a 450 space multi-storey car parking on the site. It is, therefore, of little relevance to the current application. Nevertheless, in the absence of any objection from the Local Highway Authority concerning the level of traffic likely to be generated by the development and its impact on the capacity of the surrounding highway network, it is not considered that there is any reason to conclude that the development would have a severe residual cumulative impact on network capacity.

Flood Risk:

9.43 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding 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.

9.44 The majority of the site falls within flood zone 2 as identified on the Environment Agency's Flood Map. A short strip to the northern end falls within flood zone 3 but this is outside the area proposed for the car park. The proposed car park is considered to constitute "less vulnerable development" for the purposes of the flood risk vulnerability classification set out in the PPG and, accordingly, is appropriate within flood zone 2. Therefore, the main issue to be dealt with in this case is with respect to surface water drainage in order to ensure that the development does not increase the risk of flooding elsewhere.

9.45 A Flood Risk Assessment has been submitted with the application. This includes the following recommendations in terms of surface water drainage:

- The design levels of the surface car park should mimic existing ground levels so that there is no loss of available floodplain or impediment overland flood routes.
- The surface water run-off strategy from the new development is to drain into a nearby watercourse. The peak flow run-off in a 1 in 100 year + climate change storm will be attenuated to 5 l/s in line with best practice.

9.46 The Environment Agency have not raised any objections to the application on flood risk grounds providing that it is carried out in accordance with the details in the Flood Risk Assessment (FRA). The Lead Local Flood Authority LLFA has, however, raised issues with the FRA with respect to: (i) the allowance made for climate change (this should account for an increase in rainfall intensity of 30% rather than 20%); (ii) the need for a drainage layout plan; (iii) the need for a plan showing exceedance flow routes. The LLFA does, however, acknowledge that the surface water discharge restriction of 5 l/s proposed in the FRA is the smallest practicable and advises that the development should ensure that the runoff volume from the developed site from the 1 in 100 year (6 hour) rainfall event does not exceed the greenfield runoff rate for the same event, including appropriate attenuation where necessary. Although the LLFA advises that a detailed drainage strategy should be provided up front to address these requirements, they could also be secured through the imposition of an appropriate worded planning condition.

9.47 The submitted FRA has demonstrated that the proposal is an appropriate form of development within flood zone 2. Although the surface water drainage strategy set out in the FRA would need to be updated and supplemented by a detailed drainage layout in order to address the requirements of the LLFA, this could be secured through an appropriate planning condition.

Accordingly, there is no reason to conclude that the development would be at an unacceptable risk of flooding or increase flood risk elsewhere.

10. **Conclusion**

- 10.1 The application seeks permission to construct a 180 space car park on land used as a playing field located to the eastern end of an existing sports complex. Although the application includes the retention of one adult sized football pitch, an existing mini-soccer pitch to the southern end of the site would be developed as a car park without any replacement provision being made.
- 10.2 The applicant has failed to demonstrate that the playing field land which would be lost as a result of the development is surplus to requirements and has failed to provide any detailed technical information concerning improvements to the retained pitch and/or the delivery of ancillary facilities in a suitable location to ensure that the loss would be replaced by equivalent or better provision in terms of quantity and quality. Accordingly, the application fails to satisfy any of the exceptions where existing open space, sports and recreational land, including playing fields, can be built on and is in conflict with the requirements of paragraph 74 of the NPPF.
- 10.3 As set out in paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. In this case, the economic benefits arising from the construction of the car park are limited. There would, however, be substantial social harm arising from the loss of existing facilities for sports and recreation. This would conflict with one of the core planning principles of the NPPF which supports local strategies to improve the health and wellbeing of communities by delivering facilities to meet local needs. The environmental effects of the scheme would be neutral. Therefore, the adverse effects of granting permission are considered to significantly and demonstrably outweigh any benefits the development would bring and the proposal does not represent sustainable development.

11. **Recommendation**

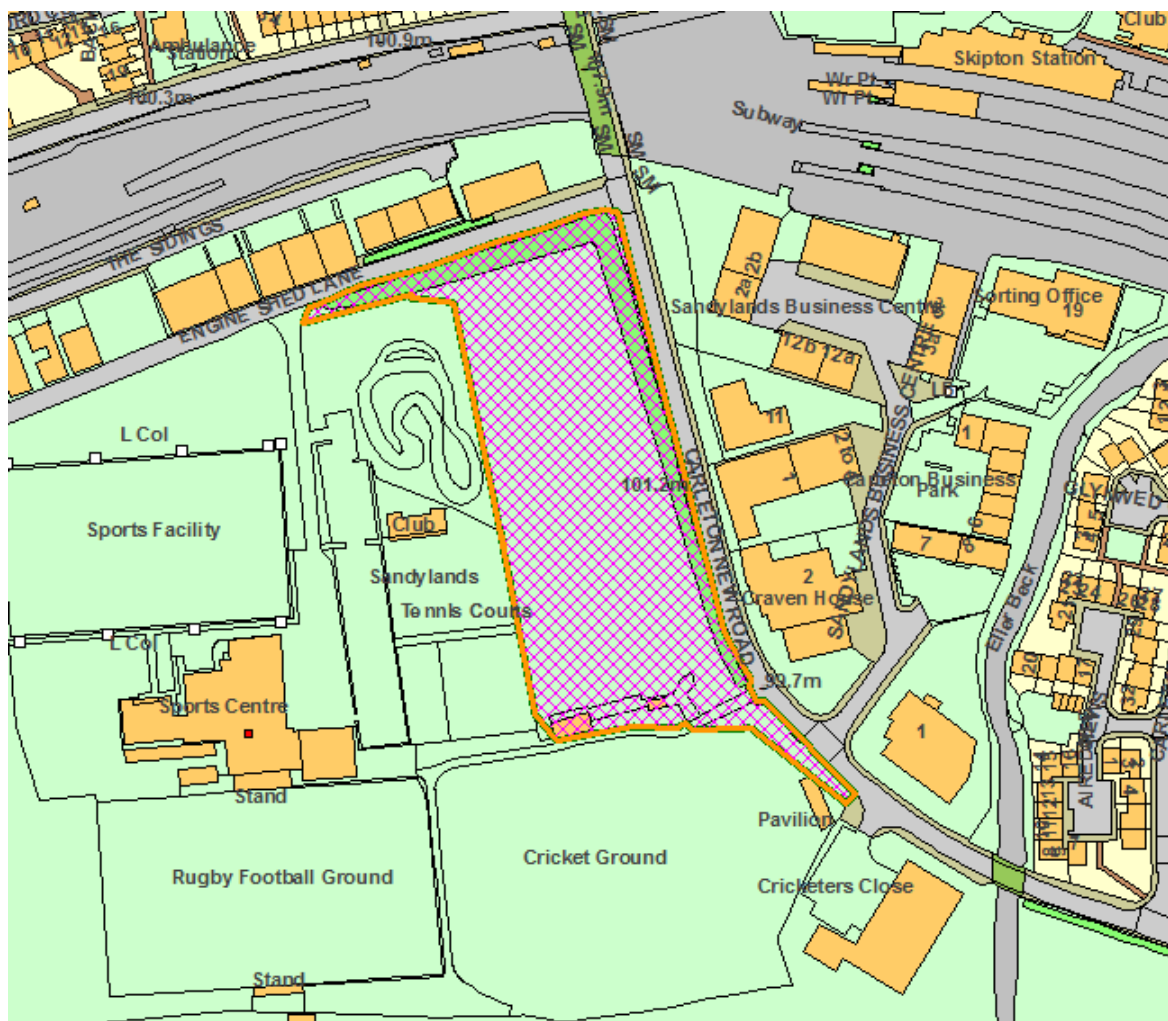
- 11.1 That planning permission is **REFUSED** for the following reason:
1. The application relates to a *circa* 1.4 hectare area of land providing two sports pitches to the east of the Sandylands Sports Centre off Carleton New Road, Skipton. The proposed development would result in the loss of one of these sports pitches without delivering any replacement provision. The applicant has failed to demonstrate that the playing field land which would be lost as a result of the development is surplus to requirements and has failed to provide any detailed technical information concerning improvements to the retained pitch and/or the delivery of ancillary facilities in a suitable location to demonstrate that the loss would be replaced by equivalent or better provision in terms of quantity and quality. The proposed development fails to satisfy any of the exceptions where existing open space, sports and recreational land, including playing fields, can be built on and there are no other benefits arising as a result of the scheme which are sufficient to outweigh this harm. The proposal is therefore contrary to the requirements of paragraphs 17 and 74 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.

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

- Drawing no. 616/ES1 – Existing site.
- Drawing no. 616/SK2A – Sketch design.
- Drawing no. 616/SK2B – Visibility splay.
- Drawing no. 100 – Proposed site plan (illustrative only).
- Drawing no. 101 – Existing and proposed view A (illustrative only).
- Drawing no. 102 – Existing and proposed view B (illustrative only).



Proposal: Proposed new car park (up to 180 spaces), improvements to sports pitch including improved playing surface and marking out of pitch, site access and associated ancillary works.

On behalf of: Dalesway Construction Ltd

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18286/FUL

Proposal: Conversion of barn to dwellinghouse.

Site Address: Calterber Barn Crina Bottom Clapham

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

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.
- 1.2 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

9.1 **Policy background;**

- 9.2 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.

- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 **Principle of development;**
- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 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.

- 9.11 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.
- 9.12 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.
- 9.13 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”.
- 9.14 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.
- 9.15 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.
- 9.16 **Visual considerations;**
- 9.17 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.
- 9.18 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.
- 9.19 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.
- 9.20 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.
- 9.21 **Neighbouring privacy and amenity;**
- 9.22 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).
- 9.23 **Ecology;**
- 9.24 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.

- 9.25 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.
- 9.26 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.
- 9.27 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.
- 9.28 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.
- 9.29 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.
- 9.30 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.
- 9.31 **Highway Safety;**
- 9.32 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.
- 9.33 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.
- 9.34 **Other Matters;**
- 9.35 1. Site still used for agricultural purposes
- 9.36 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.

9.37 2. Open countryside development.

9.38 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.

9.39 3. National Grid High-Pressure Gas Main.

9.40 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.

9.41 **Conclusion;**

9.42 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

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

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18195/FUL

Proposal: Proposed construction of 2 no. detached dwellings with attached double garages on the site of existing redundant farm buildings to be demolished as part of the proposal.

Site Address: Land Adjacent Bayhorse Sutton BD20 7LY

On behalf of: Ms Jackie Rushworth

Date Registered: 13th June 2017

Expiry Date: 8th August 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 comprises 0.16 hectares of agricultural land. The site is east of Ellers Road in Sutton in Craven with access provided from Ellers road south of the Bay Horse pub. Currently on the site are dilapidated agricultural buildings that were last used for storage of agricultural machinery and vehicles.
- 1.2 The site is enclosed by traditional stone walls to the north, west and south. There is currently no formal separation of the site from the agricultural fields further to the south-east.
- 1.3 Located south-west of the site is Gott Hill Farm with residential dwellings to the north of the site.
- 1.4 The site is located on the outside of the border of the development limits of Sutton in Craven so is within open countryside as designated by the 1999 Local Plan. Adjacent to the site is the Bay Horse pub which is Grade II listed. Additionally, the Sutton in Craven conservation area borders the site to the north and west.
- 1.5 The topography of the site inclines from west to east. Further to the east of the site the land slopes steeply to the south-east.

2. Proposal

- 2.3 The proposal is seeking approval for demolition of existing agricultural buildings and the construction of 2 detached dwellings. The dwellings will be 2 storeys with attached single storey double garages. The principal elevations of the dwellings will face north with access gained from the existing access and hardstanding from Ellers Road to the west.

3. Planning History

- 3.3 5/66/496. Proposed development for the purposes of covered feed area for existing loose housing for cattle, land behind Bay Horse Farm, Sutton in Craven. Approved 09/08/1995.

4. Planning Policy Background

- 4.3 Saved Policies ENV1, ENV2, H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

- 4.4 The National Planning Policy Framework (NPPF).
- 4.5 National Planning Practice Guidance
- 5 Parish/Town Council Comments
- 5.3 Sutton in Craven Parish Council: No objections.
- 6 Consultations
- 6.3 Environment Agency: No comments received within statutory consultation period.
- 6.4 NYCC Highways: "There is a slight blind spot to the north where the road widens to access the public house car park but a refusal could not be sustained on appeal". The Highways Authority therefore do not object and recommend conditions regarding parking space retention and a restriction of future conversion of the proposed garages to habitable rooms.
- 6.5 Environmental Health: No objection but recommend a condition regarding reporting of unexpected contamination.
- 6.6 Yorkshire Water: Details submitted confirms that only foul water is to be drained to the public foul sewer located in College road, with surface water draining to Middle Beck, near Beck Lane. On this basis, Yorkshire Water have no observations to make with regards to this proposal.
- 7 Representations
- 7.3 Site notice dated 18th July 2017.
- 7.4 Press notice published 06th July 2017.
- 7.5 Notification letters sent to 18 neighbouring properties.
- 7.6 2 letters of representation were received. Comments have been summarised below:
 - The proposal is out of keeping with the character of the village.
 - The access road to the site has insufficient drainage and water/debris washes across the road to neighbouring properties.
 - The Bay Horse Pub and car park is also due to be developed and the village is at capacity.

Officer's Note: The above bulletpoint refers to applications 2017/18601/FUL and 2017/18602/LBC for the conversion of former Public House to 2 no. houses and demolition of existing front and rear extensions. However, those applications will be considered on their own merits and cannot influence the decision of this application.

 - The height will have a direct effect of the view of the landscape from the objector's property.

Officer's Note: There is no right to a way so the above point is not a material planning consideration.
- 8 Summary of Principal Planning Issues
- 8.3 Principle of development
- 8.4 Visual impact of development on the designated heritage asset.
- 8.5 Impact of development on the amenity of neighbouring properties.
- 8.6 Highway issues.
- 8.7 Drainage issues.
- 8.8 Other issues.
- 9 Analysis
- 9.3 **1. Principle of development.**

- 9.4 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.
- 9.5 The application site lies partially outside but within close proximity to the existing development limits of Sutton in Craven 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.
- 9.6 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.
- 9.7 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 Sutton in Craven). Therefore, while the policy is not entirely relevant, the criteria contained within the policy is considered to be relevant.
- 9.8 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.
- 9.9 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.
- 9.10 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."
- 9.11 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."

- 9.12 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.
- 9.13 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."
- 9.14 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.
- 9.15 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.
- 9.16 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.
- 9.17 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 Sutton in Craven. However, on balance, the site is located adjacent to the boundary and in close proximity to dwellings to the north and west, which are located within walking distance of the centre of Sutton in Craven, although it is acknowledged that there is no footpath for a considerable length of Ellers Road until the Kings Arms pub to the north.
- 9.18 Sutton in Craven has good pedestrian and vehicle connections to local services and facilities (e.g. Primary School, Secondary School, Public House & Local Village Shop). 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.
- 9.19 The site has clearly been developed for agricultural purposes historically. The NPPF defines previously developed land as being 'land which is or was occupied by a permanent structure' however, it excludes 'land that is or has been occupied by agricultural buildings'. Nevertheless, the NPPF doesn't exclude the re-development of land which is not of high environmental value. In this instance, the site is not considered to be of high environmental value and its redevelopment is considered to be more preferable than the development of a greenfield site. As such it is considered that the development of this site would provide environmental benefits which comply with the guidance contained within the NPPF.
- 9.20 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.

Furthermore, the proposed development would not be significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.

- 9.21 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. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.22 In conclusion, the site is outside of the development limits for Sutton in Craven. However, given its close proximity to the village centre which is served by local transport services, connecting Sutton in Craven 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.
- 9.23 **2. Visual impact of development on the designated heritage asset.**
- 9.24 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.
- 9.25 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. The guidance also highlights the importance of design and sets out some objectives for achieving good design. These include the requirements that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials and creating visually attractive developments through good architecture and appropriate landscaping.
- 9.26 The advice of the NPPF is that when determining planning applications that have conservation elements to consider it is necessary to 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 activity; and
 - The desirability of new development making a positive contribution to the local character and distinctiveness.
- 9.27 More specifically the NPPF requires that in assessing planning proposals that may affect heritage assets it is necessary to understand the significance of the heritage asset and to consider whether any harm to that significance would occur as a result of the development.
- 9.28 The NPPF also makes it clear that the more important a heritage asset the greater weight should be given to its conservation and that any harm which may arise would require clear and convincing justification.
- 9.29 Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPAs to pay "special attention to the desirability of preserving or enhancing the character and appearance of that area" in considering whether to grant planning permission or not.

- 9.30 The NPPF also states that LPAs should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.
- 9.31 The application site lies outside the Conservation Area of Sutton in Craven which was designated in 1979. However, the boundary is directly adjacent to the site to the north and to the west. Sutton in Craven conservation area consists of two distinct areas: the original village of Sutton and Sutton Mills to the north-east. The Conservation Area comprises the historic village core, a mix of former agricultural buildings, cottages, textile workers' housing and the dominant Greenroyd Mill. The proposed site is outside of the designated conservation area. However, proposals outside of designated conservation areas can still have an impact upon its setting and significance.
- 9.32 The proposed dwellings would be two storeys in height and located with relatively large plots. It is acknowledged that the dwellings would be of a substantial scale, however, within the surrounding area there are a number of large detached properties set within large grounds of land. As such the proposed dwellings in terms of scale and layout would not appear out of place.
- 9.33 With regards to the detailing of the dwellings, the surrounding area comprises traditional vernacular designed dwellings with common architectural features present. The proposed dwellings would be constructed from similar materials to those used in the construction of nearby dwellings thus further ensuring that the development harmonises with the immediate area and wider conservation area.
- 9.34 The proposal also proposed hard and soft landscaping with grassed areas to the amenity spaces of the dwellings and the provision of traditional stone built boundary walls to the east of the site. Whilst details submitted are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal.
- 9.35 In conclusion, it is considered that the proposal to develop this site for housing could be achieved in a way that would visually relate to the existing character of the area. Furthermore, any potential landscaping, once mature would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims and objectives of the NPPF.
- 9.36 **3. Impact of development on the amenity of neighbouring properties.**
- 9.37 Within the Core planning principles of the NPPF at paragraph 17 it states that the planning system should, amongst other things, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.
- 9.38 The nearest dwelling outside of the ownership of the applicant is No. 44 Greenroyd Grove to the north. The separation distance is in excess of 45m principal elevation of Plot 2. The principal elevations of the dwellings have several windows to habitable rooms including bedrooms and bathrooms at first floor level and to kitchen and living room areas at ground floor level. Those window openings would face north toward the side and rear elevations of No. 44 Greenroyd Grove. The side elevation of the property has no window openings to the main gable but does have a conservatory. The rear elevation has windows to habitable rooms and further toward their rear amenity area. However, it is considered that due to the separation distance of the proposed dwellings from No. 44 that this would not result in any unacceptable loss of privacy or amenity. Similarly, the proposal would not result in any overshadowing or appear dominant when viewed from any habitable room or private amenity area at this property.
- 9.39 With regards to the potential impact of the development on other residential dwellings, namely Bay Horse Farm and Bay Horse Barn to the north-west and No's 2-8 Overburn to the west. It is considered that the separation distances are sufficient to ensure that the occupiers of these dwellings do not suffer any adverse impact as a consequence of any subsequent approval.
- 9.40 The submitted drawings show that the proposed dwellings would provide sufficient residential accommodation to meet the needs of any future occupiers of these dwellings. Furthermore, each dwelling would have its own private amenity area.
- 9.41 It is therefore considered that the proposed scheme would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable

residential accommodation for any future occupiers of these dwellings. It therefore meets the aims and objectives of the NPPF that seeks to ensure a high quality of amenity for all existing and future occupiers of development.

9.42 **4. Highway issues.**

9.43 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic volumes in excess of the capacity highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

9.44 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.

9.45 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'.

9.46 The proposal is seeking to utilise an existing vehicle access from Ellers Road to the west and provide off street parking for both the residential dwellings. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.

9.47 NYCC Highways has been consulted and raised no objection to the proposal on highway grounds. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

9.48 **5. Drainage issues.**

9.49 Local residents have expressed concerns about surface water run-off and drainage from the site access road. The proposal would utilise the existing access. The only additional hardstanding would be in the form of stone cobbles to the parking area. This surface is considered to be a permeable surface which would not increase surface water run-off at this area of the site. The positioning of the dwellings is on the site of the existing agricultural buildings so would not create additional surface water run-off. Details submitted show no increase of impermeable surfaces within the site and additionally indicates extensive soft landscaping. While the soft landscaping is indicative at this stage, it is considered that an appropriate condition regarding landscaping details can be attached to control this issue.

9.50 Though concerns were not raised regarding the disposal of foul waste, the issue needs to be considered. The proposed site plan indicates that the foul sewage would be disposed of by virtue of connection to the mains sewer to the west on Ellers Road subject to the agreement of Yorkshire Water. Subject to implementation this solution is considered appropriate. A condition is to be attached to ensure foul and surface water is disposed of on different systems.

9.51 **Conclusion**

9.52 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.*

9.53 In this case it is accepted that the proposal would have a visual impact on the rural character of the area. However, this impact does not significantly and demonstrably outweigh the benefits provided by the proposal in terms of boosting the supply of housing and the provision of both economic and social benefits and is therefore considered acceptable.

10 **Recommendation**

10.3 To grant approval subject to the following conditions.

Conditions

Time Limit for Commencement

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

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

Approved Plans

2. The permission relates to the following plans:

- Drawing No. 01 received 09th June 2017.
- Drawing No. 02 received 09th June 2017.
- Drawing No. 03 received 09th June 2017.
- Drawing No. 04 received 09th June 2017.
- Drawing No. 05 received 09th June 2017.
- Drawing No. 06 received 09th June 2017.
- Details contained within the Design and Access Statement received 09th June 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.

Before You Commence Development

3. Prior to the commencement of development on site, a scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.

The approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area.

4. Prior to the commencement of development on site, a scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme. All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area.

5. Development shall not commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate parking arrangements during construction in the interests of highway safety.

During Building Works

6. Should any unexpected 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 agreed 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 the 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'.

Before The Development Is Occupied

7. All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved plans. The approved boundary treatments for each dwelling shall be completed prior to the occupation of the dwellings, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

Reason: In the interests of visual amenity and residential amenity.

Ongoing conditions

8. Prior to their first use, samples of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

9. 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) the areas shown on the approved plans 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.

10. 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 dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to retain a degree of control over the development having regard to the sensitive location of the dwellings within the open countryside.

11. 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) the garages hereby approved shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

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

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

Informative

1. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk)
2. 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.

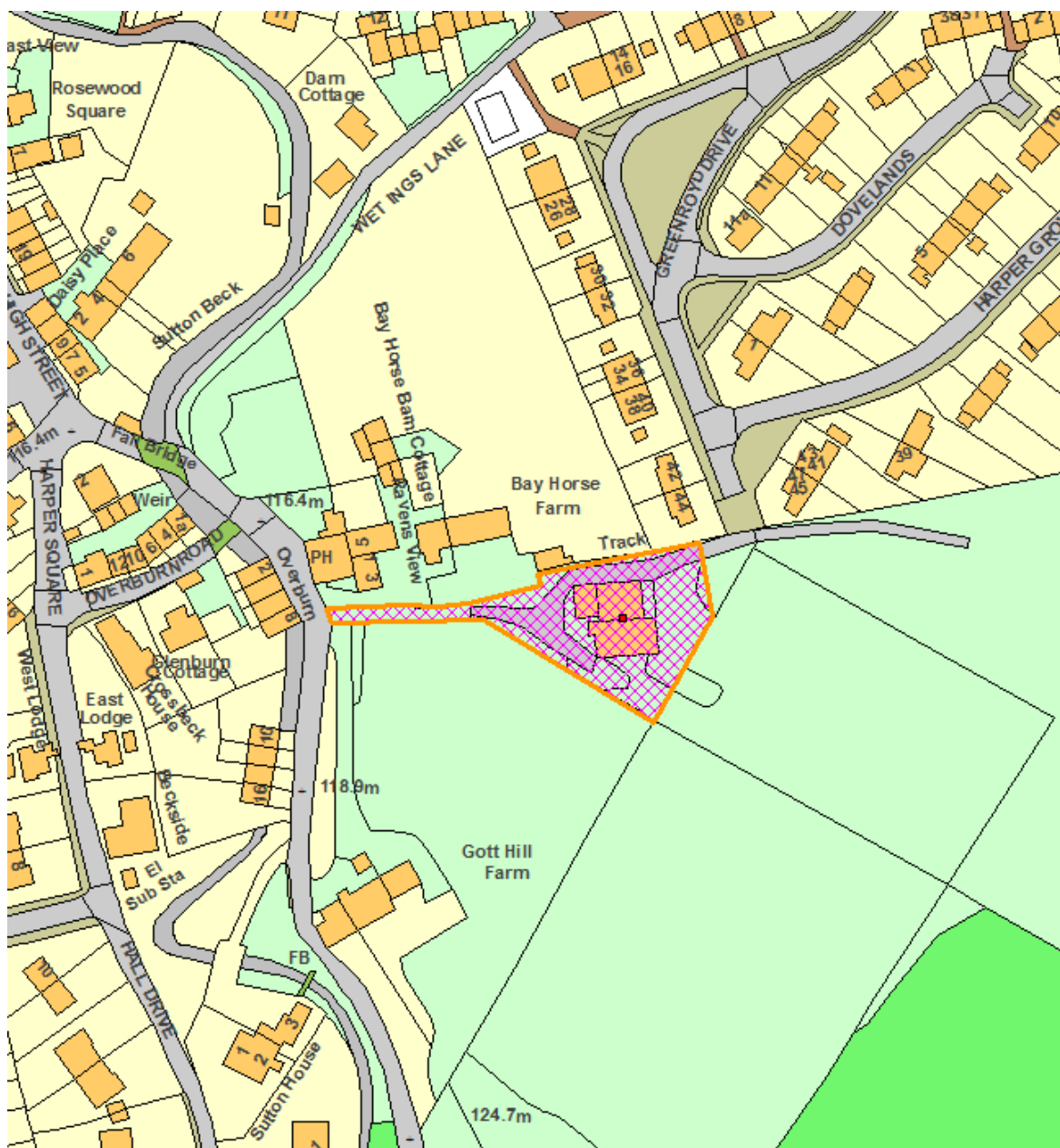
The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil.

Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

3. The applicant is advised that the removal of any potential asbestos containing materials present on site should be 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.
4. With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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: 2017/18195/FUL

Proposal: Proposed construction of 2 no. detached dwellings with attached double garages on the site of existing redundant farm buildings to be demolished as part of the proposal.

Site Address: Land Adjacent Bayhorse Sutton BD20 7LY

On behalf of: Ms Jackie Rushworth

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18303/VAR

Proposal: Application to vary condition 3 of planning consent reference 18/2015/15338 to amend the lodge type and design of 7 no. lodges

Site Address: Flying Horse Shoe Caravan Site Clapham Lancaster LA2 8ES

On behalf of: Mr Myles McCarthy

Date Registered: 22nd June 2017

Expiry Date: 17th August 2017

Case Officer: Mr Neville Watson (Mrs Cathy Dakin)

A decision on this application was deferred Planning Committee on 23 October 2017. Details have now been received confirming that the existing and proposed lodges will be finished with "Acadia" colour/cladding (sage green). The report below is amended accordingly.

1. Site Description

- 1.1 The application site comprises land to the east of the former Flying Horse Shoe Hotel (a grade II listed building) that is now in use as residential flats.
- 1.2 The site has planning permission for holiday static caravans and lodges. To date one holiday lodge (plot 6) is occupied and another (plot 1) has been positioned on site but has not been sold. The adjoining land immediately to the north of this site is now operating as 'The Flying Horseshoe Caravan Park' where static caravans are sited and in use as holiday accommodation.
- 1.3 The application site is outside development limit boundaries identified by the Adopted Local Plan and is therefore classed as open countryside. The site also falls within the boundaries of the Forest of Bowland AONB. Numerous mature trees enclose the site and are protected by a preservation order.

2. Proposal

- 2.1 To vary planning permission 18/2015/15338 by siting 7 no. Atlas 'Laburnum' lodges with decking and balustrade (instead of the previously approved 'Contemporary' or 'Ikon' Lodges which, according to the planning statement submitted with this application, are no longer available).

Officer Note: the application form originally stated that the condition to be varied was condition 3 of 18/2015/14488 but the case officer has realised that planning permission 18/2015/15338 supersedes that application and the same condition was attached (number 3).

- 2.2 Each proposed lodge measures approximately 12m x 6m with a height of 2.9m[CD1]. The walls are of "Acadia" green cladding, grey pantile style metal roof tiles, grey pvc window frames, local stone plinth, timber entrance steps, black rainwater gutters and pipes.
- 2.3 Plots 1, 2, 3 & 4 have a decked area measuring approximately 3.2m x 1.2m with stainless steel handrails and balustrade, armoured glass panels and deck edging coloured mais stain.
- 2.4 Plots 5, 6 & 7 have a wrap-around decking area of the same materials referred to in paragraph 2.3 above.

- 2.5 The application is made under Section 73 of the Town and Country Planning Act 1990. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 3 Planning History
- 3.1 Planning Enforcement Investigation 2631/17: Alleged breach of planning control - white plastic boarded bungalows on site instead of lodges. No representations have been received about the planning application itself but it was requested as the result of a planning enforcement investigation. The original complaint received queried whether 'white plastic' was appropriate in the Forest of Bowland and stated that 'everyone around believed them to be log cabins which is a completely different concept to the caravans pretending to be bungalows that are being erected'.
- 3.2 18/2015/15563: Proposal to form new opening in stone wall within curtilage of grade II listed building. LBC 02/06/15. Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been implemented
- 3.3 18/2015/15338: New highway access and revised layout to approved application 18/2014/14488 (Change of use from touring caravans, caravan storage and holiday cottages to holiday static caravans and lodges). C/A 18/02/15. Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been implemented
- 3.4 18/2014/14488: Change of use from touring caravans, caravan storage and holiday cottages to holiday static caravans and lodges. C/A 08/05/17.
Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been superseded by 18/2015/15338.
- 3.5 18/2011/12213: Application to discharge condition 9 to previous approval 18/2009/10122. Information satisfactory to meet requirements of condition – approved.
- 3.6 18/2010/11276: Permission granted for discharge of condition 2 on planning consent 18/2010/10930 requiring the submission of landscaping details. Approved 8th February 2011.
- 3.7 18/2010/10930 Permission granted for revised use of land for holiday caravans, caravan storage, camping site, recreation and play area and site wardens caravan. Approved 25th October 2010.
- 3.8 18/2009/10122 Application approved for extension of time limit for implementation of approved permission 18/2006/6802. Approved January 2010.
- 3.9 18/2009/9122: Removal of condition 6 of approved permission 18/2006/6802 (Condition 6 currently prevents the use of the proposed manager's accommodation until such a time as the new proposed holiday cottages have been Constructed). Refused.
- 3.10 18/2006/6802 Application approved in January 2007 for the construction of 8 no self-contained holiday cottages together with manager's accommodation (on land to the east of the former hotel).
- 3.11 Other applications that relate to the site are 18/2000/0275, 18/2000/0425, 18/2001/1754, 18/2002/2699, 18/2003/3887, 18/2004/4816, 18/2005/5645, 18/2005/6003, 18/2007/8138, 18/2009/9394 but the relevant applications are listed 3.1 to 3.10.
- 4 Planning Policy Background
- 4.1 National Planning Policy Framework (2012)
- 4.2 Planning Practice Guidance (2012)

- 4.3 Saved Policies ENV1, ENV2 and EMP16 of the Local Plan.
- 5 Parish Council Comments
- 5.1 None
- 6 Consultations
- 6.1 **Environmental Protection CDC:** No objection as the variation still complies with model standards. However, the licence will need wording change should this application be agreed and licence owner should make contact.
- 6.2 **North Yorkshire Highways (28/07/17):** No Local Highways Objections.
- 6.3 **Natural England:** None
- 6.4 **AONB Officer:** None
- 6.5 **CDC Trees Officer:** None
- 7 Representations
- 7.1 None.
- 8 Summary of Principal Planning Issues
- 8.1 Principle of the development
- 8.2 Visual impact of the proposal
- 8.3 Impact of the development on the amenity of neighbouring properties.
- 8.4 Impact of the development on the setting of the listed building.
- 9 Analysis

Principle of the development

- 9.1 The principle of development has already been established by the granting of planning permissions 18/2014/14488, 18/2015/15338 and 18/2015/15563. It has been accepted that, whilst saved local plan policies ENV1 and EMP16 are restrictive in terms of what would be permissible in open countryside locations, the NPPF is supportive of rural business and it was considered by the Local Planning Authority that this site was acceptable in principle for chalets (and static caravans) but it would need to be acceptable in visual terms and all other planning considerations

Visual impact of the development

- 9.2 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. The NPPF also requires that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.
- 9.3 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 the immediate impact and public views of the development.
- 9.4 Saved Policy EMP16 requires that sites are well screened by landforms or existing landscaping from key viewpoints and is of a scale of development in context with its surroundings. The site

should also be of a high standard of layout, design and landscaping with the caravans and chalets satisfactorily blending into the landscape in terms of their siting, colour and materials.

- 9.5 The 'Wessex Contemporary' Lodge previously approved had walls with a dark brown stain finish, grey roof tiles and black/grey window frames. The 'Ikon' Lodge previously approved had cream cladding walls with a cedar panel and glazing in the gable and 8 no. narrow, tall glazed windows with white frames in the side elevations. The roof tiles were grey.
- 9.6 The Atlas 'Laburnum' Lodge now proposed has less windows/glazing than those previously approved and so more of the cladding is visible. However, the revised colour green is more muted and it is considered will have less visual impact. In addition, this proposal is for lodges that are not sat on the ground but are raised by approximately 600mm.[CD2]
- 9.7 Site visits have been undertaken by Council Officers on 25/04/17 (planning enforcement visit), 27/07/17 and 25/08/17 (assessment of this application) and during the second and third visits (summer) the existing mature trees and new planting did screen the site from the highway/footpath to the south east and it is anticipated that as the planting matures the site will be further screened. The existing stone wall screens the lodges from the (green) static caravans to the north east and the existing mature trees (protected by a TPO) screens the site from the public viewpoints to the south west.
- 9.8 Whilst there is a boundary fence separating the Flying Horseshoe residential properties to the north-west there will be some overlooking of the site from the windows of those residential properties. However, there is a recreation area adjoining the boundary and trees and a hedge is to be planted.
- 9.9 The proposed development is therefore considered to have an acceptable visual impact on the character and appearance of the surrounding area meeting this requirement of the NPPF and Saved Policies ENV2 and EMP16 of the Local Plan.

Impact of the development on the amenity of neighbouring properties

- 9.10 The 7 no. holiday lodges to which this application relates are/will (1 is in occupation already) be used for holiday accommodation. Neighbours to the north east are also holiday makers staying in the static caravans on 'The Flying Horseshoe Caravan Park'. The use of the site for holiday accommodation has taken place for many years. The current owner gained planning permission in 2015 and the site to the north east was cleared of the touring caravans that previously were sited there and new statics were brought on. To the south west are a number of residential apartments and cottages.
- 9.11 No representations have been received about the use of the site and it is considered appropriate to recommend approval as there is no known detrimental impact on the amenity of neighbouring properties.

Impact of the development on the setting of the listed building.

- 9.14 It is not considered that the proposed alternative materials and design of the 7 no. lodges will have a detrimental impact on the setting of the listed building (former Flying Horseshoe now in residential use as apartments) and the proposal is therefore acceptable.

Analysis of the conditions attached to planning permission 18/2015/15338

- 9.15 Condition 1: Planning permission expires 18/02/18 if not implemented. Case Officer visited site in March 2015 at which point the site had been cleared of the touring caravans. During a site visit

by the Council's Trees Officer on 03/08/16, statics were on land and the use of the site had begun. No need to re-attach as the development has commenced.

- 9.16 Condition 2: Drawing FS/P/10 was submitted and subsequently approved by 18/2015/15338 to show the layout of the whole site, which is made up of 20 no. static caravans and 7 no. lodges. The red line site plan and layout drawing submitted with this application (FS/P/20) shows only the layout of the 7 no. lodges. Therefore in this case, planning application 18/2015/15338 was implemented and relates to the 20 no. statics and this new application relates to the 7 no. lodges. Attach condition.
- 9.17 Condition 3: This application has been submitted to vary condition 3 about the types of lodges that can be sited. This condition needs to be re-worded and re-attached.
- 9.18 Condition 4: Development underway but not complete. Re-attach
- 9.19 Condition 5: Ongoing compliance required, re-attach. Agent has confirmed in writing (05/09/17) that the caravans are for holiday use only.
- 9.20 Condition 6: Ongoing compliance required, re-attach.
- 9.21 Condition 7: Bin storage and refuse collection, details were supposed to be discharged prior to the first use of any of the static caravans or lodges. No discharge of condition has been submitted and approved. The agent has written (05/09/17) to advise that his client would like to deal with this by varying the condition and dealing with it through this application and plans were submitted. The case officer has advised that consultation will be necessary and this would extend the timescale for determination of this application.
- Officer Note: 25/09/17: The agent has verbally confirmed that his client wishes this application to be determined on the basis it was submitted and that a separate application will be submitted within two weeks to deal with condition 7. There is currently a breach of condition 7, however, there have not been any complaints about this to date and on that basis the condition will be re-worded and reattached as condition 5.
- 9.22 Condition 8: The condition will need re-wording as the agent has advised in writing (05/09/17) that static caravan No. 8 is now being used. Re-attach referring to static 8.
- 9.23 Condition 9: The case officer asked the agent about this. He replied (05/09/17) to confirm that the land on which planning permission 18/2009/10122 was granted is now in the ownership of the applicant. They believe that planning application 18/2009/10122 was installed but the lodges approved by 18/2014/14488, which was superseded by 18/2015/15338, are now on that site and so the application will not be implemented. Re-attach for certainty.
- 9.24 Condition 10: The lighting has not yet been installed as the site is not yet complete. Compliance required, re-attach condition.
- 9.25 Condition 11: The agent has confirmed compliance with the requirements of the condition (05/09/17). Do not re-attach.
- 9.26 Condition 12 was required before any access or egress by any vehicle. The agent has confirmed that the visibility splay to the north is unobstructed but visibility to the south requires the wall to be reduced from apx 1.3m to 1.0m and this work will be carried out soon. It therefore appears that there was a breach of planning control.

10 Recommendation

10.1 Approval with conditions.

Conditions

(1) This permission relates to the following plans:

- FS/P/20 received by Craven District Council on 21st June 2017.
- Letter sent by email from Colin Holmes to Craven District Council, dated 05 September, reference CSH/Flying Horseshoe/03/variation.

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 saved policies of the Craven District Local Plan and the National Planning Policy Framework.

(2) The Lodges hereby permitted shall be of the Atlas 'Laburnum' Lodges with decking and balustrade of the design only as indicated on drawing FS/P/20 received by Craven District Council on 21st June 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To specify the permission and for the avoidance of doubt as to what is permitted.

(3) The approved planting scheme as part of 18/2015/15338, that includes replacement planting for trees that are to be felled, shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest. 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. The 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 of a similar size to that originally planted.

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

(4) With the exception of the approved warden's caravan (identified to be No. 8 in the letter from Colin Holmes dated 05/09/17), the lodges and caravans on the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence

(5) The owners/operators shall maintain an up-to-date register of all the names of all owners/occupiers of individual caravans and lodges on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason (for conditions 4 & 5): The occupation of the caravans as a main or sole residence would be contrary to national and local planning guidance within the NPPF and Saved Local Plan Policy ENV1 of the Craven (outside the Yorkshire Dales national Park) Local Plan.

(6) Within two months from the date of this approval details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage and refuse arrangements for the site, and of the gas tank storage area. The approved details for the bin storage and refuse arrangements for the site and of the gas tank storage area shall be implemented within six months from the date of this approval and permanently retained for use thereafter.

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

(7) The static caravan identified as warden's accommodation (identified to be No. 8 in the letter from Colin Holmes dated 05/09/17) shall be used as warden's accommodation only and its' occupation shall be limited to a person solely or mainly employed as a warden in connection with the use of the land as a caravan site.

Reason: The permanent residential occupation of the caravan has only been justified in support of the chalet and caravan site and would only meet the requirements of the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan if the occupation was by a site warden.

- (8) The warden's static caravan (identified to be No. 8 in the letter from Colin Homes dated 05/09/17) approved by this consent shall not be residentially occupied if the managers accommodation approved and implemented under planning approval reference 18/2009/10122 is built and occupied. In such circumstances the warden's static caravan shall be used only as holiday accommodation only in accordance with the requirements of conditions 6 and 7 of this planning permission.

Reason: The site is a relatively small scale development and the provision of 2 worker's units has not been justified and is unlikely to be acceptable in line with the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

- (9) The lighting shall be installed on the site in accordance with the details submitted to the Local Planning Authority as part of planning application 18/2015/15338. These are a letter from Colin Holmes dated 10th January 2015, an email from Colin Holmes dated 27th January 2015 and the associated annotated 'general arrangement, layout plan' drawing number P6/P/10 received by Craven District Council on 5th January 2015, and shall be retained as such thereafter.

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

- (10) Visibility splays are to be provided giving clear visibility of 60 metres measured along both channel lines of the major road 'Station Road, Clapham' from a point measured 2 metres down the centre line of the access road. The eye height will 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 accordance with Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of road safety.

- (11) Within three months of the date of this decision the existing white lodges on the site shall be reclad and or painted "Acadia " green and thereafter retained in that colour.

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

Informative

Craven District Council Environmental Protection has advised that the variation still complies with model standards, however, the licence will need wording change on approval of this application and the licence owner should make contact to deal with this issue.

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: 2017/18303/VAR

Proposal: Application to vary condition 3 of planning consent reference 18/2015/15338 to amend the lodge type and design of 7 no. lodges

Site Address: Flying Horse Shoe Caravan Site Clapham LA2 8ES

On behalf of: Mr Myles McCarthy

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18153/FUL

Proposal: Proposed replacement of existing timber windows with double glazed UPVC frames.

Site Address: Regal Buildings Keighley Road Skipton BD23 2LT

On behalf of: Mr Philip Cartman

Date Registered: 23rd May 2017

Expiry Date: 18th July 2017

Case Officer: Mrs Gemma Kennedy

This application has been referred to Planning Committee by Councillor Heseltine through the 7-day notice process.

1. Site Description

- 1.1 'Regal buildings' is a substantial 3 storey building constructed circa 1929 located on Keighley Road, Skipton, opposite the Bus Station. Formerly the 'Regal Cinema', in more recent years the building has operated as a nightclub alongside a bar and 2 shop units.
- 1.2 The building currently has art deco style white painted timber windows, with a circular pane in each 6 pane window. In terms of the remainder of the building, the ground floor consists of an arched entrance (to the nightclub) with shops to the left and an entrance to a bar to the right. The stonework and fascias to the nightclub and bar entrance are painted black, with the remainder of the building painted magnolia and peach colours.
- 1.3 The property is located in Skipton's Conservation area and within development limits.

2 Proposal

- 2.1 Planning permission is sought for the replacement of 18 timber framed windows at first and second floor level in the south and west elevations with dark grey Upvc. Planning permission is also sought for a replacement window and door in the ground floor of the south elevation.
- 2.2 The replacement casement windows comprise six square-shaped panels separated by thick frames with a mixture of internal and external cross glazing bars. The application is partly retrospective; on the west elevation 6 out of 15 windows have been replaced, and on the south elevation a first floor window has been replaced along with a window and door at ground floor level.

3 Planning History

- 3.1 5/63/1639/AA – Various advertisement signs. Approved 1989.
- 3.2 5/63/1639/E/AA – Illuminated signs. Refused 1999.
- 3.3 63/2000/0293 – Fascia signs. 15/05/2000
- 3.4 63/2005/5470 – Café bar entrance, disabled ramp and internal alterations. Approved 08/08/2005.
- 3.5 63/2007/7106 – Erection of new smoking terrace. Refused 13/03/2007
- 3.6 63/2007/7766 – Canopy to frontage. Refused 28/09/2007

4 Planning Policy Background

4.1 The National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (nPPG)

5 Parish/Town Council Comments

- 5.1 Skipton Town Council: "Members object to this proposal. Timber should be used and not UPVC as this is one of the first buildings you see in Skipton Town Centre and its integrity should be kept." Received 05/09/2017

6 Consultations

- 6.1 Hinchliffe Heritage (Heritage Consultant): Recommends that a) the applicant be requested to amend the proposals to comply with suggestions set out in the heritage consultant's report, but if he does not agree to do so, b) the application be refused and that enforcement action be authorised to require the removal of the windows which have already been replaced. Received 29.09.17

7 Representations

- 7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the development is considered to affect the character and appearance of the conservation area notices have also been posted on site and in the local press. No representations have been received.

8 Summary of Principal Planning Issues

- 8.1 The impact of the development upon the character and appearance of the building, street scene and Conservation area.

9 Analysis

9.1 **Policy background;**

- 9.2 At the heart of the National Planning Policy Framework (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. Paragraph 14 of the Framework sets out 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 the Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

- 9.3 There are no Saved Local Plan policies relevant to the application proposal, and so the development plan is silent with regard to this development. As such the application falls to be considered under the second bullet point, a footnote to which clarifies that the "specific policies" referred to include "those policies relating to [...] designated heritage assets". Chapter 12 of the NPPF is relevant in this regard.

- 9.4 Paragraph 131 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 132 – 134 go on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be lost through alteration or destruction of a heritage asset, and consideration must be given to whether a proposal would result in substantial harm to, total loss of, or less than substantial harm to, a heritage asset. Paragraph 134 of the NPPF sets out 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.

- 9.5 One of the core principles set out in paragraph 17 of the NPPF 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 and buildings.”* Paragraph 56 of the NPPF details the great importance the Government attaches to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.6 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.”
- 9.7 **Visual and Heritage considerations;**
- 9.8 The application property is an imposing building located in a prominent position on Keighley Road, within Skipton’s Conservation area. The building is situated within a mixed street scene which consists of a variety of scales and styles of buildings from different periods, and is one of a number of key buildings which contribute to the historic character within this part of the Conservation area. The application property is located opposite Skipton bus station and Waller Hill car park which provide an open setting to the frontage of the Regal Buildings. As such the application property, and its neighbours, are particularly visible from the bus station, car park and Gallows Bridge (a footbridge over the Leeds/Liverpool Canal) as well as from the flanking roadside of Keighley Road.
- 9.9 The building itself makes a substantial contribution to the character and appearance of the Conservation area. It is a unique building, the fabric of which includes dressed stone, substantial quoins with chamfered margins, ornamental columns, ornate window surrounds and decorative detailing to a raised central parapet. The existing windows are single glazed white timber frames, with all the first and second floor windows on the front and side elevations (apart from 4 smaller windows on the front elevation) incorporating a single circular pane of glass, in an ‘art deco’ style. With the original building constructed in 1929, the style of the windows reflects the age of the building, significantly contributing to its unique character. The windows are however not the original ones; the application has been submitted with a photograph taken circa 1935 showing dark painted ‘six over six’ Georgian sliding sash timber windows. It is not clear when the existing windows were installed. There are, nonetheless, attractive additions that complement the character and era of the original building.
- 9.10 The proposal is to replace the existing slender timber windows with thicker-framed casement windows finished in dark grey Upvc. The replacement windows comprise six square-shaped panels incorporating cross glazing bars which the applicant opines more closely replicate the original appearance of the building.
- 9.11 The Design and Access statement sets out that the applicant intended to install a sample window at second floor level where the pattern and colour could be assessed; however a total 8 windows and a door have been installed without planning approval.
- 9.12 Whilst an attempt has been made to replicate the original Georgian windows, the detailing fails to achieve this. The original Georgian windows consisted of sliding sash timber frames with slender bars supporting 6 panes of glass in each. The proposed windows, some already installed, are split into 6 panels of glazing. Whilst the main frame itself is reasonably slim for a Upvc installation, the provision of a side-opening casement (2 panes of glass within a frame with a vertical emphasis) creates a bulky, overlapping profile which adversely affects the symmetry of the design. Furthermore each of the 6 panels is divided into 4 with the provision of internal glazing bars which can only be clearly seen at close range. The Council’s Heritage Consultant

considers the windows to represent a very poor attempt at replicating the original timber sliding sash windows for a number of reasons;

- the over-thick frames of the opening lights create an inappropriate asymmetrical appearance,
- the opening lights are side-hung, rather than vertically sliding,
- the principal divisions are not horizontal central rails,
- The upper half is not in a plane forward of the lower plane,
- The panes have internal “mock” glazing bars and none of the frames have suitable mouldings,
- the frames are made of Upvc.

- 9.13 With regard to the use of Upvc, the Council’s Heritage Consultant states that whilst Upvc windows are rarely entirely acceptable in historic buildings, some companies do manufacture upvc windows with detailing, methods of opening and general appearance, which do reasonably replicate vertically sliding painted timber sash windows from a distance. The Consultant therefore makes a constructive suggestion, that Upvc windows could still represent an enhancement on the existing situation, providing they are designed to replicate sliding sash windows as closely as possible. The Heritage consultant advises that unless the application is amended in line with this recommendation, planning permission should be refused.
- 9.14 The existing windows are an attractive and unique design feature on the existing building, and it is considered that their loss would harm the character and appearance of the building and the contribution it makes to the Skipton Conservation area. It is also considered that the proposed replacement windows, some of which have already been installed in the building, would fail to preserve or enhance the character and appearance of the building and the Conservation area.
- 9.15 It should also be noted that Skipton Town Council has objected to the application, considering that timber windows should be used in place of Upvc.
- 9.16 **Conclusion;**
- 9.17 The proposed replacement windows are considered to result in harm to the heritage asset by failing to preserve the character and appearance of the Skipton Conservation area. The harm caused is not considered to be ‘substantial harm’ (which Planning Practice Guidance states is a high test, which may not arise in many cases) but is ‘less than substantial harm.’ Paragraph 134 of the NPPF sets out 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.
- 9.18 In this instance the public benefits would be those set out in the Design and Access statement; “to maintain the fabric of the building to attract new tenants and/or present the building in its best form for possible future use.” However, there is no evidence provided with the application to suggest that the existing windows could not be repaired or secondary glazing installed, or that alternative visually appropriate replacements could not be installed to achieve the same aim. It is therefore considered that the harm that would be caused to the heritage asset would not be outweighed by the public benefits.
- 9.19 Paragraph 14 of the Framework sets out that 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 Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 9.20 Specific policies in the NPPF, in particular paragraph 134, indicate that development should be restricted in this case and the application is therefore recommended for refusal.

10 Recommendation

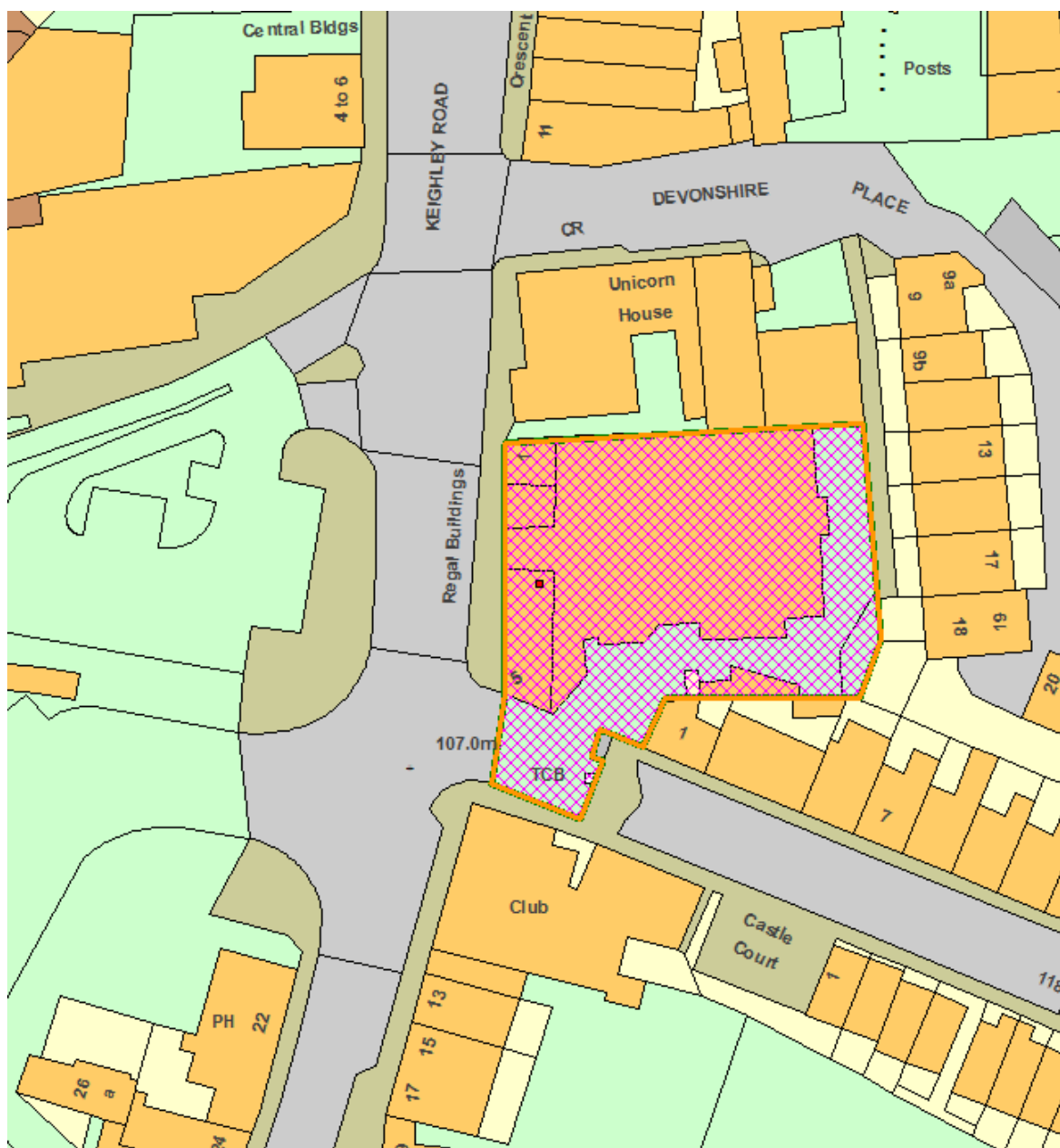
10.1 Refuse

Reason for refusal

1. The existing windows are attractive and unique design features which, by virtue of their style, materials and detailing, make a substantial contribution to the character of the host building and the appearance of the conservation area. The replacement Upvc windows, by reason of their unsympathetic materials, bulky frames, asymmetrical appearance, side-opening profile and internal cross glazing bars, would fail to preserve or enhance the character and appearance of the host building and the Skipton Conservation Area, and would erode its significance as a heritage asset. The harm arising from the development would not be outweighed by any public benefits. Therefore, the proposal is not sustainable development and is in conflict with the requirements of paragraphs 14, 17 and 134 of the National Planning Policy Framework, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.



Application Number: 2017/18153/FUL

Proposal: Proposed replacement of existing timber windows with double glazed UPVC frames.

Site Address: Regal Buildings Keighley Road Skipton North Yorkshire BD23 2LT

On behalf of: Mr Philip Cartman

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18400/VAR

Proposal: Application to vary condition no. 3 of planning permission 63/2015/15335 to extend opening hours Monday to Thursday 9am - 11pm, Friday to Saturday 9am to 12 midnight and Sunday 9am to 10pm and condition no. 5 to allow a wider menu for the serving of hot food.

Site Address: 1 Victoria Square Skipton BD23 1JF

On behalf of: Mrs Lorraine Forshaw

Date Registered: 25th August 2017

Expiry Date: 20th October 2017

Case Officer: Andrea Muscroft

The application is referred to Planning Committee as an earlier application ref: 63/2015/15335 was considered by Planning Committee February 2015.

1. Site Description

1.1 The application site is a one and half storey relatively modern building located within Victoria Square just off the High Street of Skipton. To the front is a large timber/glazed frontage leading into commercial floorspace with storage on the mezzanine floor.

1.2 The application site is within the development limits, Core Retail Area and designated Conservation area of Skipton. In addition, the frontage of the unit falls within 2 Article 4 Directions which restrict:-

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.

1.3 *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*

1.4 The site also lies partially within Flood Zone 2 as identified by the Environment Agency.

2 Proposal

2.1 The proposal is seeking to vary conditions 3 to extend the opening hours of the drinking establishment (A4) and condition 5 to provide a wider range of food.

2.2 The conditions read as follows:-

2.3 Condition 3

2.4 The A4 use hereby approved shall not be open for business on any day of the week outside of:

- Monday – Thursday 12am – 11pm

- Friday - Saturday 12am – 12pm
 - Sunday and Bank Holidays 12am – 10pm
- 2.5 Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others.
- 2.6 The amendments to the opening hours would comprise of earlier opening times as set out below:
- 2.7 The proposed opening hours for the A4 use would be:
- Monday – Thursday 9am – 11pm.
 - Friday – Saturday 9am – Midnight
 - Sunday and Bank Holidays 9am – 10pm.
- 2.8 Condition 5**
- 2.9 Other than the sale of bread based snacks for on-site consumption by visitors to the establishment that are cooked using a toaster or grill, no hot food shall be sold from the premises at any time whatsoever.
- 2.10 Reason: To safeguard the amenities of nearby residents.
- 2.11 The current proposal is seeking to increase the variety of foods available for consumption on site. These include the following foods:
- Jacket Potatoes
 - Chips
 - Grilled meats
 - Hot pies
- 2.12 Officer Note: No external alterations are proposed.
- 3 Planning History
- 3.1 63/2015/15335 – Change of use of premises from shop (A1) to drinking establishment (A4) – Approved
- 4 Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF
- 4.2 Planning Practice Guidance – PPG.
- 5 Parish/Town Council Comments
- 5.1 Skipton Town Council: No comments received within the statutory consultation period.
- 6 Consultations
- 6.1 CDC Environmental Protection: No objection.
- 7 Representations
- 7.1 No third party representations received within the statutory consultation period.
- 8 Summary of Principal Planning Issues
- 8.1 The acceptability of the requested variation of the approved operating hours and an increase in the variety of foods available for consumption on site attached to the original planning approval 63/2015/15335.
- 9 Analysis
- 9.1 **Principle of development.**

- 9.2 Planning permission was originally granted for a change of use of the premises from A1 to A4 use under ref: 63/2015/15335. As such, it is considered that the principle of development on this site has been established.
- 9.3 Condition 3.
- 9.4 This variation seeks to increase the opening hours of the A4 drinking establishment.
- 9.5 Currently the premises open from mid-day, however, due to an increase in business the proposal seeks to increase the opening hours to allow for earlier opening (9am). The application site is located within the town centre of Skipton where a substantial number of A3 and A4 premises have early morning opening times.
- 9.6 Whilst the surrounding area is predominately a commercial area there are a number of residential units, mostly in the upper floor of buildings where the lower floors are used commercially. CDC Environmental Health have been consulted and have not objected to the extended opening hours. It is also noted that they have not received any complaints of noise and disturbance from local residents relating to this site.
- 9.7 It is therefore considered that the earlier opening hours would not have the potential to adversely affect the amenity of residential occupiers given the existing level of activity within this commercial area in the morning.
- 9.8 It is therefore considered that the request to vary condition 3 is acceptable and the condition shall be re-worded to the following:-
- 9.9 The A4 use hereby approved shall not be open for business on any day of the week outside of:
- Monday – Thursday 9am – 11pm.
 - Friday – Saturday 9am – Midnight
 - Sunday and Bank Holidays 9am – 10pm.
- Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others.
- 9.10 Condition 5
- 9.11 The variation is also seeking to increase the variety of foods available for consumption on site.
- 9.12 Currently the premises offers bread based snacks which are cooked using either a toaster or grill. The applicant states that they now wish to start selling jacket potatoes, chips, grilled meats and hot pies using equipment such as air fryer, tabletop grill and pie warmer. The applicant does state that no industrial catering equipment would be installed.
- 9.13 In consideration of this application due regard is given to the rationale put forward for imposing the condition in the first instance. The condition was imposed to reduce the risk of odour nuisance. To the north of the application site is an existing café with further A3 & A4 premises located to the west and east of the site. As such, it is considered on balance that the increase in food types would not result in any unacceptable odour nuisance. CDC Environmental Health have been consulted and have raised no objection to this element of the proposal.
- 9.14 It is therefore considered that the request to vary condition 5 is acceptable and the condition shall be re-worded to the following:-
- 9.15 This premises shall not sale food goods of any kind other than the following:
- Bread based snacks
 - Jacket potatoes
 - Chips

- Grilled meats
- Hot pies.

9.16 For on-site consumption by visitors to the establishment using a toaster, grill or air fryer.

Reason: To safeguard the amenities of nearby residents.

9.17 **Conclusion.**

9.18 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.

9.19 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

10 Recommendation

10.1 To grant approval subject to the following conditions.

Conditions

Time condition

1. Time condition deleted as permission has been implemented.

Approved Plans

2. The approved plans comprise Plan Number Drawing No 15335/1 & 15335/2 (annotated by the case officer for clarification) received by the Local Planning Authority on the 12th & 26th January 2014. 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 terms of the permission and for the avoidance of doubt.

Ongoing condition

3. Amended condition - The A4 use hereby approved shall not be open for business on any day of the week outside of:

- Monday – Thursday 9am – 11pm.
- Friday – Saturday 9am – Midnight
- Sunday and Bank Holidays 9am – 10pm.

Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others.

Prior to commencement

4. Prior to the commencement of the external painting of the shop frontage, details concerning the proposed paint finish to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The frontage shall be painted using only the approved finish.

Reason: In the interest of the visual amenity of the conservation area.

Ongoing condition

5. Amended condition: This premises shall not sale food goods of any kind other than the following:

- Bread based snacks
- Jacket potatoes
- Chips
- Grilled meats
- Hot pies.

For on-site consumption by visitors to the establishment using a toaster, grill or air fryer.

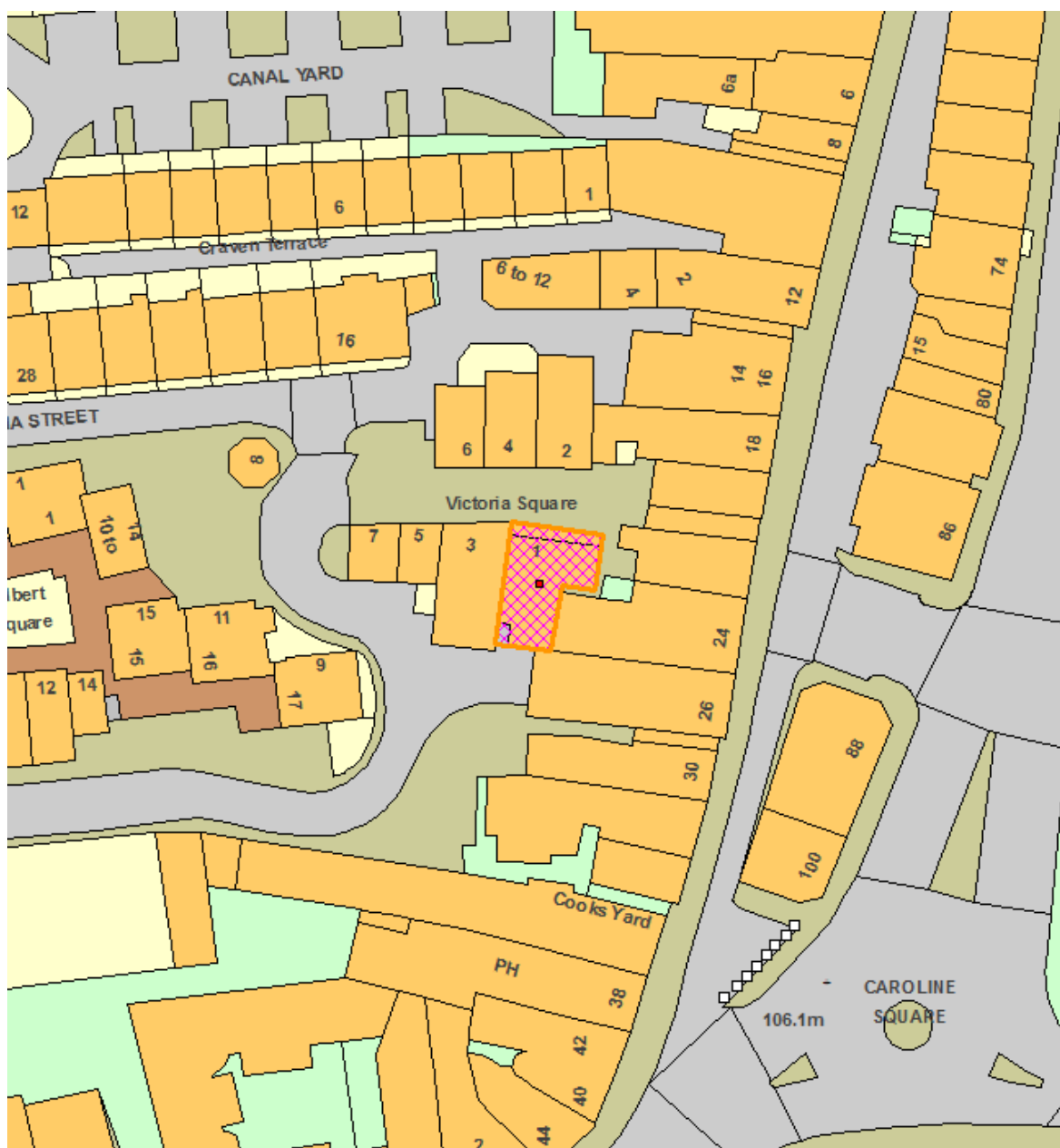
Reason: To safeguard the amenities of nearby residents.

6. No amplified music shall be produced or played within or outside of the premises.

Reason: To protect the amenities of adjacent residents.

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: 2017/18400/VAR

Proposal: Application to vary condition no. 3 of planning permission 63/2015/15335 to extend opening hours Monday to Thursday 9am - 11pm, Friday to Saturday 9am to 12 midnight and Sunday 9am to 10pm and condition no. 5 to allow a wider menu for the serving of hot food.

Site Address: 1 Victoria Square Skipton BD23 1JF

On behalf of: Mrs Lorraine Forshaw

REPORT TO PLANNING COMMITTEE ON 20th November 2017

Application Number: 2017/18450/FUL

Proposal: Creation of new access to agricultural land (resubmission of lapsed and unimplemented application 73/2009/10024 approved August 2010). This application includes the full details of the proposed planting scheme which was a condition of the lapsed application

Site Address: Deep Spring Grange Road Farnhill BD20 9AE

On behalf of: Mr Simon Bennett

Date Registered: 30th August 2017

Expiry Date: 25th October 2017

Case Officer: Andrea Muscroft

The application is referred to Planning Committee as the previous application ref: 73/2009/10024 was considered by Planning Committee.

1. Site Description

- 1.1 Deep Spring is a large detached house located on rising land to the northeast of Kildwick, to the east of Kildwick Hall, with a frontage to the north side of Grange Road (a 'C' Class road). The house is set back from the road and adjacent to it, in the same ownership, is some 4 hectares (10 acres) of grassland rented as pasture. This land slopes steeply up from the road and contains the application site.
- 1.2 The house and land has a frontage to Grange Road interrupted by a group of stone built properties in separate ownership, Prospect House and Prospect Cottage. To the east of these properties is a continuous 50 metre boundary to the road, formed by a low stone retaining wall with hedgerow above. The application site lies at the western end of this boundary, at the edge of the grounds to Prospect House. Formerly there was a vehicle access through the grounds to Prospect House to the agricultural land to the rear; however, following recent development works that access has been permanently closed.
- 1.3 The site falls outside the development limits of Kildwick, and therefore is classed as open countryside, but lies within the Kildwick & Farnhill Conservation Area. The surroundings are of attractive rural character with dispersed residential properties, including converted barns.

2. Proposal

- 2.1 The construction of a new agricultural access to the pasture, to replace that closed by the owner of Prospect House. Due to the steep rising ground levels on the site the works involve the removal of a section of the retaining wall (some 11 metres) and associated hedgerow; the excavation into the site to form a short track of useable gradient; and the formation of 60 metre visibility splays in both directions (requiring some 22 metres of hedge removal). Drainage provision is to be made to prevent surface water run off to the highway. Timber post and rail fencing and gates will be erected to enclose the entrance.
- 2.2 Planning permission is required for the access as it opens onto a classified road.

3. Planning History
- 3.1 73/2009/10024 - Creation of new access into field for agricultural purposes – Approved August 2010.
4. Planning Policy Background
- 4.1 National Planning Policy Framework.
- 4.2 Planning Practice Guidance.
- 4.3 Saved Policies ENV1 and ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 Kildwick Parish Council: No comments received within the statutory consultation period.
6. Consultations
- 6.1 NYCC highways: No objections subject to standard conditions regarding the technical specifications for the crossing of the highway verge, and the creation of the visibility splays.
7. Representations
- 7.1 One letter of third party representation has been received. The comment is summarised below:-
- 7.2 With regards to drainage it is requested that the development is implemented as per the details shown on drawing ref: 200-C.
8. Summary of Principal Planning Issues
- 8.1 The principle of development at this location and the agricultural justification for a new access.
- 8.2 The impact of the new development on the character and appearance of the Kildwick Conservation Area, and the general amenities of the area.
- 8.3 Highway safety.
9. Analysis

1. Principle of Development

- 9.1 The application site forms part of a small land holding of some 4 hectares of agricultural grassland, which adjoins the applicant's dwelling, Deep Spring, and is rented as pasture to a local farmer. Historically, the land had a direct field access off Grange Road at the side of Prospect House, which the land abuts, but this has recently been permanently closed by the owner of that property. This has left the parcel of land without an access for agricultural machinery, however, at the time of the applicant's purchase of the land legal rights to form a replacement access at this location were agreed.
- 9.2 At present the land is rented to a farmer who has also has use of the land immediately to the north, and is therefore able to access the land from there. However, as this land is not in control of the applicant, and is currently for sale, the applicant is seeking permission to construct the new access off the Grange Road frontage.
- 9.3 The site lies outside the development limits of Kildwick, and therefore forms open countryside for planning purposes. As the access serves the agricultural use of the land it forms, in principle, appropriate development within the countryside and accords with saved Local Plan Policy ENV1.
- 9.4 Therefore, there is no objection to the development in principle, and the main planning issues concern the impact of the proposed works on the conservation area and local amenities.

2. Impact on Conservation Area

- 9.5 The Kildwick and Farnhill Conservation Area includes a substantial area around the built up area of the villages to protect their landscape setting, as well as the setting of the important listed

buildings at Kildwick Hall. The application site lies at the north-eastern corner of the conservation area and falls within this landscape area, and close to Kildwick Hall.

- 9.6 Section 72 of the Planning (Listed Buildings & Conservation Areas) act 1990 requires planning authorities “to pay special attention to the desirability of preserving or enhancing the character or appearance of that area” in considering whether to grant planning permission or not.
- 9.7 In addition to this legal provision the NPPF provides overlapping material planning considerations to be taken into account. Paragraphs 128 – 141 of the NPPF contain the heritage specific policies, in particular paragraphs 131 & 132 which advises that great weight should be given to the conservation of a designated asset and that clear and convincing justification should be required for any harm or loss. Paragraph 134 provides for a balancing exercise to be undertaken, between the ‘less than substantial harm’ to the designated heritage asset, and the public benefit of the proposal.
- 9.8 Under saved Local Plan Policy ENV2 development acceptable in principle under ENV1 is only permitted where, amongst other things, that development “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”.
- 9.9 The low stone retaining wall, and hedgerow above it, currently forms the northern boundary to this section of Grange Road and complements the attractive rural street scene, which includes the vernacular buildings at Prospect House & Cottage and the converted farm buildings at Priest Bank Top. The other principal feature being the bank of trees in the ravine to the east of the application site.
- 9.10 There is no doubt, therefore, that the removal of a section of the wall and hedgerow, and the works to form the new access will have a harmful impact on the character and appearance on the conservation area. The need for extensive excavation and the necessary kerb radii and visibility splays to meet highway safety requirements will create a visual ‘gash’ in the present street frontage. However, the siting of the access to the edge of the group of buildings and domestic curtilage at Prospect House does help to mitigate its visual impact and allow a significant section of retaining wall and hedgerow to be retained east of the site. Some replanting of the hedge behind the new wall alignment and visibility splays is also possible.
- 9.11 The applicant’s justification for the need for the development is that the previous vehicle access to the land has been closed by another party and that, at present, access for normal farming proposes is dependant on crossing land in other ownership for which there is no legal access rights (therefore is only available on a ‘goodwill;’ basis). This adjacent land is currently for sale and there is no guarantee that such goodwill will prevail in the future, and the applicant is seeking to have access under his control. Without the ability to properly farm the land it is suggested that it’s quality to contribute to the landscape will be jeopardised
- 9.12 Other than Grange Road frontage there is no other practical access point for vehicles. The applicant’s house and garden abuts the land to the west but there is a stone lined hawhaw feature (a sunken slope) between it and the land, which is an historic feature of the Kildwick Hall estate; and further steeply sloping land. To the east is tree lined ravine and watercourse which forms a physical barrier.
- 9.13 The NPPF recognises that harmful development may sometime be justified in the interests of realising viable uses; particularly where less than substantial harm is caused to a heritage asset. In this case it is considered that the applicant has a compelling case that justifies the need for the development, and that in the absence of any practical alternative the harm caused to the conservation area is not so significant as to outweigh the benefits.
- 9.14 In conclusion, it is considered that the proposed works will not enhance the conservation area. Hence the development can only be justified against guidance contained within the NPPF and saved Local Plan Policy ENV2 by balancing the harm to the street scene in Grange Road against the wider agricultural benefits for the proper management of the larger area of farmland to the north of the access, and accepting that is no other practical alternative method for forming an

access. As such it can be argued that the proposals will have a neutral impact and, on balance, any harm is offset by the benefits to the proper maintenance of a larger area of land important to the wider character of the Kildwick & Farnhill Conservation Area and the general amenities of the locality.

3. Highway Safety

- 9.15 Saved T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.16 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.
- 9.17 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’.
- 9.18 The new access has been designed in accordance with the requirements of the County Highway Authority and follows their specifications, including 60 metre visibility splays in both directions. As such there is no objection from the highway authority on traffic safety grounds,

9.19 Conclusion

- 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 [the] Framework indicate development should be restricted.
- 9.21 In this instance, on balance it is considered that the adverse impacts on the designated conservation area do not significantly and demonstrably outweigh the benefits that would arise from the proposal.

10. Recommendation

- 10.1 To grant approval subject to the following conditions.

Summary of conditions

Time

1. The change of use 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 development hereby permitted shall be carried out in accordance with the details shown on the approved plans ref:
- 200 Rev C received by Craven District Council on the 24th August 2017.
 - 201 Rev C received by Craven District Council on the 24th August 2017.
 - 202 Rev C received by Craven District Council on the 24th August 2017.
 - 203 received by Craven District Council on the 24th August 2017.

The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

Prior to commencement

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number **E6**.
 - Any gates or barriers shall be erected a minimum distance of **10 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - That part of the access extending **10 metres** into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding **1 in 10**.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within **10 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of road safety, and to ensure that proper provision is made for surface water drainage and to accord with the aims of the National Planning Policy Framework.

During building works

4. All replacement planting of hedgerow trees and shrubs to the rear of the new visibility splays/realigned walls shall be carried out in accordance with the approved landscaping scheme in the first planting and seeding seasons following the completion of the development, and any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the Kildwick & Farnhill Conservation Area.

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: 2017/18450/FUL

Proposal: Creation of new access to agricultural land (resubmission of lapsed and unimplemented application 73/2009/10024 approved August 2010). This application includes the full details of the proposed planting scheme which was a condition of the lapsed application

Site Address: Deep Spring Grange Road Farnhill BD20 9AE

On behalf of: Mr Simon Bennett

REPORT TO PLANNING COMMITTEE ON 20th November 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

These applications are referred to Planning Committee and the Council is the applicant and has an ongoing concern in the premises.

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 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 or 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

3. 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.

4. 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.

5. 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

6. 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.

7. 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.

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.

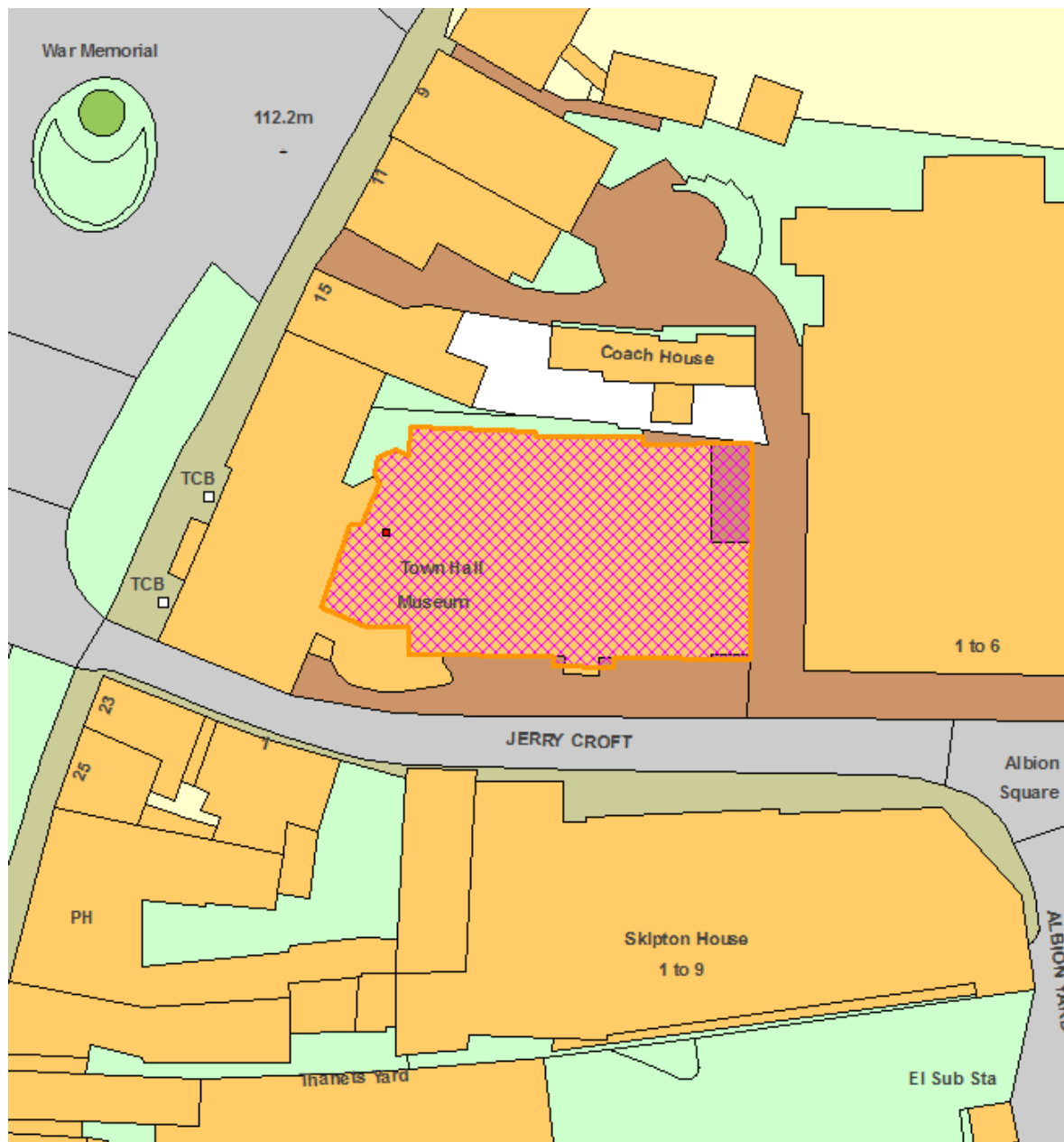
Reason: To ensure use of appropriate materials which are sympathetic to the character of Grade II Listed Building, surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of the National Planning Policy Framework.

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 20th November 2017

Application Number: 2017/18613/VAR

Proposal: Application to vary conditions 7 & 8 of previous approval 32/2015/16220

Site Address: Burnroyd Avenue Cross Hills Keighley BD20 8TP

On behalf of: Craven District Council

Date Registered: 11th October 2017

Expiry Date: 6th December 2017

Case Officer: Andrea Muscroft

This application is referred to the Planning Committee as the applicant is Craven District Council. An earlier proposal for residential development on this site has also been determined by the Planning Committee.

1. Site Description

- 1.1 The application site relates to three recently constructed terrace dwellings situated within the centre of the built up residential area of Glusburn. The site was previously occupied by 7 garages with parking and turning area to the south of the garages and is broadly level.
- 1.2 The surrounding area to the south, east, west and north is residential in character with the only current vehicle access to the site off Burnroyd Avenue.
- 1.3 The application site is within the development limits of Glusburn and lies within Flood Zone 2 & 3 as identified by the Environment Agency.

2 Proposal

- 2.1 The proposal is seeking variations to a planning permission for the purposes of Section 73 of the Town and Country Planning Act 1990. The variations of conditions are to the previously approved residential development (ref; 32/2015/16220).
- 2.2 The amendments relate to the following conditions:

2.3 Wording of Condition 7

- 2.4 Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site. Or alternatively, measures to divert or otherwise formally close the water main that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local planning authority.
- 2.5 This application has been submitted to allow for a variation to condition 7 of 32/2015/16220. This condition sought compliance with a build restriction imposed by Yorkshire Water in relation to the main water supply pipe that runs through the site. Alternately, the condition did allow subject to submitted details for the division of the main water supply pipe.

2.6 Wording of condition 8

- 2.7 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and

approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

- 2.8 This s73 application is seeking a variation of this condition to allow the surface water to be disposed of via the existing sewer located to the south of No. 30 Boundary Avenue.
- 2.9 Officers Note: The proposal has been subject to ongoing discussions between the Council's Property Department and Yorkshire Water to resolve outstanding issues following the construction of the dwellings.
- 2.10 Officers Note: The proposal is not seeking any amendments to the design, scale, appearance, materials, vehicle/pedestrian access or on-site parking arrangements.

3 Planning History

- 3.1 32/2013/14187 – Outline permission for residential development (a pair of three bedroom semi-detached dwellings) with all matters reserved for future consideration – Approved March 2014.
- 3.2 32/2015/16220 - Proposed residential development of three, two-storey, two bedroomed town house starter homes with associated off street parking – November 2015.
- 3.3 32/2017/18030 – Application to discharge conditions 3, 4 & 5 of original planning consent reference 32/2015/16620 – Split decision with conditions 3, 4 & 5 subject to implementation considered satisfactory to meet the requirements of these conditions. Conditions 7 & 8 are not discharged. April 2017.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies H3 & T3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

- 5.1 **Glusburn Parish Council:** No adverse comments.

6 Consultations

- 6.1 **Yorkshire Water:** Comments to be reported at planning committee meeting.

7 Representations

- 7.1 No third party representations have been received at the time of compiling this report.

8 Summary of Principal Planning Issues

- 8.1 The application seeks permission to vary some conditions, previously approved as part of planning application 32/2015/16220.
- 8.2 Accordingly, this report does not consider the principle of residential development, amenity issues, highway safety or flooding as these have already been considered on the previous application.

9 Analysis

- 9.1 Planning approval 32/2015/16220 was granted by the Council's Planning Committee after careful consideration of the issues arising from the proposal and in particular:
- Its impact on the existing drainage infrastructure.
- 9.2 The conditions that were attached to the original permission were considered important to ensure that:-
- The proposal did not impact on the supply of public water.

- That there is sufficient provision for the disposal of surface water.

- 9.3 The current application seeks to vary these conditions. The following assessment is made for each of the conditions applied for:
- 9.4 The dwellings and associated works were completed on site prior to any formal agreement with Yorkshire Water that the installed patio and decking areas were acceptable. *Notwithstanding this, it is considered that the removal of the decking areas would ensure compliance with this condition (tbc).*
- 9.5 Original details submitted indicated that surface water would be discharged to an existing surface water sewer located to the west of the application site. However, Yorkshire Water states that there is no public sewer in this location. Therefore, it is considered appropriate to reword the condition specifying the approval disposal route for the surface water off the site and agree acceptable solution.

Conclusion.

- 9.25 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.
- 9.26 In this instance, it is considered that there are no adverse impacts with regards to the alternative drainage arrangements than previously considered.

10 Recommendation

- 10.1 That Members resolve to grant delegated authority to the Strategic Manager for Planning and Regeneration to grant planning permission subject to no objections being received from Yorkshire Water.

Conditions

1. Time limit: Implemented under application 32/2015/16220
2. This permission relates to the following plans:

BR (100) 01.

The development hereby approved 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 approved plans for the avoidance of doubt.

3. Details approved under application 32/2017/18030, continued compliance required.
4. Details approved under application 32/2017/18030, continued compliance required.
5. Details approved under application 32/2017/18030, continued compliance required.
6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

7. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site.

Reason: In the interest to maintain the public water supply.

8. Unless otherwise agreed the means of disposal of surface water drainage shall be via the existing surface water sewer located off Boundary Avenue shown on drawing no 17-177-02 Rev B.

Reason: To ensure that no surface water discharge take place until proper provision has been made for its disposal.

9. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WDP ref: KL2533/SA and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 300mm above existing ground levels.
2. The flood proofing/resilient measures detailed within the FRA are incorporated into the development.

The mitigation measures shall be fully implemented prior to occupation.

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

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirement:

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or specification of the Highway Authority and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5m of the public highway shall not contain any loose materials that are capable of being drawn on the existing or proposed public highway.

Reason: In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

Informative

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 referred to in this condition.

12. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on **914/02/A** 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.

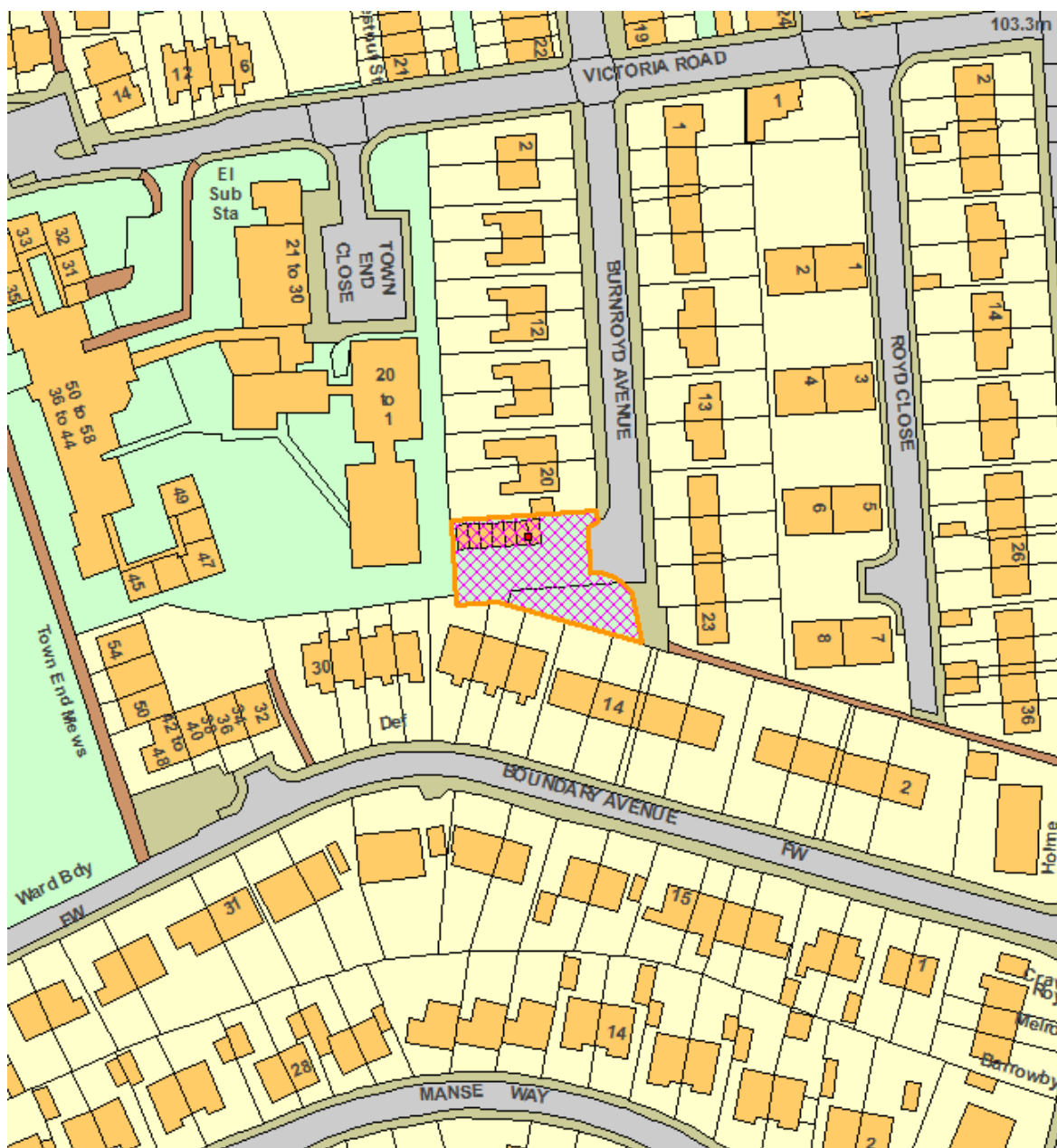
13. Details of alternative provision for the storage of sand bags in the local area, that are required to prevent flooding of nearby properties, shall be submitted to the LPA and approved in writing. The development shall not begin until the details that have been approved as acceptable, have been fully implemented in accordance with the approved details.

Reason: To safeguard residential amenity and to provide satisfactory sandbag storage facility 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: -

- engaged in pre-application discussions



Application Number: 2017/18613/VAR

Proposal: Application to vary conditions 7 & 8 of previous approval 32/2015/16220

Site Address: Burnroyd Avenue Cross Hills BD20 8TP

On behalf of: Craven District Council