

## PLANNING COMMITTEE MEETING AGENDA

Monday, 05 June 2017

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*SKIPTON WEST  
63/2016/17465*

*RESIDENTIAL DEVELOPMENT FOR 67 HOUSES WITH ASSOCIATED OFF STREET PARKING, ACCESS ROADS AND CYCLE CIRCUIT TRACK.*

*LAND AT CARLETON ROAD, SKIPTON.*

APPLICANT NAME: CANDELISA LTD

TARGET DECISION DATE: 16/03/2017

CASE OFFICER: Andrea Muscroft

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**This application was previously taken to Planning Committee on 13<sup>th</sup> March 2017, and the application was deferred to arrange for a NYCC Highway Engineer to attend Planning Committee to offer advice relating to highway concerns raised.**

1. Site Description

- 1.1 The application site comprises approx. 7.4ha of open grass land that is located to the south of existing residential development at Burnside Crescent and Willow Way in Skipton.
- 1.2 There is an existing access from Burnside Crescent at the northern end of the site that previously served an area of land that contained a number of Council owned garages. The site has since been development by the construction of 4 new dwellings (Ref: 63/2015/15323).
- 1.3 The site to the west bounds Eller Beck with Carlton Road beyond, to the south more open land. To the north the site abuts open land, although this area has been granted approval for the construction of 39 dwellings, with residential dwellings beyond. To the east beyond the railway line lies a mixture of residential dwellings and Snaygill Industrial Estate.
- 1.4 The neighbouring estates comprises of a mixture of older terrace dwellings to the north and east that feature rendered walls and newer terraced, semi-detached and detached dwellings constructed with a mix of stone and render that adjoin the northern site boundary.
- 1.5 An existing sewer runs west to southeast through the site.
- 1.6 A Public Right of Way (ref: 05.37/19/1) lies to the south of the site.
- 1.7 The application site is located outside of the recognised development limits for Skipton as defined by the 1999 Local Plan and therefore lies within the open countryside.
- 1.8 The application site partially lies within areas designated as falling within Flood Zone 2 & 3 as identified by the Environment Agency.

2. Proposal

- 2.1 The proposal is seeking planning approval for the construction of 67 houses with associated off street parking, access roads, and a cycle circuit track.
- 2.2 Vehicle access will be via a new road bridge from Carleton Road, which leads to the A6131 Keighley Road.
- 2.3 Officer Note: The previously approved vehicle access to Burnside Crescent has been reduced to a pedestrian and cycle access only.
- 2.4 The proposed housing would be two-storey arranged in a mix of detached, semi-detached and two blocks of terrace dwellings and would be constructed using a

mix of random Yorkshire stone facing to principle elevations, buff coloured render to rear elevations, gables and some panelling, stone quoins, upvc windows and doors set within stone surrounds and slate grey roofing tiles.

- 2.5 It is proposed to provide a total 134 parking spaces
- 2.6 The proposed housing would be in the following mix:
- 6 x 1 bedroom
  - 19 x 2 bedroom
  - 5 x 3 bedroom
  - 33 x 4 bedroom
  - 4 x 5 bedroom
- 2.7 Of the 67 units 26 would be affordable units comprising of:
- 6 x 1 bedroom
  - 15 x 2 bedroom
  - 5 x 3 bedroom
- 2.8 The proposal is supported by the following documents:
- Archaeological Geophysical Survey.
  - Design and Access Statement.
  - Flood Risk Assessment.
  - Residential Travel Plan.
  - Transport Assessment.
  - Transport Technical Note
- 2.9 Boundary treatments would comprise of 1.8m timber palisade fencing to individual property boundaries, 900mm stone walls to some of the communal boundaries with post and rail fencing to the northern and southern boundaries where the site adjoins the open land beyond.
- 2.10 No detailed landscaping proposal has been submitted, although some indicative tree planting is shown on proposed site plan (ref: 126/102 Rev A). Stated within the Design & Access Statement is that the *'existing site boundaries will be retained as existing and repaired or renewed as required'*.
- 2.11 The site has been designed to utilise land that falls outside of the flood zones. Notwithstanding this, the garden areas of plots 42, 58, 59, 60, 61, 80, 81, 86 & 87 would partially fall within flood zones. The proposed dwellings themselves have been carefully positioned to ensure that no built property would fall within the flood zones as identified by the Environment Agency's Strategic Flood Risk Assessment mapping.
3. Planning History
- 3.1 63/2015/16300 – Construction of 39 dwellings with associated road works – Recommended for approval April 2016 subject to the applicant entering into a S106 Planning Obligation to secure contributions towards open space and affordable housing provisions.
- 3.2 Officer Note: At the present time the decision notice has not been issued.
4. Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, SRC2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 **Skipton Town Council:** Object to the proposal as concerns are expressed over the potential impact on the existing infrastructure which is believed would be unable to cope with this development.
- 5.2 Further comments received on the 24<sup>th</sup> April 2017.
- 5.3 Recommend that ‘Planning Gain’ funds are set aside to improve accessibility and safety of the footpath that leads from the development to Snaygill Industrial Estate.
6. Consultations
- 6.1 **CDC Contamination Land Officer:** No known contaminated land implications regarding this proposed development.
- 6.2 **CDC Environment Protection:** No comments received at the time of compiling this report.
- 6.3 **CDC Sports Development Officer:** The SDO find this application acceptable in relation to SRC2 subject to further detailed proposals around an off-site contribution for the Burnside Recreation ground for play provision (£79,500) and further details around the scale, layout, design, specification and management and maintenance of a closed road cycle track up to max of £332,000.
- 6.4 As the works required to comply with Saved Local Plan Policy SRC2 are off-site and the onsite proposals details are lacking details, should the Council be mindful to grant planning permission the following recommendation is to be made:
- 6.5 That Members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the scale, layout design detail and management and maintenance in perpetuity of the on-site proposal and on-site Public open space contribution.
- 6.6 **CDC Strategic Housing:** The development is for 69 houses including 16 affordable homes. Craven District Council’s *‘Negotiating Affordable Housing Contributions – August 2016* requires that on schemes of 10 or more units or more than 1000sqm of floor space that an affordable housing contribution of 40% will be sought. The applicants propose to provide 16 homes which is in line with this policy.
- 6.5 Craven District Council also have in place a SHMA dated June 2015 which details the need for affordable housing across the district. It confirms that a total of 114 affordable homes are required to be provided each year. Emphasis is placed on the need for smaller 1 and 2 bed units and so a greater number of smaller homes will be sought on qualifying sites. It does however note the need for larger family homes and so a small percentage of 3 bed homes will also be required on sites.

It has been agreed that the following mix will be provided:

- 6 x 1 bed dwellings at 60sqm
- 15 x 2 bed dwellings at 70sqm
- 5 x 3 bed dwellings at 85sqm.

Subject to providing this mix and to the affordable homes being well integrated within the site, Strategic Housing is supportive of proposals.

- 6.7 **Airedale Drainage:** No objection to the development in principle but recommends the use of appropriate conditions.
- 6.8 **Environment Agency:** No comments received at the time of compiling this report.
- 6.9 **NYCC Highways:** Initial comments – No objection. Further to reviewing the Transport Technical Report (TTA) submitted on the 25<sup>th</sup> April 2017 the highways have the following comments.
- 6.10 The submitted TTA demonstrates beyond any doubt that with or without Wyvern Park built, the residual cumulative impacts of the proposal are not severe. Consequently the Local Highway Authority has no objection to the proposal subject to the use of appropriate conditions relating to construction of roads, footway, visibility splays, parking and turning areas.
- 6.11 **NYCC Foot Path Officer:** No objection, but advise the applicant that no works are undertaken that would create an obstruction, either permanent or temporary, to the Public Right of Way without first contacting the Country Council's Access and Public Rights team located at Northallerton.
- 6.12 **NYCC Heritage Services:** Initial comments – recommendation that a scheme of archaeological evaluation is undertaken to identify and describe the nature and significance of any surviving archaeological remains.
- 6.13 Further to reviewing the Archaeological Geophysical Survey it is recommended that a programme of targeted trial trenching is undertaken in an area of the proposed housing. There is no requirement for further archaeological investigation in the proposed cycle circuit track area.
- 6.14 **NYCC Suds Officer:** Requested further information, however, it is considered that the use of appropriate conditions could be imposed to deal with this issue.
- 6.15 **Yorkshire Water:** No objection, subject to the use of appropriate conditions.

## 7. Representations

- 7.1 The proposal was advertised on the 22nd September 2016 in the Craven Herald with a Site Notice posted adjacent to the site on the 23rd September 2016. In addition, notification letters were circulated to nearby neighbouring properties. As a consequence of the publicity 33 letters of objection have been received. Comments are summarised below:
- 7.2 **Visual amenity.**
- Properties at the top end of the plot are too close to existing houses.
  - The proposed houses will overlook neighbouring properties resulting in loss of privacy.
  - Development will impact on view from neighbouring properties.
  - Development would lead to overshadowing of neighbouring houses.
  - Burnside only has a small recreation ground which isn't sufficient to accommodate increased number of young children.
  - Construction would lead to loss of amenity to local residents from noise and disturbance.
  - Building works would have a significant impact on the peace and tranquillity of the nearby cemetery.
  - Development will impact on view from neighbouring properties.
- 7.3 **Neighbour amenity**

- Building works would have a significant impact on the privacy and amenity of neighbouring properties.
- Concern over the potential overlooking of the park area.
- Concern over potential noise complaints as children use the park area.
- Construction would lead to loss of amenity to local residents from noise and disturbance.

#### 7.4 **Flooding**

- Concern over the potential increase of flooding to Willow Way if approved.
- The submitted flood plan has no local knowledge.
- The completed Skipton Flood Relief scheme could have a negative impact on this site due to the raising of walls and the funnelling of water down to the river.
- Site lies just outside of flood zones 2 and 3. Who is in a position to accurately predict where that limit will be in the future?

#### 7.5 **Highway**

- Local roads already struggle at peak times.
- Development would increase parking congestion in the area.
- Road access to the site is wholly inadequate, too narrow and potentially dangerous.
- What assurances are there that the original 39 dwellings will not be built with access from Burnside Crescent before the bridge is built.
- No access or parking for the contractors on Burnside Crescent.
- Local road junctions cannot cope with additional traffic/parking.
- Concern over the potential impact on pedestrian safety.
- Recommend new signage to direct HGV to Carleton New Road to access Engine Shed Lane.

#### 7.6 **Drainage**

- Have Yorkshire Water given permission to build so close to their rising foul sewer. If not this should be sorted and approved before any planning approval.

#### 7.7 **Other issues.**

- Is this not a re-vamped application that was rejected before the 39 houses were approved.
- Infrastructure in the area cannot cope with additional development
- Another development on farm land that floods.
- Site has not been identified in the local plan for housing.
- The cycle track will never be used as it will spend 40% of the year under water.

- Have Candelisa met the planning requirements of Phase 2? If not, then the planning approval for the 39 houses should be rejected.
- Submitted plans show amendments to phase 2, have they been submitted. If not should they be allowed in the phase 3 plan?
- Skipton doesn't need any more housing until the infrastructure of the Town is sorted out.
- Concern over the lack of details with regards to the cycle track.
- Development will impact upon bats that use the area.
- Potential for great crested newts in the wetter parts of the fields.
- Concern over the potential harmful impact on the local wildlife.
- Proposal fails to mention that a public right of way runs along the southern edge of the site.
- Previous comments with regards to the approval of the 39 houses should be taken into account.
- Infrastructure in the area cannot cope with additional development.
- Local schools/ hospitals and surgeries cannot cope with additional children.
- Concern over the timing of the submission and subsequent consultation with neighbours.
- Application states that the land is not used for agricultural purposes. This statement is not true as land has been used for grazing.
- It's little more than a cynical attempt to land bank and sell it on for a substantial profit once consent is obtained.
- Over development of the site.
- Proposal is too ambitious for a small property development company to deliver.
- Concern over potential carbon emissions and pollutions.
- Development will negatively impact on the Town of Skipton generally.

7.8 A representation was also received from the Police Designing Out Crime Officer who raised no objection to the proposal but did offer advice on the development of this site.

## 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Affordable Provision.

8.3 Open Space Provision.

8.4 Visual Impact

8.5 Impact of development on neighbouring properties.

8.6 Highway Issues.

8.7 Flood Risk.

8.8 Other issues

## 9. Analysis

9.1 **Principle of development.**

- 9.2 The application site lies outside but adjacent to the existing development limits of Skipton and as such saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.3 Saved 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 landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning and Compulsory Purchase Act 2004. Paragraph 2015 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 Framework.
- 9.5 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.
- 9.6 One key objective of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council’s five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.8 The site has not be identified as a preferred site to be brought forward for housing development by the Council’s emerging policy contained within the Council’s Pre-Publication Draft Local Plan. Notwithstanding this, the emerging policy within the Council’s 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.
- 9.9 The wider site has a history of a planning approval for the construction of 39 dwellings with associated access roads (63/2105/16300).



- 9.10 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is located outside of the development limits. However, the site does lie adjacent to the recognised development limits for Skipton with residential development to the north and east of the site. The site is within walking distance of the town centre where local facilities and services are available. In addition, the town is served by public transport connecting the town with neighbouring villages and towns. It is therefore considered that the site is a sustainable location suitable for residential development.
- 9.11 The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental. It is recognised that the proposed development of this site would provide some economic benefits associated with new housing development including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.12 Turning to the environmental dimension of sustainable development it is acknowledged that the site would result in the development of an open grassed area. However, the site has not been identified as being an important open space in the Adopted Local Plan. Therefore, whilst it is acknowledged that the loss of this open space would inevitably have an impact on the immediate surrounding area, it is considered that the impact is not so significant to justify refusal of the application.
- 9.13 In conclusion, it is acknowledged that the application site is not within recognised development limits of Skipton, as defined by the 1999 Local Plan. However it is located adjacent to the existing built up area of Skipton. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.
- 9.14 **Affordable Provision.**
- 9.15 The need for Affordable Housing is capable of being a material consideration (Mitchell v SoSE [1994] 2 PLR 25) in the determination of planning applications for residential development.
- 9.16 There is local evidence, in the SHMA 2016, that there is a substantial unmet current need for Affordable housing in the Council's area. The SHMA 2016 was considered and accepted by a meeting of Council on 31 January 2017.
- 9.17 The Council has a draft policy on Affordable Housing in its emerging Local Plan. Draft Policy H2 includes a requirement for the provision of 40% of new dwellings as affordable housing on-site. Draft policies are a material consideration which can be properly taken into account.
- 9.18 Paragraph 216 of the National Planning Policy Framework indicates that weight should be given to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.19 In respect of the points in paragraph 216 of the NPPF;
- 9.20 **Stage of preparation:** beyond very early given level of preparation and consultation to date. In particular of note, draft policy H2 has been consulted upon on two occasions (originally as Policy SP13 in 2014 and in 2016. The Policy is

supported by a strong evidence base in the SHMA 2016 and has been considered by Spatial Planning Committee, Policy Committee and Council. It is acknowledged that the draft policy has only been published under Regulation 18 which is the first public stage of the Local Plan process.

- 9.21 **Extent to which there are unresolved objections:** objections have been considered as part of the ongoing Local Plan process.
- 9.22 **Degree of consistency:** Draft policy H2 is consistent with the overall approach of the NPPF in particular paragraphs 47,50,157,159. The draft policy seeks to respond to the evidence of need identified by the SHMA 2016. Further, draft H2 is consistent with the general approach in paragraph 50 of the NPPF which emphasises the priority to be given to on-site contributions and in terms of seeking a range of different tenures and requiring size, type and tenure reflect the needs in the locality.
- 9.23 Taking all factors into account including the degree of consistency with the NPPF weight should be given to the emerging draft affordable housing policy.
- 9.24 The proposal is seeking to provide 40% affordable units. It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.
- 9.25 **Open Space Provision.**
- 9.26 The NPPF, section 8 seeks to promote healthy communities and in particular paragraph 73 which advises the access to high quality open spaces for sport and recreation can make an important contribution to the health and well-being of communities.
- 9.27 Saved Policy SRC2 requires development for 10 dwellings or more to make contribution to public open space. In this instance, under policy SRC2 this development of 69 units generates a total open space requirement of 4037m<sup>2</sup> of space, split across the 3 policy areas:
- Equipped area for children’s play (466m<sup>2</sup>)
  - Informal area for children’s play (776m<sup>2</sup>)
  - Provision for youth and adults – playing fields/courts (2795m<sup>2</sup>)
- 9.28 This application must also consider the SRC2 requirements, previously approved application for 39units in 63/2015/16300. This application requires the developer to make an off site provision / contribution for formal play provision at the neighbouring Burnside Recreation ground of £39,000 (equivalent to 263m<sup>2</sup>). as well as an off-site planning gain contribution of £120,000 or alternative off site scheme to meet the Youth and Adult provision for play and recreation (equivalent to 1580m<sup>2</sup>).
- 9.29 This application proposes two on site POS spaces:
- 9.30 A central Meadow with single footpath running across it and some tree planting. Area of 2580m<sup>2</sup> and this is flood risk zone land.
- 9.31 A 800 meter long close road cycle circuit that is 6 meters wide and borders the Southern part of the site. This has a total estimated area of land use of 40,000m<sup>2</sup>. But the actual land need for this is 8000m<sup>2</sup> for the track and run off plus around 2000m<sup>2</sup> for ancillary elements such as car park, viewing, giving a total of around 10,000m<sup>2</sup>. The land on which this is being proposed is flood risk, which is a viable use for such a facility subject to relevant flood risk mitigation/attenuation to meet relevant flood agencies / authorities.

- 9.32 The application has limited details of the exact design, technical specification, water management / flood risk attenuation/mitigation and no information about the proposed management and maintenance of this proposal. But the applicant has been informed that this would be required in order to fully comply with SRC2 and national standards for such facilities as set out by British Cycling.
- 9.33 Overall, this application is acceptable in relation to SRC2 subject to further detailed proposals around an off-site contribution for the Burnside Recreation ground for play provision (£79,500) and further details around the scale, layout, design, specification and management and maintenance of a closed road cycle track up to max of £332,000.
- 9.34 Therefore there is no objection in respect of open space provision subject to the applicant entering into a S106 Planning Obligation to secure the scheme meets the requirements of Saved Local Plan Policy SRC2 as set out above.
- 9.35 **Visual Impact**
- 9.36 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.37 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56 of the NPPF refers). It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.38 As set out above Saved Local Plan Policies ENV1 and ENV2 are of relevance to the consideration of this application.
- 9.39 Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.
- 9.40 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits, in terms of visual amenity, derive primarily from the loss of an open area of grassland and the potential impact on the setting of the adjacent conservation area.
- 9.41 In coming to a view on the visual impact of the proposed development it is noted that the site is not prominent or visually intrusive in terms of public viewpoints from the north as it is located immediately to the rear of existing housing which largely screens the site from view. The principle views of the site are from the western side in particular from Carleton Road although it can also be clearly seen from the adjoining recreational land to the east and the A629 Skipton By-pass to the south. Notwithstanding, there is a band of established tree and shrub planting along the western and north-west site boundaries which effectively screens the site from view and is to be retained.
- 9.42 Taken overall, it is not considered that the general topography of the site, its location, and the significance of the land in the wider landscape setting of the town are such that a strong argument could be made to resist development on the grounds of visual impact.

- 9.43 In coming to the above view it is noted that the presence of the flood zone effectively prevents any further development to the south of the site and therefore the site is physically constrained as well as visually. The views across the site towards the existing housing are of no particular public benefit and it is considered that with the addition of suitable landscaping and boundary treatments the visual impact of the development would not be significant.
- 9.44 In terms of the design and materials of the housing it is considered that the proposals reflect the palette of materials that exist on the adjacent housing sites and would be complimentary to those properties. Similarly it is considered that the general layout and arrangement of the proposed development is acceptable in terms of its overall visual impact.
- 9.45 No details have been provided with regards to the proposed cycle track. Notwithstanding this lack of details it is considered that conditions could be imposed that would ensure that the proposed cycle track is developed in a way that it would be visually attractive and pleasing with limited visual impact.
- 9.46 In conclusion, it is considered that the overall design of the development and the layout that has been proposed is a good quality of design that would not erode the key characteristics of the site or the character and appearance of the rural open countryside to an unacceptable extent. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect
- 9.47 **Impact of development on neighbouring properties.**
- 9.48 Within the Core planning principles of the NPPF 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.
- 9.49 In this case the only neighbouring properties that could be impacted upon directly are those located at Burnside Crescent to the north of the site. The neighbouring properties are orientated with their rear elevations towards the application site. The proposed arrangements for plots 1, 2 & 40 would be to have the gardens backing onto the existing rear garden areas of the dwellings on Burnside Crescent with a separation distance of approximately 23m. The remaining proposed dwellings would be located south beyond the previously approved dwellings (ref: 63/2015/16300).
- 9.50 In this case the proposed layout indicates that the development would lie sufficiently distant from and be orientated such that there would be no unacceptable loss of amenity to any of the existing and proposed neighbouring houses. Additionally it is considered that given the proposed separation distances overshadowing of existing properties would not occur to an extent that would constitute a significant amenity issue.
- 9.51 In terms of outlook it is understood that existing residents will lose their views across the open fields that currently exist. However, there is no right to a view and it is considered that the impact on the amenity of the residents of the neighbouring properties would not be sufficiently adverse to constitute grounds for refusal of planning permission.
- 9.52 In conclusion, it is considered that the proposal would not have an unacceptable impact on the amenity and privacy of existing neighbouring properties. Furthermore, the proposed layout would provide adequate spacing within the layout and previously approved dwellings to ensure that any future residents do not experience any unacceptable loss of privacy or amenity. The proposal is therefore considered to comply with the aims and objectives of the NPPF.

9.53 **Highway Issues.**

9.32 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:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*

9.33 Saved Local Plan Policies ENV2 and 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.

9.54 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, and pedestrian safety. As a consequence of concerns raised at the March Planning Committee the applicant has undertaken a further highway technical assessment. NYCC Highways have reviewed the submitted document and state that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.

9.55 A number of objections to the proposed development relate to congestion and road safety issues. In planning terms such congestion and problems would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road or the comings and goings of construction traffic does not in itself mean that the road is impassable provided vehicles are not parked illegally and are not causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.

9.56 **Flood Risk & Drainage issues.**

9.57 The application has been accompanied by a Flood Risk Assessment (FRA). Airedale Drainage have been consulted and subject to the use of appropriate conditions have no objected to the proposal. NYCC SuDs officer has also been consulted with regards to the proposal and state that subject to the receipt of additional details in respect of surface water run-off and permeability there is no objection in principle. It is therefore considered that the use of appropriate conditions can deal with this issue.

9.58 The application indicates that foul drainage is to connect to the existing main sewer. Yorkshire Water have been consulted and have no technical objections, subject to the use of appropriate conditions requiring a satisfactory scheme for the drainage of foul and surface water from the site, the application is acceptable in terms of drainage and flood risk.

9.59 **Other issues**

9.60 Objections have been raised regarding the potential impact upon roosting bats. Notwithstanding this lack of information, the Council has assessed the submitted proposal using Natural England's Standing Advice Species sheet. Based on the information submitted the LPA are of the opinion that the proposal would not have a significant impact on species or habitats on the application site or the surrounding area. It is considered that there are no grounds to refuse planning permission over concerns relating to impact on ecology

- 9.61 **Officer note:** It is proposed to attach an informative to remind the developer of the need to ensure that wildlife is considered throughout the development and to be aware of protected species. Notwithstanding that the submitted plans and supporting Design and Access Statement indicate that the existing trees and shrubs are to be retained it is proposed to also attach a planning condition that would require prior approval of landscaping.
- 9.62 Similarly, comments regarding other services and local facilities that might be adversely impacted upon are noted but fall outside of the scope of matters on which a refusal of planning permission might be based.
- 9.63 This application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Councils housing supply and are as set out in the report. However, that benefit has to be balanced against the adverse impacts, which in particular comprises the development of a green field site adjacent to the conservation area.
- 9.64 **Conclusion**
- 9.65 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:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b) specific policies in this Framework indicate development should be restricted.'*
- 9.66 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in some instances with the NPPF (as supplemented by the PPG) and limited weight can therefore be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.
- 9.67 As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. This scheme will provide new dwellings including affordable units. The development will have some impact on the character and appearance of the open rural countryside, but the landscape buffers and adjacent recreational land will help to acceptably mitigate any adverse impact.
- 9.68 It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is acceptable.
10. Recommendation
- 10.1 **That Members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject conditions listed below and to the applicant first entering into a S106 Planning Obligation to secure a contribution towards open space provision.**
- Conditions
1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development shall not be carried out other than wholly in accordance with the drawing no's and documents:
- 126/001A Location Plan received by Craven District Council on the 25th October 2016
  - 126/100A Site Plan received by Craven District Council on the 19<sup>th</sup> January 2017
  - 126/101A Site Plan received by Craven District Council on the 19<sup>th</sup> January 2017
  - 126/102A Site Plan received by Craven District Council on the 19<sup>th</sup> January 2017
  - 126/110 House Type A Floor Plan received by Craven District Council on the 14th October 2016
  - 126/111 House Type A Elevations received by Craven District Council on the 14<sup>th</sup> October 2016
  - 126/112 House Type B Floor Plan received by Craven District Council on the 14th October 2016
  - 126/113 House Type B Elevations received by Craven District Council on the 14<sup>th</sup> October 2016
  - 126/114 House Type C Floor Plan received by Craven District Council on the 14th October 2016
  - 126/115 House Type C Elevations received by Craven District Council on the 14<sup>th</sup> October 2016
  - 126/116A House Type D Floor Plan received by Craven District Council on the 15th December 2016
  - 126/117 House Type D Elevations received by Craven District Council on the 14<sup>th</sup> October 2016
  - 126/118 House Type E Floor Plan received by Craven District Council on the 14th October 2016
  - 126/119 House Type E Elevations received by Craven District Council on the 14<sup>th</sup> October 2016
  - 126/121 House Type F Floor Plan received by Craven District Council on the 14th October 2016
  - 126/120 House Type F Elevations received by Craven District Council on the 14th October 2016
  - 126/123A House Type G Floor Plan received by Craven District Council on the 15th December 2016
  - 126/122A House Type G Elevations received by Craven District Council on the 15th December 2016
  - 126/127 House Type H Floor Plan received by Craven District Council on the 14th October 2016
  - 126/124 House Type H Elevations received by Craven District Council on the 14th October 2016
  - Design & Access Statement received by Craven District Council on the 14<sup>th</sup> October 2016.
  - Flood Risk Assessment received by Craven District Council on the 14<sup>th</sup> October 2016.

Travel Plan received by Craven District Council on the 14<sup>th</sup> October 2016.

Transport Assessment received by Craven District Council on the 14<sup>th</sup> October 2016.

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

**Reason:** To specify the permission for the avoidance of doubt.

3. Prior to their first use on site all building facing materials, roofing and finishes, surface material finishes for the highways, footpaths, private drives and all other hard surfaces, screen walls, fences and other means of enclosure, existing and the proposed ground levels/proposed finished floor levels, shall be submitted to and approved in writing by the local planning authority.

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

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

4. Prior to the commencement of development a detailed scheme for landscaping, including the planting of trees and/or shrubs and the retention of existing planting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The development shall thereafter be implemented in accordance with the approved scheme.

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

5. Prior to the commencement of development full details of proposed bin stores/storage areas shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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

6. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.



- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.
- Provide a management and maintenance plan for the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason:** In the interest of satisfactory and sustainable drainage.

8. No development shall take place until details of the proposed means of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

**Reason:** To ensure that the site is properly drained.

9. There must be no ground raising within flood zone 3.

**Reason:** to ensure that future flood flows are not pushed onto others.

10. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- 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 the types of construction proposed for carriageways, cycleways and footways/footpaths when requested 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 programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

**Reason:** To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. There shall be no access or egress between the highway and the application site by any vehicles other than by direct access with the public highway at **Carleton Rd**. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

**Reason:** In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

13. 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 requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of **5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

- (iv) That part of the access(es) extending **5 metres** into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
- (v) 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.
- (vi) The final surfacing of any private access within **5 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.
- (vii) 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.

**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.

**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

14. 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 **120m** measured along both channel lines of the major road **Carleton Rd** from a point measured **2.4m** 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 the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

**Informative:** An explanation of the terms used above is available from the Highway Authority.

15. There shall be no access or egress by any vehicles between the highway or proposed highway (estate road) and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility 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 major road have been provided. The eye height will be **1.05 metres** and the object height shall be **0.6 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 to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

**Informative:** An explanation of the terms used above is available from the Highway Authority

16. 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 in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Footway from site entrance north to field boundary and south, with connections to existing footway.

**Reason:** To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

Footway from site entrance north to field boundary and south, with connections to existing footway.

**Reason:** In the interests of the safety and convenience of highway users.

**Informative:** 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.

18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.
- a. have been constructed in accordance with the submitted drawing Site Layout Plan.
  - c. are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

**Informative:** The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) 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 the general amenity the development.

20. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**Reason:** To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services

continual appraisal of travel patterns and measures provided through the travel plan

- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

**Reason:** To establish measures to encourage more sustainable non-car modes of transport.

22. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction

g. a scheme for recycling/disposing of waste resulting from demolition and construction works

h. HGV routing to avoid Skipton, as much as possible

**Reason:** In the interests of the amenity of the occupiers of neighbouring properties.

23. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

**Reason:** To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

24. Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

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

25. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units unless otherwise agreed with the Local Planning Authority following an assessment of financial viability.
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Provider involved);
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
- details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

**Reason:** To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework and the North Yorkshire Strategic Housing Market Assessment (SHMA) 2016 that provides evidence of the high need for affordable housing within Craven District.

26. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within the easement either side of the centre line of the culvert that crosses the site.

**Reason:** In order to protect the local infrastructure and allow sufficient access for the maintenance and repair of the culvert.

27. Prior to the commencement of works to the cycle track, details of construction methods, materials, lighting, track fencing, management & maintenance details shall be submitted to and approved in writing by the Local Planning Authority. The cycle track shall be constructed in accordance with approved details and retained thereafter.

**Reason:** In sufficient information provided.

**Informatives:**

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981(as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228.

Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park ,Electra Way, Crewe, Cheshire, CW1 6GJ.

2. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.
3. Operating times for construction should be limited to:
- 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No Sunday or Bank Holiday working.
4. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the Country Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

5. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.
6. Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District

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.

Discharge of Condition(s)

1. The developer should note that Condition Nos 6,10, 13, 17, 21, 22 & 23 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. With regard to Condition Nos. 3, 4, 5, 8, 20, 24 & 25 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.



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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*WEST CRAVEN  
17/2017/17939*

*CONVERSION AND ALTERATION OF BUILDING TO FORM 3 NO. 2  
BEDROOM COTTAGES (RESUBMISSION OF WITHDRAWN APPLICATION  
REFERENCE 17/2016/17534).*

*THE OLD CHAPEL, VICARS ROW, CARLETON.*

APPLICANT NAME: MR CHRIS WATSON

TARGET DECISION DATE: 18/05/2017

CASE OFFICER: Gemma Kennedy.

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**This application has been referred to Planning Committee at the request of Councillor Mason due to the level of public interest.**

1. Site Description

- 1.1 The application property is a mid-nineteenth Century former Chapel, more recently used as a vehicle repair garage, and now vacant. The Chapel is constructed from natural stone, with a slate roof, and consists of the main building with a steeply pitched roof, and a single storey addition to the south elevation which is understood to have formerly been used as the Sunday School. The Chapel is surrounded on three sides by a 1.6m high stone wall.
- 1.2 The Chapel is located on the eastern side of Church Street/Swan Street, set back from the highway beyond a small public garden. The building is parallel to the small terraces that run, at right angles, off Vicar's Row. Access to the site is gained from the north elevation on Vicar's Row; in this elevation of the Chapel there is a large opening, created to serve the former garage use.
- 1.3 The Chapel is located within the Carleton Conservation area, and is close to a number of Grade II Listed Buildings; Carleton Mill, The Swan Inn and the Village Hall.

2. Proposal

- 2.1 The application is a resubmission of a previously withdrawn application which proposed the demolition of the Chapel, and its replacement with three dwellings.
- 2.2 The current application proposes to convert the Chapel to form 3 No. 2 bedroom dwellings, with bedrooms at ground floor level and living accommodation on the first floor. The proposal would involve an increase to the roof pitch of the 'Sunday School' building to reflect that of the main Chapel. Parking would be provided on existing hardstanding areas to the north and east sides of the Chapel.

3. Planning History

- 3.1 5/17/40/E – Demolition of former chapel and construction of 2 no. new houses, using existing materials. Approved 13/10/1986.
- 3.2 5/17/40/F/LB – Listed building consent for demolition of former Chapel and construction of 2 no. houses. Approved 13/10/1986. Officer's Note: Although the decision notice refers to Listed Building Consent, it is considered the decision relates to Conservation area consent for demolition, as the property is not, and has not been, Listed).
- 3.3 5/17/40/J – Proposed demolition of garage and erection of 2 no. houses on site of Old Chapel Garage. Approved 02/03/1992.
- 3.4 5/17/40/K – Proposed demolition of garage and erection of 3 no. houses on site of Old Chapel Garage. Refused 02/03/1992.

- 3.5 5/17/40/L – Demolition of Old Chapel Garage and construction of 2 dwellings. Recommended for refusal by officers, Approved at Planning Committee 25/11/1998.
- 3.6 5/17/40/M/CA - Demolition of the Old Chapel Garage and redevelopment of site for two dwellings. Approved 25/11/1998.
- 3.7 17/2003/3188 – Renewal application for demolition of garage and erection of two houses. Approved 30/07/2003.
- 3.8 17/2016/17534 – Demolition of existing building and construction of 3 no. terraced houses. Withdrawn 27/01/2017.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework (NPPF)
- 4.2 National Planning Practice Guidance (nPPG)
- 4.3 Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.4 Carleton in Craven Conservation Area Appraisal (2016)
5. Parish/Town Council Comments
- 5.1 Carleton in Craven Parish Council: *“The change to converting the existing building into three dwellings is to be commended and now the only problem appears to be the lack of one additional parking space each for properties “A” and “B”. On-street parking is very congested on Vicars Row, Church Street and Oxford Terrace whilst there is a series of double yellow lines along most of Swan Street to prevent parking. The Parish Council does not wish to see any additional on-street parking nor any interference with the existing parking arrangements of the residents at the east end of Vicars Row (opposite the Old Chapel). However, should the proposed parking arrangements comply with the relevant regulations as claimed in the Design Statement; the Parish Council will reluctantly accept the application.”* Received 24/04/2017.
6. Consultations
- 6.1 NYCC Highways Authority: *“In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: ‘A traffic generation trade off is accepted.’ Consequently the Local Highway Authority recommends that the following conditions are attached to any permission granted (Condition for parking spaces to be retained for vehicle parking).”* Received 12/04/2017.
7. Representations
- 7.1 Six letters of representation have been received from neighbouring residents, and one letter has been received from the Victorian Society. The following is a summary of the points raised;
- Conversion is preferable to demolition; this is welcomed.
  - Does not address issue of parking congestion in this area.
  - Household waste is regularly not collected because of parking congestion on Vicars Row.
  - If development does not include sufficient parking it will have a detrimental effect on all of the residents of the surrounding roads in terms of access to their properties.
  - Will create more of a hazard at the very narrow junction between Vicars Row and the Main Street.

- No provision has been made within the site for turning vehicles around so that they are facing into the traffic on egress – to reverse into Vicars Row, then more alarmingly into Church Street is just asking for a serious accident.
- If fewer properties were built and sufficient parking spaces provided, this would be a more appropriate submission.
- Conversion to three dwellings is over intensification of site.
- Living space will be on the upper floors, potentially causing an invasion of privacy for residents in the surrounding buildings.
- Concern that raising roofline of the Presbytery by about 1.5 metres will block out natural light substantially and create overshadowing of our rooms and garden (5 Chapel Street)
- Velux windows in west side of building will affect our privacy (Chapel Street)
- The number of planning applications for new developments around the village are of consideration concern both in terms of the number of dwellings outlined in the neighbourhood plan, which we seem to be exceeding by a substantial margin, but also in terms of the infrastructure of the village.
- Plans scanned online are virtually illegible as they are orientated on their side and extremely pale
- Raising roofline of Presbytery will substantially change the look the building and harm it as a heritage asset.
- The Victorian Society welcomes the principle of a scheme that proposes the substantial retention of a locally significant historic building, but have some concerns. Raising height of southern building would have a significant and detrimental effect on the relative proportions and external appearance of the building, and would result in the loss of an attractive traceried windows from the southern gable. We would strongly urge the removal of rooflights from both eastern roof slopes. Loss of the two rectangular lancet windows from the east elevation would be regrettable – could they be incorporated into the scheme. We recommend the retention of at least one of the boarded doors in the eastern elevation of the southern building.

## 8. Summary of Principal Planning Issues

8.1 The principle of development; impact upon character and appearance of the Carleton Conservation area and setting of Listed Buildings; neighbouring privacy and amenity; highway safety.

## 9. Analysis

### 9.1 **Principle of development;**

9.2 Paragraph 14 of the NPPF sets out that Local Planning Authorities should be approving development proposals that accord with the development plan (local plan) without delay. The site lies within the development limits of Carleton, and falls to be assessed under Saved Local Plan Policy H4 'residential development within the development limits of villages', a policy which is considered to be up-to-date and consistent with the general aims and objectives of the NPPF.

9.3 Saved Policy H4 states that in order to conserve and protect the quality of the environment within the development limits of villages, residential development will be limited to infilling, conversions or small-scale development which accords with a number of criteria. As the proposal involves the conversion and alteration of an existing building, within the development limits of Carleton, it would be acceptable in principle under Saved Policy H4, and the relevant criteria are considered further in this report.

- 9.4 The proposal would also be acceptable in principle under paragraph 55 of the NPPF which states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”* Carleton is considered to be a sustainable location, accessible to Skipton, and served by shops, a primary school, village hall and public house.
- 9.5 **Visual and Heritage considerations;**
- 9.6 Policy considerations:
- 9.7 In terms of policy background, one of the core principles of the NPPF, set out within paragraph 17 of the document, is 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.”*
- 9.8 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.
- 9.9 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.
- 9.10 Where a development is acceptable in principle under Saved Policy H4 proposals must go on to accord with a number of criteria. Development must be of a scale, density and layout appropriate to the size and form of the village; must not have an adverse effect on the surrounding landscape; be of a design which in terms of proportions, materials and architectural detail is sympathetic to the character of the settlement and the locality; and will not have an adverse impact on areas or buildings of historic or architectural interest.
- 9.11 Visual impact/heritage analysis:
- 9.12 The Old Chapel makes a positive and important contribution to the setting of the Carleton Conservation area. In the previous planning application, which was withdrawn, the proposal to demolish the Old Chapel led to officer’s seeking independent Heritage Advice from ‘Hinchcliffe Heritage.’ The Consultant advised that *“the former chapel has heritage value in its own right and group value with surrounding buildings and it contributes positively to the character and appearance of the Conservation Area.”*
- 9.13 The Old Chapel retains a high degree of historic authenticity and integrity, the main change having been the installation of a large garage door opening in the north elevation. The proposed conversion would see this opening blocked up with stone walling, and the installation of 3 small obscure glazed windows. Other alterations include a change of roof pitch to the ‘Sunday School’ or Presbytery extension, the installation of a total of 12 rooflights in the east and west roof slopes, and the replacement of three window openings with door openings.
- 9.14 Some of the representations received raise concern over a number of the works proposed; the installation of rooflights, raising the ridge of the southern extension, and

replacement of two windows with doors in the east elevation. In order to make the building suitable for residential occupation it is inevitable that a number of alterations to the external appearance of the building will be necessary. Those alterations need to balance the practicalities of residential occupation of the Old Chapel with retaining the fabric of the building, and protecting the privacy and amenity of neighbouring residents, as far as is practical. Whilst the Old Chapel is located within a Conservation area, and is viewed in relation to nearby Listed Buildings, it is not a Listed Building itself, and there is no reason why sensitive alterations cannot take place.

- 9.15 It is considered that, in the main part, the works proposed are sensitive to the historic character of the building. Whilst the increase in roof pitch to the southern extension will alter its existing appearance, it will mirror the roof pitch of the main building, and would be visually acceptable. An original ornate window in the south elevation of the main building would be covered by the proposed roof pitch increase, but is to be resited into the south elevation of the extension to allow its retention. Proposed Conservation rooflights are considered to respect the building in terms of their design, quantity and positioning. The replacement of two tall narrow windows in the east elevation with doorways is unfortunate, but a necessity in order to gain access to the properties without harming neighbouring privacy.
- 9.16 It is acknowledged that the proposed conversion would result in some harm to the heritage asset, but as detailed above, it is considered that this harm would be less than substantial. The public benefits of the proposal would be the conversion and retention of the building, allowing it to continue to make a positive contribution to the character and appearance of the Carleton Conservation area. The public benefits of the proposal are considered to outweigh the less than substantial harm, and the proposal therefore accords with paragraph 134 of the NPPF.
- 9.17 The proposal is also considered to accord with Paragraphs 17 and 56 of the NPPF and Saved Local Plan Policy H4 with regards to general design and visual impact considerations.
- 9.18 **Privacy and amenity considerations;**
- 9.19 One of the core principles of the NPPF, set out within paragraph 17 of the document, is 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.”* Saved Policy H4 sets out that residential development must provide a satisfactory standard of residential amenity and not have an unacceptable impact on the amenity of neighbouring properties.
- 9.20 To the west of the site is a terrace of dwellings on Chapel Street, and to the north is Vicar’s Row. In consideration of properties on Vicar’s Row, the north elevation of the converted chapel would incorporate 3 small obscure windows at ground floor level, and the retention of the existing first floor window. The first floor window will serve a living room and whilst it would be possible to look down towards neighbouring windows on Vicar’s row its cill level would appear to be just above the top of the windows on the terrace, and so direct level views between windows would not occur. The window in question is an original feature that should be retained, and it is considered that obscure glazing this window may adversely affect its appearance; it is considered that the benefits of retaining the window would outweigh any limited reduction in neighbouring privacy.
- 9.21 In the west elevation, facing Chapel Street, existing window openings would be reused. Views from windows serving the ground floor of the Old Chapel would be prevented from overlooking the ground floor windows of properties on Chapel Street by the presence of existing boundary walls and outbuildings serving the terrace. The top quarter of these windows would serve the first floor, and it is considered necessary to impose a planning condition to obscure these sections of window to

prevent any harmful overlooking of neighbouring windows. Following concerns raised by neighbours with regards to the 6 No. roof lights proposed in the western roof slope, the architect has submitted an amended plan changing these from 4 No. clear glazed opening, and 2 No. obscure glazed opening roof lights to 6 No. obscure glazed non-opening roof lights. It is considered that these measures would maintain the privacy of residents on Chapel Street.

- 9.22 In terms of neighbouring amenity the proposed changes to the roof pitch on the southern part of the building may affect properties at the southern end of Chapel Street. The works would increase the height of the southern end of the Old Chapel by 1.5m, but would remain 1.5m below the height of the main roof. A resident on Chapel Street has expressed concern that the alterations would reduce natural light to their property, and overshadow rooms and garden. The submitted plan shows that from the middle point of windows on Chapel Street the works would not extend beyond a 25 degree line, and there is unlikely to be a substantial effect on daylight and sunlight. The proposal therefore meets the 25 degree test (BRE document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)'. Whilst it is acknowledged that the proposal may result in some reduction in sunlight and daylight to properties on Chapel Street, it is considered that any reduction would not result in an unacceptable loss of amenity.
- 9.23 Finally the amenity of future occupiers of the proposed dwellings should be considered. Each property will have some outdoor amenity space, sufficient for the storage of bins and for sitting outside. The property at the southern end of the building would have more amenity space than its neighbours, but all would have adequate to serve functional needs. Despite a number of windows serving the property being obscure glazed or non-opening, the plans still include a good level of openings and associated outlook, particularly in the east elevation which does not overlook any neighbouring properties.
- 9.24 **Highway safety;**
- 9.25 Saved Local Plan Policy H4 requires that new residential development will not create conditions prejudicial to highway safety.
- 9.26 Two of the properties would have a single parking space each, with one property having two parking spaces in tandem form (with one vehicle parked in front of another). Five of the neighbouring letters of representation, along with the Parish Council consultation response, have raised concerns with regards to highway matters; in particular referencing a lack of on-street parking, concern that the proposed dwellings would have insufficient parking spaces, potential increased hazard at the junction of Vicar's Row with Church Street, and no provision for vehicles to turn around on the application site.
- 9.27 It is acknowledged that the proposed parking arrangements are constrained by the curtilage of the site, and it is also acknowledged that the local residents do experience a shortfall in parking spaces both on and off road, which is largely due the historic fabric of the area which consists of terraced properties on narrow streets. Whilst these factors are understandably of concern for local residents, there are other matters that must also be considered in the balance.
- 9.28 First of all the constrained nature of the site results from the proposal to retain and convert the building in situ. The previous application to demolish the Old Chapel and construct three new dwellings, which was withdrawn, proposed 2 parking spaces for each property, although the requirement to reverse into those spaces or reverse onto Vicar's Row (as with the current application) would have remained. However, the provision of two extra parking spaces would not, it is considered, have provided a public benefit that would have outweighed the substantial harm that the demolition of the Old Chapel would have caused to the character and appearance of the Conservation area.

9.29 Secondly NYCC Highways Authority have raised no objections to the application on highway safety grounds. They acknowledge that a traffic trade off would be taking place; the previous and currently lawful use of the Old Chapel is that of a vehicle repair garage and any number of vehicles using such a business could be parked within the curtilage and spill over to parking on the public highway. If a garage reopened at the site there is no restriction on the number and types of vehicles that could be travelling to and from the premises on a daily basis and parking in the vicinity. Taking this into account NYCC Highway Authority are satisfied with the proposal. It is therefore considered that it would be difficult to sustain a refusal of planning permission on highway safety grounds at Appeal, as such a refusal would not be supported by NYCC Highways Authority.

9.30 **Other matters;**

9.31 A neighbouring representation sets out concern for the number of planning applications for new developments around the village, and that these seem to be exceeding the number of dwellings set out in the neighbourhood plan, as well as affecting the infrastructure of the village. The case officer is not aware of the presence of a neighbourhood plan for Carleton. Nevertheless, each planning application must be considered on its own merits against local and national planning policy, and the fact that other developments may be under consideration should not be matter affecting the outcome of this planning application.

9.32 Another representation stated that the plans scanned online “are virtually illegible as they are orientated on their side and extremely pale”. Hand drawn plans which are then scanned onto our system don’t always show as clearly as electronic plans. However, the case officer is satisfied that the plans online are legible, and can be reorientated on the screen to allow easier viewing. A paper copy of the plan was sent to Carleton Parish Council, and paper copies have also been available to view at the Craven District Council offices.

9.33 **Conclusion;**

9.34 Paragraph 14 of the NPPF sets out that Local Planning Authorities should be approving planning applications that accord with the development plan without delay.

9.35 The proposal would allow the retention of a historic building which contributes to the character and appearance of the Carleton Conservation area, through its repair, alteration and conversion to form 3 dwellings. The site is in a sustainable location in the centre of Carleton village, and it is considered that the conversion can take place without resulting in any adverse loss of amenity to neighbouring residents through loss of daylight/sunlight or privacy. It is appreciated that there are local concerns regarding highway safety, however NYCC Highways Authority have raised no objections to the proposal, and taking into account the lawful use of the site as a garage, it is not considered that a refusal of planning permission on highway safety grounds could be substantiated.

10. Recommendation

10.1 Approval

Conditions

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

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

2. The approved plans comprise Drawing 2676.2A received by Craven District Council on 22<sup>nd</sup> May 2017. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate

otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. This consent extends to the repair and conversion of the building only, and does not extend to the demolition and rebuilding of the building.

**Reason:** The Old Chapel is located in a Conservation area, and this grant of consent does not extend to the demolition and rebuilding of the building.

4. No work shall commence on any new external walling (on the north elevation where the garage door is to be infilled, and on the south elevation where the roof pitch is to be increased) until such time as a sample panel of walling of not less than 1 square metre, showing the type and colour of stone and pointing to be used, and the method of coursing, has been provided on site and details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the details so approved.
5. No work shall commence on the installation of new windows and doors until such time as details of those windows and doors have been submitted to and approved in writing by the Local Planning Authority. Those details shall include the materials, finish/colour and design and internal reveal (shown on scale 1:10 or 1:20 plans) of all windows and doors. The windows and doors shall be installed in accordance with the approved details and retained as such thereafter.
6. The re-roofing of the building (including the new roof pitch to the southern end of the building) shall re-use the existing roofing slates on each roof, and any replacement slates shall match the existing roof slates in size and appearance.

**Reason (4, 5 & 6):** To ensure the development is of a good appearance taking into account its location within the Carleton Conservation area and to accord with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

7. Prior to the first occupation of the development hereby permitted all roof lights in the west facing roof slope shall be obscure glazed to level 5 and non-opening. Once in place the roof lights shall be retained as such thereafter.
8. Prior to the first occupation of the development hereby permitted, the three ground floor windows in the northern elevation facing Vicar's Row shall be obscured glazed to level 5 and non opening. Once in place the windows shall be retained as such thereafter.
9. Prior to the first occupation of the development hereby permitted, all windows serving the first floor in the west facing elevation of the building shall be obscure glazed to level 5 and non-opening. Once in place the windows shall be retained as such thereafter.

**Reason (7, 8 & 9):** In the interests of neighbouring privacy and to accord with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (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 garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.



**Reason:** To ensure that any alternations of additions to the building or its curtilage are appropriate in terms of the character and appearance of the Conservation area and the privacy and amenity of neighbouring residents.

11. Prior to the first occupation of the development hereby permitted, full details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure (including any walls, fences, railings) and gates, and hard and soft surfacing materials. The approved works shall be implemented prior to the first use of the development hereby permitted.

**Reason:** To ensure the satisfactory detailed appearance of the development, and to accord with Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

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 Drawing 2676.2A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**Reason:** In accordance with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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.

Discharge of Conditions

1. The developer should note that Condition No's. 4, 5 and 11 above will require a further application to be submitted to enable the District Council to formally 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.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*AIRE VALLEY WITH  
LOTHERSDALE  
11/2017/17956*

*THE DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND  
ERECTION OF 5 DWELLINGS AND A B1 OFFICE - RESUBMISSION OF  
WITHDRAWN APPLICATION 11/2016/17253.*

*COLLEGE FARM, COLLEGE ROAD, BRADLEY.*

APPLICANT NAME: GRANGE DEVELOPMENTS YORKSHIRE LTD

TARGET DECISION DATE: 22/05/2017

CASE OFFICER: Andrea Muscroft

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**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 of 0.65 hectares of farm yard known as College Farm that lies at the end of College Road to the north of the centre of Bradley. Within the site are a number of large modern farm buildings located to the north of the site with an office unit located adjacent to the entrance to the farm.
- 1.2 The site is enclosed by traditional stone walls which separate the site from the agricultural fields that lie beyond.
- 1.3 Located to the south and southwest of the site are residential dwellings and to the north is Ghyll Farm.
- 1.4 The site lies within the designated conservation area of Bradley. Located adjacent to the existing access into the Farm is a Grade II building identified as the Old Hall with further listed buildings to the southwest.
- 1.5 The topography of the site comprises of an incline west to east with land beyond the site climbing up to Bradley Moor. The majority of the site has been subjected to some level of hard standing.
- 1.6 A Public Right of Way lies to the west (ref:05.7/21/1) and north (ref; 05.7/51/1) with a further Public Rights of Way to the south(ref: 05.7/20./2) and east (ref: 05.7/20/3).
- 1.7 The application site is partially located outside of the development limits for the village of Bradley and therefore lies within the open countryside as designated by the 1999 Local Plan.

2 Proposal

- 2.1 The proposal is seeking approval for demolition of existing agricultural buildings and the construction of 5 detached dwellings and a B1 office. (Resubmission of withdrawn application 11/2016/17253).
- 2.2 Officers Note. The revised proposal seeks to address objections by the Highways Authority with changes to the proposed access to the site. The revised proposal also aims to address concerns over the layout and design of the development.
- 2.3 The proposal is supported by the following documentation:
  - Planning Statement
  - Design & Access Statement
  - Affordable Housing Statement

- Heritage Statement
- Highway Statement
- Civil Design Statement
- Phase I Geoenvironmental Assessment.

### 3 Planning History

- 3.1 5/11/71 – Construction of Portal Frame Building with two adjoining lean-to buildings for use as a feed and cubicle shed – Approved May 1977.
- 3.2 5/11/71A – Construction of cubicle house for 100 – Approved June 1981.
- 3.3 5/11/117 – Construction of detached bungalow and garage for agricultural worker – Approved June 1980.
- 3.4 5/11/117A – Construction of detached bungalow being matters reserved in outline approval granted under 5/11/117 – Approved April 1981.
- 3.5 5/11/117/B – Construction of Conservatory – Approved September 1996.
- 3.6 5/11/200 – Construction of new silage clamp and covering of existing silage clamp to form cubicle shed – Approved July 1988.
- 3.7 11/2005/5097 – Certificate of Lawfulness – Refused April 2008.
- 3.8 11/2010/10279 - Certificate of lawful development for an existing mixed use of site for agriculture and as a civil engineering, contracting, plant hire and storage facility Withdrawn September 2010.
- 3.9 11/2016/17253 - Demolition of existing agricultural buildings and construction of 5 detached dwellings with associated off street parking and the construction of the construction of a B1 Office unit – Withdrawn September 2016.

### 4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, ENV10, H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance – PPG.

### 5 Parish/Town Council Comments

- 5.1 Bradley Parish Council: Object to the proposal for the following reasons:
- 5.2 The application is premature in view of the Council's Neighbourhood Development Plan. In the NDP residents expressed concerns with the amount of traffic going through the village, and this development would only add to that traffic.
- 5.3 This site was dismissed from development within the NDP due to traffic issues, it is also noted that there are no garages planned for the houses, only parking spaces.
- 5.4 The Traffic Report is unclear and does not provide evidence of reduced traffic movements.

### 6 Consultations

- 6.1 CDC Environmental Protection: No objection subject to the use of conditions relating to the removal of Asbestos, Noise, Dust nuisance, the importing of Top Soil.
- 6.2 Historic England: No comments received at the time of compiling this report.
- 6.3 NYCC Highways: No objections subject to conditions relating to the retention of parking spaces,

- 6.4 NYCC Suds Officer: Proposal is below the threshold for consultation. On that basis, no comments to make with respect to surface water management.
- 6.5 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
- 7.1 The proposal was advertised in the Craven Herald on the 13<sup>th</sup> April 2017 and a site notice was posted adjacent to the site on the 14<sup>th</sup> April 2017. In addition, notification letters were distributed to neighbouring properties. As a consequence of the publicity a total of 6 letters have been received (2 from College End). Comments have been summarised below:-
- 7.2 **Visual impact**
- Layout and dwellings are not in character with the surrounding area.
  - Concern over the potential negative impact on the adjacent listed building.
  - Concern that the development will have a detrimental impact on the designated conservation area.
  - Advice contained within the YDNP Design guide may be useful in improving the overall scheme.
  - Obtrusive telephone and power cables should be avoided and laid underground and care should be given to avoid 'lighting overspill'.
- 7.3 **Amenity**
- Concern over the loss of privacy.
  - Proposal would result in noise nuisance from increased traffic and traffic generated from the office building.
  - The demolition of existing buildings and construction of new buildings on site would result in noise disturbance.
- 7.4 **Highway issues.**
- Concern over potential impact of HGV's on the village.
  - Concern over highway safety for both vehicle users and pedestrians.
  - Proposal would result in an unacceptable increase in exhaust fumes and congestion.
  - Concern over potential impact on on-street parking.
- 7.5 **Drainage**
- Concerns over potential surface water flooding.
  - Concerns over potential foul drainage disposal.
- 7.6 **Other issues.**
- The site has not been identified as a potential housing site within the Bradley Neighbourhood Plan.
  - Why is the office building not being relocated to Jackson Lane.
  - The construction of an office as part of the development may put off potential purchasers.

- Question what is the purpose of the office and the nature of the business conducted from it.
- Style of office building suggests a sixth residential property at some time in the future.
- No objections in principle to the development of the site.
- The applicant can afford to improve the design and quality.
- Recommend fewer houses on site.
- Recommend if approved that working hours are restricted.
- In accuracies contained within the submission.

## 8 Summary of Principal Planning Issues

8.1 Principle of development

8.2 Visual impact of development on the designated heritage asset.

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highway issues.

8.5 Drainage issues.

8.6 Other issues.

## 9 Analysis

### 9.1 **1. Principle of development.**

9.2 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.

9.3 The application site lies partially outside but within close proximity to the existing development limits of Bradley 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.

9.4 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.

9.5 Also of relevance is Saved Policy H3. 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 a 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.

- 9.6 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.
- 9.7 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.
- 9.8 One key objective of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.9 In May 2017 the Council's Planning Policy team published the 'Five Year Housing Land Supply Methodology and Report'. The report sets out the most recent position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply. Although, this hasn't been subjected to full independent examination and may be subject to legal challenge. Therefore, in summary the Council is able to demonstrate a NPPF compliant 5 year supply of housing sites.
- 9.10 In officer's opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however, a material consideration in the planning judgement that can be given weight in the decision making process. In effect, it is one of the many planning issues that should be taken into account when determining a planning application.
- 9.11 It is recognised that the site is partially located outside of the development limits 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.
- 9.12 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.
- 9.13 Similarly, whilst Bradley Parish and local residents make reference to the emerging Neighbourhood Plan with regards to housing policy. It is considered that due to the documents prematurity that it can be given very limited weight in the decision making process.
- 9.14 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is partially outside of the development limits of Bradley. However, on balance, the site is located adjacent to an existing collection of dwellings, which are located within walking distance of the centre of Bradley (although it is acknowledged that there is no footpath for the entire length of the College Road. Bradley has good pedestrian and vehicle connections to local services and facilities (e.g. Primary 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.

- 9.15 Notwithstanding that the site is partially within the development limits for Bradley the site is clearly been developed for agricultural purposes. 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 complies with the guidance contained within the NPPF.
- 9.16 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.
- 9.17 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the 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.
- 9.18 In conclusion, the site is partially outside of the development limits for Bradley. However, given its close proximity to the village centre which is served by local transport services, connecting Bradley 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.
- 9.19 **2. Visual impact of development on the designated heritage asset.**
- 9.20 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.
- 9.21 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.
- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.
- 9.26 The NPPF also states that LPA’s 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.
- 9.27 The application site lies within the Conservation area of Bradley which was designated in 1979. The character of the conservation area with regards to the village centre is derived in part by the uniformity of traditional vernacular designed and constructed dwellings using matching materials and methods of construction. And as such, it is these buildings and surrounding rural area that makes a positive contribution to the character and appearance of the conservation area.
- 9.28 The proposal would see the replacement of a number of large agricultural buildings that are at different states of disrepair, areas of hard standing with residential development and office unit.
- 9.29 The proposed dwellings would be two storey in height and located within 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.
- 9.30 With regards to the detailing of the dwellings, the surrounding area comprises on the whole of traditional vernacular designed dwellings with common architectural features present. The proposal is seeking to incorporate a number of these key features within the design of the dwellings (e.g. stone quoins, stone heads, sills and kneelers). In addition, the proposed dwellings would be constructed from a similar palette of materials to those used in the construction of adjacent dwellings thus further ensuring that the development harmonises with the immediate area and wider conservation area.
- 9.31 The proposal also proposes soft landscaping with grassed areas to the amenity areas of the dwellings with additional tree/shrub planting with some areas of hard standing. 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.
- 9.32 With regards to the proposed office/garage/store unit the building has been designed to complement both the character of the surrounding conservation area and also the proposed dwellings with regards to its scale, design and appearance. In addition, the building would be constructed using materials that in officer’s opinion would not



detract from the character and appearance of the street scene or the designated conservation area.

- 9.33 In conclusion, it is considered that the proposal to development this site for housing could be developed 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.
- 9.34 **3. Impact of development on the amenity of neighbouring properties.**
- 9.35 Within the Core planning principles of the NPPF 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'.
- 9.36 The nearest dwelling outside of the ownership of the applicant is Old Hall located to the west of the site at a separation distance of approximately 8m from the western gable of the office. The western gable would contain two windows serving the office area which would face towards the rear amenity area of the Old Hall. However, it is considered that due to the set down, combined with the stone boundary wall and existing trees that the occupiers of this dwelling would not experience any unacceptable loss of privacy. 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.
- 9.37 The next nearest dwelling to the application site would be Ghyll Farm located to the north of the site at a separation distance in excess of approximately 40m. It is considered that the separation distance is sufficient to ensure that the occupiers of this property do not experience any loss of privacy or amenity from the proposal.
- 9.38 With regards to the potential impact of the development on the remaining residential dwelling located along College Lane 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.
- 9.39 Local residents have expressed concerns over potential noise nuisance, light pollution and nuisance from vehicles. However, it is officer's opinion that the provision of five dwellings would not lead to any unacceptable adverse impacts to warrant a refusal.
- 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 revised 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 T2 are 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 along College Road and provide off street parking for both the residential dwellings and the office/store building. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.47 Representations have been made relating to the loss of on street parking. It is acknowledged that the proposal may result in some inconvenience for local residents who use the public highway for parking on a regular basis. However, parking on the public highway cannot be treated as ‘private’ parking spaces.
- 9.48 Comments have been received raising concerns over highway safety concerns. NYCC Highways have been consulted and have 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.
- 9.49 **5. Drainage issues.**
- 9.50 Local residents have expressed concerns about the disposal of surface water. Details submitted show a significant reduction in the level of impermeable surfaces within the site with the introduction of soft landscaping. Whilst no further details have been forthcoming it is considered that the use of appropriate condition can be attached to resolve in detail this issue.
- 9.51 Concerns have also been expressed with regards to the disposal of foul waste. A detailed drainage plan ref MCN-GD001 has been submitted indicating that foul waste will be disposed of via a main sewer. Yorkshire Water have been consulted and have not expressed any concern over the proposal.
- 9.52 **6. Other issues.**
- 9.53 With regards to comments relating to Policy BE11 this policy was not saved by the 2007 Direction and as such the proposal has not been assessed against the policy requirements of this former Local Plan policy.
- 9.54 With regards to comments relating to how the applicant can spend his money are noted these are not a material planning consideration and will not form part of the assessment of this application.
- 9.55 Concerns have been expressed over the potential for a sixth dwelling on the site. However, each proposal is considered on its own merits with regards to the site constraints and as such the proposal would not set a precedent for a future dwelling on the site.
- 9.56 **Conclusion**
- 9.57 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.*
- 9.58 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

10.1 To grant approval subject to the following conditions.

Conditions

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

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

2. The approved plans comprise drawing No's:

- MCN-GD001 'Site Drainage Plan' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- MCN-GD001 'Impermeable Area' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- MCN-GD003 'Site Location Plan' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- A1/244/2/002 'Proposed Site Layout' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- A1/244/2/003 'Plots 1, 2 & 4 – Plots 3 & 5 handed' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- A1/244/2/004 'Proposed site sections A & B' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.
- A1/244/2/005 'Proposed site sections C & D' received by the Local Planning Authority on the 27<sup>th</sup> March 2017.

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

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

3. Prior to their first use, samples of the proposed materials (including colour of render, paintwork, stone, roof tile) 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.

4. All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved site layout plan. 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.

5. 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.

6. 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.

7. 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 **Proposed site layout** 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.

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

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

9. 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.

#### **Informative**

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](http://www.communities.gov.uk))

During construction there is a potential for noise nuisance to nearby residential properties. Operating times for construction should 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.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

Property specific summary information on past, current and future coal mining activity can be obtained from [www.goundstability.com](http://www.goundstability.com)

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.

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.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*WEST CRAVEN  
32/2017/17947*

*CONVERSION OF REDUNDANT RESERVOIR TO FORM NEW DWELLING  
BY USING THE EXISTING STRUCTURE OF THE FORMER RESERVOIR  
(RESUBMISSION OF PREVIOUSLY REFUSED APPLICATION  
32/2016/17446).*

*EXISTING REDUNDANT RESERVOIR, CONONLEY ROAD, GLUSBURN.*

APPLICANT NAME: JAMES WADE HOMES

TARGET DECISION DATE: 22/05/2017

CASE OFFICER: Neville Watson.

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**This application is referred to the Planning Committee as a similar application was determined on this site by the Planning Committee in December 2016**

1. Site Description

- 1.1 The application site comprises a redundant reservoir tank. The reservoir structure is constructed in stone and is situated in an open field outside the development limits of Glusburn in open countryside. The site can be accessed from a field gate but no access track exists. The field slopes from south to north and west to east and the site is highly visible from a number of locations.

2. Proposal

- 2.1 The application seeks permission to utilise the outer walls of the former reservoir create a four bedroomed detached dwelling with double garage and external courtyard within the confines of the existing reservoir structure. The dwelling would sit within the level of the existing structure and would utilise a grass roof. A new gravelled access track is proposed from the existing field gate across the field to the reservoir with raised bankings to either side.

3. Planning History

- 3.1 32/2016/17446 Formation of new dwelling within former reservoir. Refused 20 December 2016

4. Planning Policy Background

- 4.1 National Planning Policy Framework  
4.2 Saved Local Plan Policies ENV1, ENV2 and T2

5. Parish/Town Council Comments

- 5.1 The Parish Council fully support the application and would like to see this application granted. The planned development is environmentally friendly. The dwelling will not be visible from the road. It is also making use of a redundant reservoir. The Parish Council feel that this application is no different to an application recently granted by Craven District in the Cowling area for the same sort of development.

6. Consultations

- 6.1 NYCC Highways – The required level of visibility can be provided. Conditions are recommended.

7. Representations

- 7.1 No representations have been received.

8. Summary of Principal Planning Issues

- 8.1 Principle of Development

- 8.2 Impact on the character and appearance of the open countryside
- 8.3 Impact on residential amenity
- 8.4 Highway safety
- 8.5 Other Issues

## 9 Analysis

### **Principle of Development**

- 9.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan making and decision making. The NPPF advises that development proposals that accord with the development plan should be approved and where plans are out of date approval should be granted unless the adverse impacts significantly outweigh the benefits.
- 9.2 The application is for the provision of a residential unit and therefore the Council's supply of housing land should also be considered as part of this application.
- 9.3 Very recently the Council's Planning Policy team published the May 2017 'Five Year Housing Land Supply Methodology and Report' and is of relevance with respect to making decisions on planning applications for new housing development.
- 9.4 The report sets out the latest position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply at this stage. Whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can demonstrate a 5 year land supply, this position may change as new information becomes available. Furthermore the report and the assessment methodology for the housing requirement that is used has not yet been subjected to full independent examination and may be subject to challenge.
- 9.5 In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of the many planning issues that should be taken into account when determining a planning application.
- 9.6 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not be given any weight in the decision making process. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its merits and its suitability for residential development considered. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required due to the May 2017 Five Year Housing Land Supply report.
- 9.7 The application site is situated in open countryside and outside development limits thus the principle of development should be assessed against the NPPF and Saved Policies ENV1 and ENV2 of the Craven Local Plan.
- 9.8 Paragraph 14 of the NPPF introduces the presumption in favour of sustainable development. The proposal is situated outside development limits and in open countryside, however it is in close proximity to a settlement and within walking distance of a bus route and local facilities.
- 9.9 Paragraph 55 of the NPPF advises that new homes in the countryside should be avoided unless there are special circumstances such as:

*The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*

*Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

*Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*

*The exceptional quality of innovative nature of the design of the dwelling.*

9.10 Policy ENV1 (Development in the Open Countryside) states that ‘small scale development in the open countryside will only be permitted where:

*It clearly benefits the local economy,*

*Helps maintain or enhance landscape character*

*Is essential for the efficient operation of agriculture*

*Is essential for the needs of the rural community*

The proposal is for a new dwelling in the countryside, using the existing reservoir structure for its outer wall. The NPPF does not expand on what can be considered re-use but on balance it is considered that the proposal satisfies the requirements of paragraph 55. Visually the external impacts are limited and while the development would not necessarily enhance the landscape character of the area it would have no greater impact than the existing situation. It is concluded that the development would not conflict with Policy ENV1.

9.11 Policy ENV2 provides guidance on the acceptability of development in the countryside. It is considered that the development would not have an unacceptable landscape impact as it re-uses an existing structure. The development would not impact on rural access roads and services and infrastructure can be provided. It is considered that there is no conflict with Policy ENV2.

9.12 It is therefore considered that the proposed dwelling in accordance with the guidance within the NPPF or the Craven Local Plan and thus is acceptable in principle.

#### **Impact on the character and appearance of the open countryside**

9.13 The proposed dwelling is to be situated within the confines of the reservoir structure, however the reservoir structure itself is an incongruous feature in the landscape and is highly visible from both short range and long range views of the site from across the valley. The proposal would seek to retain this structure to house a dwelling.

9.14 The proposed dwelling is to include a grassed roof to reduce its impact on the open countryside and an enclosed garage and courtyard. The access track would however be required to cross the entire field and due to the topography of the land this would not run along the lower section of the site adjacent to the boundary wall but through the middle section, which is highly prominent. The proposal includes banking to both sides of the access track to reduce its visibility. It is considered that whilst this would lessen the impact of the track, it would still be visible from long range views across the valley and would detract from the open nature of the countryside in this location.

9.15 It is therefore considered that the proposal would retain an existing structure and therefore there is no greater impact. The access track would have a detrimental impact on the character and appearance of the open landscape but in itself on balance would not warrant refusal on this ground alone.

#### **Design**

9.16 The design of the proposal is to provide a ‘subterranean eco home’ which sits within the existing reservoir structure. The dwelling is to be of modern design constructed of render, timber cladding and high level of glazing with a sedum roof. The application



states that the design will be sustainable in that it has been designed to reduce the amount of lighting required, would be highly insulated and energy efficient and would increase the use of renewable resources through the use of photovoltaic cells, however these are not shown on the submitted plans. No detailed external lighting scheme has been provided and any planning approval would require further details to ensure that the proposal does not create unnecessary light pollution in an area of open countryside.

### **Impact on residential amenity**

- 9.17 Paragraph 17 of the NPPF seeks 'to secure a good standard of amenity for all existing and future occupants of land and buildings'.
- 9.18 The proposed dwelling would provide a four bedroomed property with a double garage and associated accommodation. The property would be located within the reservoir structure and no openings are proposed within this structure save for the vehicular access in the south east wall of the reservoir approximately 7 m. wide. It is unknown how much natural light would be available within the property and a number of roof lights are proposed.
- 9.19 The level of accommodation would appear to be acceptable, however no future openings would be considered to be appropriate, due to the impact that these would have in terms of increasing its visibility within an open area of land and also due to the potential for light pollution. Should this application be considered to be acceptable, conditions are recommended to remove any permitted development rights from the property to ensure that the dwelling is not extended beyond the confines of the reservoir and that no new openings are created.
- 9.20 It is also recommended that conditions be attached to any approval to ensure that the garage is retained as such, as is the proposed parking and turning area, as the creation of external car parking would have a detrimental impact on the character of the open countryside in this highly visible location.
- 9.21 The application site has no immediate neighbours and thus there would be no significant adverse impact upon the residential amenity of the neighbouring residents.

### **Highway Safety**

- 9.22 The application includes the creation of an access track using an existing field access gate to the south of the site. Policy T2 of the Craven Local Plan sets down the requirements for development in terms of highway impacts. The Highway Authority has been consulted on the new access arrangement and has confirmed that a suitable access can be created which would not adversely impact on highway safety providing a number of conditions are imposed on any planning approval. These conditions relate to the construction of the access, the provision of visibility splays and the retention of the garage and parking areas. It would be expedient to any planning approval for these conditions to be imposed. Representation has been received with regards to the moving of the access arrangement; however the application can only be determined upon the scheme submitted.

### **Conclusion**

- 9.23 The development now proposes to re-use an existing structure and therefore satisfies the requirements of the NPPF. Notwithstanding the impact of the access on balance the revised scheme is now considered to be acceptable.

## **10 Recommendation**

- 10.1 That the application be approved.

### **Conditions**

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

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

2. The approved plans comprise

- 100/22
- 100/23
- 100/25
- 100/26
- 100/27
- 100/28
- 100/29

received by the Local Planning Authority on the 27 March 2017. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. No external openings, windows or doors shall be created in the external wall of the former reservoir other than to achieve vehicular access to the dwelling shown on the approved plans.

**Reason:** To protect the amenities of the area.

4. 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 requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

(v) 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.

(vi) The final surfacing of any private access within 6 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

**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

5. 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 120 metres northerly and 60 metres southerly measured along both channel lines of the major road Cononley Road Glusburn 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 the interests of road safety.

6. Notwithstanding the provision of any Town and Country Planning General Permitted Order 2015 or any Order revoking or re-enacting that Order, the areas shown on Design and Access Statement 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.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order revoking or re-enacting that Order, the garage(s) 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 the general amenity the development.

#### 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.

#### 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