

PLANNING COMMITTEE MEETING AGENDA

Monday, 04 July 2016

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

*HELLFLD & LNG P
42/2016/16640*

*RESUBMISSION OF PREVIOUS OUTLINE APPLICATION WITH SOME
MATTERS RESERVED REFERENCED 42/2015/15870 FOR RESIDENTIAL
DEVELOPMENT COMPRISING OF 21 DWELLINGS INCLUDING
CONSTRUCTION OF A NEW VEHICULAR ACCESS OFF A65*

LAND OFF A65 KENDAL ROAD, HELLIFIELD.

APPLICANT NAME: CMM AUCTIONS
TARGET DECISION DATE: 06/05/2016
CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as it is a departure from the Development Plan and it is a re-submission of a proposal that was previously considered by the Planning Committee.

1. Site Description

- 1.1 The application site relates to a parcel of land covering approximately 0.97 hectares of pastureland. The site is enclosed by a stonewall along the eastern boundary, hedging/trees with timber fencing along the northwest boundary, a stone wall to the southwest boundary, and the far south boundary is unmarked and leads into agricultural fields.
- 1.2 To the north east and east is Hellifield Community Primary School and well established residential areas. To the north and northwest are two established retail/commercial businesses (Townson Tractors and Becks Garden Machinery) that back onto the site. Running through the site is a tarmac lane leading to a group of dwellings located to the southwest of the site.
- 1.3 The site is located adjacent to but not within the Development Limits of Hellifield and therefore is located in the open countryside as defined in the 1999 Craven (outside the Yorkshire Dales National Park) Local Plan.

2. Proposal

- 2.1 The application is a re-submission following refusal of an earlier application (Ref: 42/2015/15870). The current proposal has not been amended to address the issues raised in the refusal notice, although since the previous decision was made there has been a change in the Council's stated position with respect to the 5 year housing land supply.
- 2.2 The Council's December 2015 published Housing Land Supply Methodology and Report indicates that the Council is unable to demonstrate a five year supply of housing sites (the previous report published in May 2015 indicated that the Council could demonstrate a 5 year supply of housing sites).
- 2.3 The current proposal remains an outline application for the construction of 21 dwellings. In addition to considering the principle of development, the only detail proposed for consideration is access into the site. The appearance, scale, landscaping and layout of the development are reserved matters.
- 2.4 The proposal is supported by the following documentation:-
- Planning and Heritage Statement.

- Sustainability Statement.
- Affordable Housing Pro-Forma.
- Indicative Site Layout Plan.
- Indicative Site Layout in Context.
- Site Opportunities & Constraints Plan.

3. Planning History

3.1 45/2015/15870 - Outline application for residential development comprising of 21 dwellings, including construction of a new vehicular access off A65. Refused for the following reason:

3.2 *The proposed development is within an open countryside location where Saved Policy ENV1 (from the 1999 Craven District (Outside the Yorkshire Dales National Park) Local Plan) requires new residential development to be specifically justified. Additionally, paragraph 55 of the NPPF indicates that new residential development in rural areas needs to be specifically justified, and one of the core planning principles contained within the NPPG states that the intrinsic character and beauty of the countryside should be recognised. The Local Planning Authority has more than a five year supply of residential development land and therefore there is no overriding need for new housing sites to be found within the District that would outweigh the provisions of Saved development plan policy ENV1. Therefore, in absence of any justification, the use of this agricultural land for housing development within this open countryside location is unacceptable in principle as it is contrary to Saved development policy ENV1. Furthermore such unjustified development does not meet with the requirements of paragraph 55 of the NPPF or one of the NPPF's core planning principles as housing development would be harmful to the intrinsic open character of the countryside.*

4. Planning Policy Background

4.1 Saved Policies ENV1, ENV2 & T2 from the 1999 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 Hellifield Parish Council: Object to the proposal on the following grounds:-

- The proposal is contrary to both national and local plan policies.
- The proposal does not represent sustainable development as the proposal would be harmful to the undeveloped nature of the countryside and character and quality of the landscape.
- The proposal presents a misleading sustainability report.
- The reference to financial incentives is not a key consideration. The consideration is the principle of development.
- The resubmitted proposal doesn't differ from the previously refused application.

6. Consultations

6.1 **CDC Contamination:** No known contaminated land implications.

- 6.2 **CDC Environmental Protection:** No objection but suggests the use of conditions restricting working hours of any construction works and the management of dust associated with the development.
- 6.3 **CDC Sport Development Officer:** The outline application is acceptable under planning policy SRC2 due to the onsite provision of a village green and the offer of a significant contribution to upgrade existing sports and recreation facilities in the village. Both Station Road Recreation Ground and Thorndale Street recreation grounds are accessible from the site and a contribution of £80,000 would meet SRC2 policy methodology. Therefore it is recommended that a condition is attached to any subsequent approval in order that the applicant fulfils this commitment.
- 6.4 **CDC Strategic Housing Officer:** Details submitted state that the proposal would provide the recommended 40% affordable dwelling, in line with the Interim Affordable Housing Position. However, as the proposal is outline only, it is not possible for comments to be passed on the mix provided as this has not been included as part of the application. Notwithstanding this, as with the previous submission, Strategic Housing is willing to agree to a greater provision of 'intermediate' units on this site, including intermediate sale. Therefore, based on the submission of affordable housing at reserved matters stage Strategic Housing is supportive of the proposal.
- 6.5 **Electricity Northwest:** The proposal could have an impact on our infrastructure and therefore advise the applicant that the development must not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted then the applicant is advised to contact us to verify such details. The applicant should also be advised that should there be a requirement to divert the apparatus; the cost of such a diversion would usually be borne by the applicant.
- 6.6 **Environment Agency:** No comments on this proposal.
- 6.7 **Northern Gas:** No comments received at the time of compiling this report.
- 6.8 **NYCC Highways:** No objection subject to the attachment of appropriate conditions.
- 6.9 **NYCC Suds Officer:** No objection to the proposal subject to the use of appropriate condition.
- 6.10 **United Utilities:** No objection subject to the attachment of appropriate conditions.
7. Representations
- 7.1 Thirty nine letters of representation (a few households have sent more than 1 letter) have been received. Objections have also been made by the Campaign to Protect Rural England. Comments have been summarised below:-
- 7.2 **Policy Issues.**
- Proposal is contrary to the Local Plan Policies.
 - The site has been removed from the Emerging Local Plan and therefore development of this site should not be allowed.
 - The site does not represent sustainable development.
- 7.3 **Visual Impact.**
- Inappropriate development in the open countryside.
 - Concern over the proposals impact on the dwellings at Beck House.

- Concern over the parcel of land adjacent to the garage at Beck House will become overgrown thus becoming a safety issue.
- Views across to the National Park will be significantly affected reducing the public enjoyment of this popular recreational walk.
- Concern that the proposal would have negative impact on Long Preston and Settle Carlisle conservation areas.
- Loss of green buffer.

7.4 **Amenity Issues.**

- Concern that the school buildings and playground areas will be subject to increase noise, dust and vibrations during construction stage.

7.5 **Highways Issues**

- Concern over highway safety due to an increase in traffic movements.
- Concern that any changes to the existing visibility splays would impact on highway safety.
- The access point takes no account of heavy agricultural vehicles and machinery entering the site.
- It is suggested that a condition be attached restricting heavy lorries accessing and leaving the site during times to be agreed with the Head teacher.
- Concern that emergency services will be unable to access the school.

7.6 **Flood Risk**

- Concern that the proposal would exacerbate an existing flooding issue on site, due to run-off collecting in an area behind the garage of Beck House.
- Concern that development would lead to run-off affecting the residents of Beckhouse.

7.7 **Contamination.**

- Concern over the potential impact on the garage at Beck House due to flooding.

7.8 **Other issues**

- The reasons for the previous refusal still remain.
- A recent appeal decision dismissed the Council's housing land supply argument as being unreliable.
- The proposal should be determined by Planning Committee.
- Concern that pre-application discussions have taken place between the Council's planning department and the applicant's agent.
- The threat of appeal and costs against Craven ratepayers should not be a consideration when determining this new application. It is suggested that Craven Cattle Marts withdraw this threat and allow Craven District Council to determine the application on its own merits.
- Concern that the proposal is seeking to circumvent the emerging Local Plan. Suggest that should the site be granted planning approval that site HE013 identified within the emerging Local Plan is removed from the Local Plan for development.

- No community consultation has been undertaken in relation to this proposal. Therefore, before any discussion is taken it is suggested that such an event is held to enable local resident's feedback and opinions of the development are taken on board.
- The Council failed to send out notification letters with regards to the re-submission of this proposal.
- The proposal would result in loss of agricultural land.
- Concern that the parcel of land adjacent to the garage at Beck House will be so small that the farmer will not wish to take it on.
- Question why this greenfield site has been selected given that there are a number of brownfield sites available in the village of Hellifield.
- Hellifield has seen over 56% in recent years, with many on the market for sale or rent. There is no need for further housing in the village as its continued growth would have an adverse impact on village life.
- The village needs a sustained period of time, without further substantial developments, to enable integration to take place.
- Recent residential developments within the village have not created any economic benefits for the village demonstrated by the closure of a number of local businesses.
- There are no facilities or work available in the village; as such people will have to travel.
- Local residents have made the Council aware of how much more housing would be acceptable in the village at the local parish meeting.
- Proposed development would further impact on the village infrastructure especially on the electricity supply.
- Concern that should the proposal be granted consent it will give the applicant considerable scope to develop outside the details given in their submission.
- No discussions have been held with regards to the potential footpath link between the development and the school.
- The Hellifield Children's Centre and Pre-School are no longer operational.
- Concern that the proposal would be a threat to local tourism.
- Concern over potential impact on Pan Beck Fen SSSI.
- Concern that the proposed construction works would have a negative impact on beck.
- Concern over the potential impact on the local biodiversity.

8. Summary of Principal Planning Issues

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

8.7 Other issues.

9. Analysis

Principle of development.

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The application site lies outside but adjacent to the existing development limits of Hellifield and therefore is located within an area open countryside where 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 Local Plan Policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF 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.
- 9.5 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 of the key objectives 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 December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. To produce the

Five Year Housing Land Supply Methodology and Report the Council first had to identify the District's objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.

- 9.8 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council's five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended increased housing requirement for the emerging Local Plan of 256 homes per year. This objectively assessed housing need figure has been accepted by a meeting of the Full Council for the purposes of the preparation of a Draft Local Plan. The revised Five Year Housing Land Supply Methodology and Report explains that the emerging Local Plan figure of 256 dwellings per year should not be used for calculating the 5 year housing supply until it is tested properly through the Local Plan process.
- 9.10 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence for the Local Plan indicates that the housing requirement for the District will need to be even higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 It should be noted that the adopted development limit boundaries drawn up in 1999 were not intended to deal with development needs for the District after 2006. The emerging Local Plan clearly indicates that in order to meet housing requirements the Council will have to rely on greenfield sites outside the currently established settlement boundaries.
- 9.12 The site has been identified as a 'potential site option' (ref: HE009) for housing development by the Council's second informal pre-publication draft of the new Local Plan for the District (5th April 2016). Notwithstanding this, the policy and potential allocations within this emerging plan can be given very limited weight in the decision making process. Members are advised that 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 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the

vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a village nearby.

- 9.14 The site is located on the edge of the existing built up area of Hellifield and the proposal would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. Hellifield has a range of services, including a primary school which lies adjacent to the site, a church, a post office, a public house and a social club. The settlement also has a bus service and railway station that connects to neighbouring villages and towns. It is therefore considered that the proposal would help to support the vitality of the rural community and the proposal would provide social benefits in the form of affordable housing and mix of housing types.
- 9.15 The site does not benefit from any statutory landscape designation, although it is acknowledged that letters of objection to the application indicate that the site is considered a valued landscape by local residents. Notwithstanding this, the submitted plan shows that the site is suitable for residential use, and can achieve a high quality and use land effectively, although it is accepted that the layout is indicative only. Development of this greenfield site undoubtedly has an impact on the landscape and this dis-benefit of the proposal should be considered in terms of the environmental role of sustainable development as set out in paragraph 7 of the NPPF.
- 9.16 In Officers opinion, other than the fact that the site is an undeveloped green field, the site makes no other significant contribution to local landscape character. The site is generally not particularly publicly prominent as views of it from public viewpoints are relatively limited (although a public right of way is located to the south). The site is also partially enclosed by existing adjacent development and does not perform any important role such as enhancing the setting of adjacent heritage assets. The proposal is therefore considered to be in line with the objectives of the NPPF in that the development of the site is capable of being sustainable development for which the NPPF indicates there is a presumption in favour. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan.
- 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 application site is not within recognised development limits of Hellifield, as defined by the 1999 Local Plan, but is located adjacent to the exist built up area of Hellifield. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details.

Visual impact of development.

- 9.19 It should be noted that the external appearance, landscaping, layout and scale elements of the proposal are reserved matters and therefore cannot form part of the assessment of the current proposal.
- 9.20 The NPPF 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. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important a factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.

- 9.21 Although the proposal is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.22 The application lies adjacent to the existing built form of Hellifield which in this part of the village is characterised by a mixture of differing periods, styles, and use of materials. The site is enclosed on the northern boundary by Townsons Tractors and Becks Garden Machinery Ltd and a stone wall along the southwest boundary concluding at a group of properties. An un-adopted lane runs north east to south west through the site. Along the eastern boundary is a stone wall. The proposal would keep the southern half of the field, which currently extends towards Beck Lane, free from development. The position of the proposed development on the upper section of the field is considered to visually relate directly to the existing built-up area and forms a natural infill of the existing building line. Furthermore, any potential landscaping, once matured, should ensure an attractive and pleasing residential development with limited visual impact.
- 9.23 It is accepted, that when viewed from the PROW to the south the proposal would be clearly visible, however it would be viewed in the context of the existing edge of the village and thus would not result in any significantly unacceptable harm to the character and appearance of the countryside. Notwithstanding this it is considered that due to the outline nature of the proposal that appropriate conditions can be attached at the reserved matters stage to ensure that the development is acceptable.
- 9.24 Representation has been received expressing concern that the proposal would have a negative impact on Long Preston, Settle Carlisle conservation area and Yorkshire Dales National Park. It is acknowledged that there may be some views of the proposed development from within these designated assets. However, it is considered that given the separation distance involved, the existence of screening, changes in topography and the adjacent buildings it is considered that the proposal would not undermine the character and appearance of these designated assets.

Impact of development on the neighbouring properties.

- 9.25 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.
- 9.26 The submitted indicative plan demonstrates that there is adequate spacing within the layout and neighbouring properties and adjacent school to meet acceptable separation standards for privacy and light.
- 9.27 The details of the dwellings and landscaping treatment are reserved for future considerations. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be unacceptably adversely affected in terms of overlooking or overshadowing.

- 9.28 Concern has been expressed over the potential impact of the development on the occupants of Beck House. It is acknowledged that the development would have some impact on the existing level of amenity that the occupants of this property currently enjoy. However, this is not a reason to refuse as it is considered that there is sufficient separation distance between the development and Beck's House to ensure there would be no unacceptable loss of privacy or amenity.
- 9.29 A local resident has expressed concern over the potential noise disturbance to future residents of the development due to its close proximity to the commercial premises. However, given the separation distances, combined with existing buildings and trees located adjacent to the boundary with the commercial premises it is not considered that the proposal would result in any unacceptable increase in noise nuisance to future residents of these premises.
- 9.30 In respect to concerns expressed by the School, it is acknowledged that there would be an increase in noise, dust and vibrations associated with the construction works compared to the current situation. However, it is not considered that any additional noise and disturbance that would arise from construction works would lead to any unacceptable harm to the users of the school to warrant a refusal.

Impact on highway network.

- 9.31 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.32 In this instance the proposal is only seeking outline planning permission and thus it is not possible to comment on a detailed layout. Therefore, the only issues for consideration are whether or not the access can safely accommodate the proposed residential development and whether any increased usage would compromise highway safety.
- 9.33 The proposal would utilise an existing access off Kendal Road. NYCC Highways have been consulted and have raised no objections only specifying appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions, the site could be developed without detriment to highway safety.
- 9.34 A representation has been made relating to a right of access through the site and a proposed permissive footpath linking Kendal Road to an existing public right of way to the south of the site. However, this indicated permissive footpath is outside of the application site boundary, does not therefore form part of the application under consideration, and any matters of right of access or ownership are civil matters that fall outside the scope of a material planning consideration.
- 9.35 A local resident has expressed concern that a parcel of land adjacent to the garage at Beck House will become overgrown and thus become a safety issues. Whilst the local resident concerns is noted this is not a reason to refuse consent.

Affordable housing provision.

- 9.36 The proposal is for outline only and whilst submitted details make reference to the provision of affordable housing there are no specified details although the application indicates the provision of 40% affordable housing. Therefore, as the requirements for on-site affordable housing provision cannot yet be firmly

established at this stage it would therefore be appropriate to address this issue by condition.

Open space

- 9.37 Saved Policy SRC2 requires development for more than 10 dwellings to make a contribution to public open space. 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.
- 9.38 The outline application indicates a 'village green' and also a significant contribution to upgrade existing sports and recreation facilities in the village. A condition is recommended requiring further details to clarify the open space requirements and details of how onsite open space would be managed in the future. The Councils Sport Development Officer is supportive of the proposals.

Drainage

- 9.39 Local residents have expressed concerns about the ability of the site to be drained both with respect to surface water and foul drainage. The site is not identified by the Environment Agency as being within flood plain or an area of flood risk.
- 9.40 Although the submitted details state that foul water will be disposed via the main sewer no further details have been forthcoming. However, no objections have been raised by United Utilities and it is recommended that an appropriate condition can be attached to require the submission of further details before development begins.
- 9.41 Decisions on planning proposals relating to major development are required to ensure that sustainable drainage systems (SUDs) are used for the management of surface water. NYCC Suds Officer has reviewed the submitted information and considers that the information is adequate and has not raised any objection to the proposal. However given the outline nature of the proposal it is considered appropriate to attach a condition to secure a sustainable drainage system as part of the reserved matters application.

Other issues.

- 9.42 Whilst acknowledging comments expressing concern over the growth of the village it is the officers opinion that a proposal of this scale would not significantly impact on the village to warrant a refusal.
- 9.43 Concern has been expressed over the potential contamination of the site. However, the Council's Contamination Officer has been consulted and has not identified any contamination issues with this site.
- 9.44 Third party representation has expressed concern that if the proposal is approved that this would set a precedent for further development. However, each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.
- 9.45 The site is identified as Grade 4 agricultural land. Paragraph 112 of the NPPF advises that Local Planning Authorities should take account of the economic benefits of the best and most versatile land. The best and most versatile land is defined in Annex 2 to the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. The NPPF advises Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Notwithstanding the fact that the District does not have any Grade 1 and 2 the NPPF does not protect Grade 4 land from development.

- 9.46 With regards to any potential impact on protected species the application site is located outside of any designated SSSI and there are no known unacceptable impacts on protected species.
- 9.47 With regards to comments relating to the circulation of notification letters, it is accepted that there was an administration error which resulted in a delay in the circulation of neighbour notification letters. However, the Council's statutory publicity requirements have been met and ample time has been allowed for interested parties to comment on the development proposal.
- 9.48 An objector has made reference to a recent appeal decision at 'Madge Bank', Cononley. The objector comments that the decision indicates the unreliability of the Council's housing land supply argument. The objector's comments are misleading. In that appeal decision the Planning Inspectorate makes reference to a dispute between the LPA and applicant on housing supply figures. The Inspector however decides in that case that it does not matter, because in his view the unacceptable harm the development caused to the conservation area was the overriding factor and significantly and demonstrably outweighed the benefits of the proposal.
- 9.49 Concern has been expressed over the potential impact of the development on the beck located within an adjacent field to the south of the site. These comments are noted, however, the beck is located outside of the application site and therefore does not form part of this proposal. Furthermore the development will need to proceed with a satisfactory drainage solution and conditions are recommend to help ensure drainage details are ultimately approved by the relevant authorities.
- 9.50 Whilst acknowledging comments expressing concern over the potential adverse impact the development would have on house prices. This is not a material planning consideration and would not form part of the assessment of this proposal.

Conclusion;

- 9.51 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.*
- 9.52 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. Taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10. Recommendation

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

Conditions

1. No development shall commence until approval of the details of the layout, appearance of the building(s), the landscaping/boundary treatments, and the scale of development (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

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

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

2. The details submitted in accordance with condition 1 shall include all building facing materials 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 proposed ground levels, proposed finished floor levels and building heights.

Reason: In the interest of visual amenity.

3. The approved plan comprises drawing titled 'Location Plan' received by the Local Planning Authority on the 5th February 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 and for the avoidance of doubt.

4. A detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

Reason: To ensure the implantation of appropriate landscaping which will improve the environmental quality of the development.

5. 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:
 - (i) 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;
 - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) the arrangement for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing).
 - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) 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
 - (vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the timing of that contribution 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, the Council's adopted 'Interim Approach to Negotiating Affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

6. No development shall take place until either:

- (i) Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance.
- (ii) Alternative arrangements for the provision of open space, recreation and sports facilities have been secured and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure the effective drainage of the site in the interests of public health and the avoidance of flooding.

8. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

9. 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
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

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

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

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all 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.

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.

10. 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 secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. There shall be no access or egress by any vehicles between the highway and the application site by any vehicles other than via the existing access with the public highway at A65 Kendal Road Hellifield. 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.

12. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

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:

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number **E6**.
- Any gates or barriers shall be erected a minimum distance of **4.5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within **4.5 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.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 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.

15. 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

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

16. 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.

17. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and visual amenity.

18. 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. measures to control the emission of dust and dirt during construction
- f. a scheme for recycling/disposing of waste resulting from demolition and construction works

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.

Informatives

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.

The applicant is advised that advice regarding permeable and porous hardsurfaces 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).

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via 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.

In imposing conditions above relating to highways 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.

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.

The applicant is advised that Electricity North West have the right of access to inspect, maintain, adjust, repair or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Service Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours

on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

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.

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

**BENTHAM
08/2016/16863**

VARIATION OF CONDITIONS 2 AND 4 OF PREVIOUSLY APPROVED APPLICATION FOR A CARAVAN SITE (08/2006/6868) TO ALLOW REVISED SITE LAYOUT (INCREASING THE NUMBER OF CARAVANS FROM 19 TO 26) AND REVISED WORDING FOR THE HOLIDAY OCCUPANCY RESTRICTION

TOLL BAR GARDENS, WENNINGTON ROAD, LOW BENTHAM.

APPLICANT NAME: MR AND MRS JOHN AND JULIE BEARD

TARGET DECISION DATE: 13/06/2016

CASE OFFICER: Andrea Muscroft

The application is referred to the Planning Committee and a site visit requested by Councillor Brockbank due to the level of public interest.

1. Site Description

- 1.1 The application site comprises a former horticultural nursery and adjacent field located in open countryside to the west of Low Bentham. The nursery buildings are in a much degraded condition. To the north of the site is a railway embankment, to the south the B6480 and River Wenning beyond. To the west of the site is located Gate House and its curtilage and to the east a residential property known as Glebe House and its garden area.
- 1.2 The site is in open countryside, outside of development limit boundaries identified by the Local Plan.
- 1.3 The significant majority of the site is within Flood Risk Zone 2, and the very western extremity of the application site is also within Flood Risk Zone 3.
- 1.4 The site also lies within a Coal Low Risk Area.

2. Proposal

- 2.1 The proposal is seeking a variation of conditions 2 & 4 of an existing planning permission to form a caravan site (ref: 08/2006/6868). In Officers opinion this previous planning approval for 19 caravans has been implemented by the provision of an improved access to the site including improved visibility splays. The 2006 permission can therefore in Officers opinion still be lawfully implemented if the land owner chooses to do so.
- 2.2 Condition 2 of the existing planning permission is set out below: -
'2. The number and siting of the holiday units shall be as indicated by drawing no. 2090/01 rev C received on the 8 November 2006.'
- 2.3 The application seeks to vary condition 2 to specify an alternative approved plan. The alternative plans revise the site layout and increase the number of caravans from 19 to 26. The amended plan indicates twin unit static caravans will be positioned on site.
- 2.4 Condition 4 of the existing planning permission is set out below: -
'4. The caravans shall not be occupied by any one person or groups of persons for more than 60 days in any 3 month period'

- 2.5 The proposal is seeking a variation to condition 4 to allow it to be replaced with a condition that requires the site operator to maintain a register of the occupant's main place of residence and have that register available for inspection.
- 2.6 **Officer's note:** No amendments are sought in relation to the previously approved vehicle/pedestrian access to and from the site or landscaping.
- 2.7 **Officer's note:** The proposal is not seeking consent for a permanent warden on the site.
3. Planning History
- 3.1 08/2006/6658. Change of use of land for the siting of 19 caravans / chalets. Withdrawn prior to determination.
- 3.2 08/2006/6868 – Change of use of the land to allow the siting of 19 holiday caravans. Approved December 2006.
- 3.3 08/2009/10133 – Discharge of conditions 3, 6 & 7 of approved permission 08/2006/6868 – approved February 2010.
4. Planning Policy Background
- 4.1 Saved Local Plan Policies ENV1, ENV2 and EMP16 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 **Bentham Parish Council:** With regards to condition 2 the Parish consider the increase would lead to overcrowding and a reduction in the attractiveness of the site. Furthermore, the close proximity of the caravans to adjacent dwellings would lead to a loss of amenity and privacy. There is also concern over the lack of adequate separation distances between the caravans and the increase in traffic and therefore asks for condition 2 to be retained.
- 5.2 The alteration to condition 4 would be open to abuse as there appears no requirement for proof of main residence other than an address in a register. Therefore condition 4 should be retained.
- 5.3 In conclusion, the Parish ask that the proposal is refused on the grounds of overcrowding of the site and lack of proof for the prevention of long term residency of the site.
6. Consultations
- 6.1 **CDC Environmental Protection Team:** The Council have adopted the model standards for all caravan sites that we licence, any increase in numbers or alterations to the site both in its development or normal running must comply with the licensing conditions and that includes the adopted Model standards. In this instance, the current plans indicate that the caravans are the required distance apart, the model standards do incorporate guidance for all other issues. Areas such as Fire Safety are covered by the Fire Authority. The applicant is advised to contact the Fire authority directly to confirm necessary steps have been put in place.
- 6.2 **Environment Agency:** - No objection.
- 6.3 **NYCC Highways:** - No objection.

7. Representations

7.1 A site notice was displayed on the 20th June 2016 and 29 notification letters were circulated to neighbouring properties. As a consequence 30 letters of representation have been received (including 3 from Wenning House, 2 from Glebe House, 2 from Gate House & 2 from another interested party).

7.2 Comments have been summarised below:-

7.3 **Visual**

- Proposal would lead to an over development of the site.
- Concern that there is inadequate separation between caravans and little scope for landscaping.
- Concern that there is no restriction on the colour of these mobile homes to ensure that they blend in with the landscape.
- The proposal would become a blot on the landscape.
- Concern that the proposal would lead to litter and discarded objects accumulating on the site.

7.4 **Amenity**

- The proposal would result in unacceptable noise disturbance and odour issues.
- The impact on local life would be immeasurable.
- The siting of caravan identified as no.3 would lead to unacceptable loss of privacy.
- Proposal would appear obtrusive when viewed from adjacent dwelling.
- The proposed hedge would block out light to my property.
- Concern that the proposal would have a detrimental impact on the living conditions of the children living at Glebe House.

7.5 **Highway**

- Proposal would have a negative impact on highway safety for both pedestrian & vehicles.
- Concern that the proposal will lead to further congestion problems.
- Given the narrow lanes the delivery of these static caravans would represent a hazard and inconvenience to traffic using this road.
- Concern that damage would occur to the railway bridges as a consequences of transporting the static caravans to the site.

7.6 **Flooding**

- Proposal would lead to a significant increase in my property flooding.

7.7 **Other**

- Question the necessity of yet another caravan park.
- Concern that the proposal would lead to the site becoming a residential site.
- If permanent residency was approved, would this ease the housing shortage?
- The proposal fails to benefit the local community.

- Concern that the rewording of condition 4 would lead to all year round occupancy.
- The proposal would put an unacceptable burden on local resources.
- The proposal would provide little economic benefits to the area.
- An approval to vary condition 4 would be inconsistent with recent reasons for refusal.
- The revised wording of condition 4 cannot be enforced.
- Site would not be restricted to a suitable landscaping standard, nor is there any restriction on the colour of mobile homes.
- Concern that the site would be used by travellers.
- Concern over the lack of publicity for the proposal and that the site notice was posted at the site during the closure of Wennington Road.
- Site is isolated from the existing community.

7.8 **Observation.**

- Assurances that the site will have proper access, drainage, rubbish removal and general upkeep to maintain a pleasant and attractive site.
- No fire assembly point has been indicated on the plan.
- Who will take responsibility for ensuring the site is kept to a high standard.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact, neighbour amenity and highway safety.

8.3 The effect of the proposal on the control of the occupancy of the holiday caravan site.

8.4 Other issues.

9. Analysis

Principle of development

9.1 This application is to vary conditions on an existing planning permission (ref. 08/2006/6868). The principle of the development was previously considered against Saved Local Plan Policy and against the 'Good Practice on Planning for Tourism' and deemed acceptable in principle.

9.2 Since the grant of the original permission ref: 08/2006/6868 there have been changes to planning policies, particularly at a national level.

Policy

9.3 The local plan polices relevant at the time of the previous application, remain relevant, with the exception of local plan policy ENV11. Following the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) this policy was deleted.

9.4 With regards to national policy the National Planning Policy Framework replaces all former Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's). The document contains advice on a wide range of matters including building a strong competitive economy, visual impacts of development, amenity issues, and highway matters and supporting a prosperous rural economy.

- 9.5 It is considered that the publication of the NPPF has resulted in the introduction of new policy guidance and therefore the changes proposed by this application need to be considered against this new guidance rather than that which was in force at the time the proposal was originally permitted.
- 9.6 Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and therefore is of some relevance. The policy however, is supportive of small scale development subject to meeting set criteria including proposals that clearly benefit the rural economy; help 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.
- 9.7 Development considered acceptable in principle under ENV1 will need to be assessed against the requirements of ENV2 which seeks to ensure that development respects the character and appearance of the rural countryside.
- 9.8 Also of relevance is Saved Policy EMP16. This policy seeks to deliver sustainable tourism that is sensitive to the intrinsic natural qualities of the rural countryside. New and extended tourism development should, amongst other things be located in an area with local opportunities for informal countryside recreation.
- 9.9 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF 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 less weight in the decision making process. With regards to the local plan policies it is considered that these policies are broadly compatible with the objectives of the NPPF.
- 9.10 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking with paragraph 17 of the NPPF setting out the core planning principles. These principles are that planning should proactively drive and support sustainable economic development and contribute to enhancing the natural environment through the reuse of previously developed land this is not of high environmental value.
- 9.11 Paragraph 28 of the NPPF is also of relevance as it sets out criteria for promoting a strong rural economy through the expansion of all types of businesses including supporting sustainable tourism that would benefit businesses in rural areas, communities and visitors.
- 9.12 Currently 19 static caravans are permitted on the site. The proposal seeks to increase the number of static caravans to 26.
- 9.13 It is important to note that the extant permission could be implemented if the current proposal was not successful. As such this fall-back position is given some weight in the assessment of this proposal.
- 9.14 The caravan site is located within close proximity to Low Bentham with High Bentham beyond. These settlements provide a number of facilities including shops, banks, public houses and restaurants. In addition, within the surrounding area are a number of tourist attractions including the Trough of Bowland AONB, to which Bentham is the gateway, the Three Peaks route, Arnsdale and Silverdale ANOB, Tatham Fells, Great Stone of Fourstones, Way of the Roses and Pennine cycle ways, North Lancashire Cycle Way and the Pennine Way also the Bentham Heritage Trail provides a trail around the countryside. The importance of tourism

on the local economy has also been recognised in the Bentham Parish Profile 2012 which stated as one of its priorities the need to increase visitor numbers. Therefore, it is considered that the proposed extension of the approved caravan site would help to enhance countryside vitality and improve the sustainability of this local community by bringing local economic benefits.

- 9.15 In summary, it is considered that the revised proposal would form sustainable rural tourism that accords with the requirements of both saved local plan policies and the objectives of paragraph 28 of the NPPF which seeks to promote sustainable rural tourism that benefits businesses in rural areas. The proposal is therefore still considered to be acceptable in principle.

Visual impact.

- 9.16 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.
- 9.17 Saved Policy EMP16 also has a requirement that proposals satisfactorily blend into the landscape.
- 9.18 Paragraph 17 of the NPPF also recognises the intrinsic character and beauty of the rural countryside.
- 9.19 The caravan site lies adjacent to Wennington Road, to the west of Low Bentham in the open countryside. Currently on site are a number of dilapidated former greenhouses/outbuilding plus a single static caravan. In addition, large areas of the site have been subjected to hardstanding with building materials deposited around the site.
- 9.20 In terms of visibility, adjacent to the northern boundary lies the elevated Railway line with land rising beyond. It is acknowledged that sections of the approved caravan site are visible when travelling along Wenning Road, although most of it is hidden by hedging located along the southern boundary. Similarly, the existing boundary treatments along the eastern boundary combined with Glebe House also provide an acceptable level of screening. However, when travelling past The Gate House in a westward direction there would be a limited view into the site, however, this slight visual impact is compensated by the implemented planting along the boundary fronting onto Wennington Road. The proposal would therefore not be prominent in the landscape.
- 9.21 With regards to comments received expressing concern that the proposal would lead to an overdevelopment of the site. The proposed site plan indicates the layout for 26 caravans showing a separation distance of 6m between each caravan. This distance accords with the Council's Adopted Standards for Caravan Sites and Touring Sites. CDC Environmental Health has been consulted and has raised no objection. It is therefore considered that the proposal would not lead to the overdevelopment of the site.
- 9.22 Concerns have been expressed over the lack of details relating to external appearance of caravans and landscaping. Whilst some details have been forthcoming it is considered appropriate to attach a condition requiring further details in relation to the design of the proposed caravans and associated infrastructure. Similarly, with regards to landscaping this issue can be dealt with by means of a condition.

9.23 In conclusion, it is considered that the proposal would not have an unacceptable visual impact on the character and appearance of the landscape. It would therefore not be contrary to Saved Local Plan Policy ENV2 & EMP16 which seek to ensure that development in the countryside complements and protects the landscape and its scenic value. It also accords with the NPPF's recognition of the intrinsic character and beauty of the countryside.

Impact of proposal on the amenity of neighbouring properties.

9.24 To the east of the site is Glebe House which is understood to be a residential home for children attending Cedar House School and to the west is the Gate House.

9.25 The proposed layout shows caravans 3 & 4 situated a distance in excess of 18m from the Gate House and a distance off approximately 12m from Glebe House. These distances are considered sufficient to ensure that the proposal doesn't appear overbearing/dominate or result in any overshadowing of any habitable rooms or amenity spaces of these properties.

9.26 It is acknowledged that due to the orientation of caravan 3 that there may be a window facing towards Gate House. However, it is considered that given the separation distance combined with the holiday use of the caravans that there would not be an unacceptable loss of privacy to the occupiers of this property. Similarly, with regards to any potential impact on Glebe House it is considered that the existing natural screening, the orientation of the caravans combined with the temporary use of the caravans that the proposal would maintain a good standard of privacy for the occupiers of this building.

9.27 Comments have been received expressing concern over potential noise nuisance generated by the proposal. Presently, the background noise around the site is predominantly due to road traffic. It is therefore appreciated that the proposal would generate some increase in noise due to the increase activity on the site. However, it is important to stress that the site does benefit from an extant permission for the siting of 19 caravans which did not consider that there would be any unacceptable noise nuisance. Notwithstanding this, it is necessary to consider the impact of increasing the number of caravans from 19 to 26 on the neighbouring properties. As referred to previously nearby properties would experience an increase in noise levels due to an increase in traffic and general activity on the site. However, it is not considered that any noise generated would be overtly noisy to such a level to withhold planning approval.

Highway Issues.

9.28 Several third party concerns have been raised with regards to highway issues. Wennington Road is generally straight with clear visibility to and from both directions. Conditions attached to the original permission with regards to the construction of visibility splays have been implemented. NYCC Highways have been consulted and have not raised any objections to the proposal. It is therefore considered that the proposal would not create any conditions contrary to highway safety.

Rewording of condition 4.

9.29 The original condition was attached with the intention of preventing the permanent residential occupation of the caravans on this site.

9.30 The applicant is seeking to vary the wording of the condition in accordance with guidance set out in paragraph 206 of the NPPF whilst also maintaining the restriction on permanent residential occupation. In relation, to this restriction the applicant proposes a replacement three stage condition as follows:

1. The caravans/chalets shall be occupied for holiday purpose only:
2. Caravan/chalets shall not be occupied as a person's sole or main place of residence; and
3. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans/chalets on the site and of their main home addresses and shall make this information available at all reasonable time to the Local Planning Authority.

- 9.31 The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Historically the use of a condition known as a 'seasonal occupancy' condition was routinely applied which sought to restrict use of holiday accommodation during particular times of the year. However, there have been significant changes in national policy with these types of conditions considered to be overly restrictive and limit the potential for all year round tourism. As such there is no longer a presumption against extending the holiday season at caravan sites.
- 9.32 The substituted condition reinforces that the site is for holiday accommodation and not for permanent residential use, the condition also puts responsibility onto the site owner to maintain a register of users of the caravan site and that the caravans shall not be used as the main or sole residence. It is recognised that the condition allows for the accommodation to be occupied by a single person or group for a longer period than the condition it replaces, but the replacement condition proposed by the applicant has now become the commonly adopted approach by LPA's to enforce a holiday restriction. It is therefore not considered that the LPA could insist on the existing condition remaining (condition 4 of 08/2006/6868).
- 9.33 In summary, the substituted condition meets the aims and objectives of the NPPF and would ensure that the use of the caravans remain as intended for holiday accommodation only. It is therefore considered that the variation to condition 4 is acceptable.

Other issues.

- 9.34 Litter and general maintenance of the site are matters for future site management and not a reason to refuse planning permission.
- 9.35 Similarly it is recognised that transportation of the caravans to the site will cause some disruption, but this is not a reason to refuse planning permission.
- 9.38 Concerns have been expressed that the site will be used by travellers or become a permanent residential site. The Council has received a valid application for the development described and must consider it on its planning merits and not on any potential future uses.
- 9.36 It is acknowledged that the site is located within Flood Zone 2 as identified by the Environment Agency. The Environment Agency has been consulted on the proposal and has no objections. The Environment Agency did not object to the original application on the basis that the developer implemented the proposal in accordance with the measures set out in a site specific flood risk assessment that was submitted with the application. No new flood risk assessment has been submitted with this application and it is considered appropriate that given the passage of time that an updated flood risk assessment should be provided, and development implemented in accordance with its requirements.
- 9.37 It is not considered that it could be demonstrated that the proposed development would place an unacceptable burden upon local infrastructure.

- 9.38 With regards to concerns expressed relating to publicity, a site notice was displayed on the 20th May 2016 on the entrance gates into the site and notification letters were distributed to nearby residents. The Council's statutory publicity requirements have been met and that ample time has been allowed for interested parties to comment on the proposed development.
- 9.39 With regards to fire precautions this is dealt with under separate legislation (The Regulatory Reform (Fire Safety) Order 2005). The Council's Environmental Health team are responsible for issuing a site licence and as part of that licence the site must meet the model standards with regards to fire safety and firefighting controls.

Conclusion.

- 9.40 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.

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

10. Recommendation

- 10.1 To recommend approval subject to the following conditions.

- 10.2 **Officers Note:** It is necessary to re-attach any relevant conditions attached to the original permission as this is the grant of a new permission.

Conditions

1. **Condition Deleted:** *(Condition 1 of 08/2006/6868 was a time limit condition, but as development has commenced it is no longer applicable).*
2. **Amended Condition:** The approved plans comprise the Location Plan and Site Layout Plan received by the Local Planning Authority on 18th April 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 and for the avoidance of doubt.
3. **Amended Condition:** Prior to their first installation on site details of the design of the static caravans including associated amenity areas (e.g. decking areas) and the materials to be used in the construction of their external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.
4. **Amended Condition:** The caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of

their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.

Reason: For the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.

5. **Condition Deleted:** *(This condition is now duplicated by amendments to condition 4).*

6 **Amended Condition:** Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the development shall be implemented in accordance with the highway safety details that were approved under discharge of conditions application 08/2009/10133 to meet the requirements of condition 6 of planning ref. 08/2006/6868.

NOTE: 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 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, and to ensure compliance with Local Plan policies EMP16, T2 and T3.

7 **Amended Condition:** Visibility splays approved under discharge of conditions application 08/2009/10133 (to meet the requirements of condition 7 of planning ref. 08/2006/6868) shall be retained for the duration of the development. Any amendment to the approved details shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety to provide drivers of vehicles using the access road to the site & public highway with a standard of inter-visibility commensurate with the vehicular traffic flows & road conditions, and to ensure compliance with Local Plan policies EMP16 and T2.

8 Prior to the first use of the development details of the off street parking and turning / manoeuvring arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory off street parking in the interests of highway safety and to ensure compliance with Local Plan policies EMP16, T2.

9 Prior to the first use of the site a pedestrian access to the adjoining B6480 shall be installed at the eastern end of the site in accordance with details that have previously been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of pedestrian safety and to ensure compliance with Local Plan policies EMP16, T2.

10 **Amended Condition:** A scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. All details in 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 and to ensure compliance with Local Plan Policies EMP4 and R6.

11. **Additional Condition:** Prior to its first installation details of the nature, position and intensity of any external lighting to be provided as part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved lighting shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times.

Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

12. **Additional Condition:** 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: means of enclosure; 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, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

13. **Additional Condition:** Prior to the installation of any new caravans on the site, an updated Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the measures set out in the updated assessment.

Reason: To ensure that Flood Risk is satisfactorily addressed.

Informatives

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

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

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

The applicant is advised that the grant of this planning approval does not override the need to comply with the fire regulations for caravan site. Please contact the North Yorkshire Fire & Rescue Service for further information. Their address is Thurston Road, Northallerton, North Yorkshire, DL6 2ND (tel: 01609 780150).

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 No 8 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, 10, 11 & 12 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.

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

*WEST CRAVEN
17/2016/16571*

*OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR
RESIDENTIAL DEVELOPMENT OF 0.9HA*

CARLA BECK FARM, CARLA BECK LANE, CARLETON

APPLICANT NAME: MR KEITH DOWNS

TARGET DECISION DATE: 16/05/2016

CASE OFFICER: Andrea Muscroft

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 0.9 hectares of farm yard known as Carla Beck Farm that fronts onto Cara Beck Lane located to the west of a separate hamlet on the outskirts of the village of Carleton. Within the site there are a number of large modern farm buildings located close to the eastern boundary, a medium sized farm building to the northwest corner of the site, a silage building to the northeast corner and some smaller traditional building adjacent to Carla Beck Road.
- 1.2 The site is partially enclosed along the western boundary by a section of trees & shrubs with wire fencing beyond and timber and wire fence along the northern boundary. These boundary treatments separate the site from the surrounding agricultural fields. Located along the eastern boundary are traditional stone walls separating the site from residential properties to the east.
- 1.3 Located to the south of the site are a small group of residential dwellings and a farm yard recently granted outline consent for residential development. Travelling northwest is the settlement of Carleton which is designated as a conservation area. To the southwest of the site are two Grade II buildings identified as Spence's Court and The Rectory.
- 1.4 Running along the western boundary is Carla Beck and a PROW public right of way (05.10/6/1).
- 1.5 Ground levels throughout the site are for the most part level with the exception of buildings located close to the southeast corner of the site which are sited on elevated land. The majority of the site at some time has been subject to some level of hardstanding with the remaining area comprising of overgrown waste land.
- 1.6 Historically there were three trees on site protected by Tree Preservation Orders however subsequent approvals has resulted in only one protected tree remaining on the site.
- 1.7 The application site is located outside of the development limits for the village of Carleton and therefore lies within the open countryside as designated by the Local Plan.

2 Proposal

- 2.1 The proposal is seeking outline permission for a residential development (circa 24 dwellings) with all matters reserved with the exception of the principle of development.

The appearance, scale, landscaping, layout and access of the development are reserved matters.

2.2 The proposal is supported by the following documentation:-

- Site location plan.
- Indicative site layout plan.

3 Planning History

3.1 5/17//52 – Erection of cow cubicle building and covered silage building – Approved June 1979.

3.2 5/17/72 – Siting of refrigerated milk store – Approved August 1982.

3.3 5/17/173 – Erection of portal framed building to be used as loose housing for dairy cattle – Approved November 1994.

3.4 5/17/214 – Extension of agricultural buildings – Approved February 1999.

3.5 17/2002/2659 – Temporary siting of agricultural workers mobile home – Approved January 2003.

4 Planning Policy Background

4.1 The National Planning Policy Framework – NPPF.

4.2 Planning Practice Guidance – PPG.

4.3 Saved Policies ENV1, ENV2, ENV10 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

5.1 **Carleton Parish Council:** Following a public meeting the majority of local residents are in favour of some development at this site. However, we would like to bring to your attention concerns expressed by local residents.

5.2 Highway Issues

5.3 Concern over the potential impact of the development on highway safety due to the increase in traffic along Carla Beck Lane.

5.4 Other issues The local school will be unable to cope with the extra children and this will add further financial problems for NYCC. The existing properties on Carla Beck Lane are not connected to the mains sewage and further development of 24 dwellings using non-mains sewage disposal could cause pollution of adjacent land or streams.

6 Consultations

6.1 **CDC Environmental Team:** Have been consulted but no comments have been received at the time of compiling report. Members will be updated at the meeting but a condition in respect of foul drainage is covered by condition 21.

6.2 **CDC Tree Officer:** No objection to the proposal subject to a condition to ensure the retention of T11.

6.3 **CDC Sports Development Officer:** The outline application makes no on site public open space (the illustrative layout does not indicate any). Subject to the proposal providing either an off-site contribution to open space or providing high quality on site provision the Sports Development officer is supportive of the proposal. However, to control this element it is recommended that a condition is attached to any grant of planning permission.

6.4 **CDC Strategic Housing Officer:** The proposal is outline only, with no indication of type or size of houses, although the indicative site plan does give some indication of

location of the affordable homes. Notwithstanding this, the Council is supportive of the proposal subject to the provision of 40% affordable housing at reserved matters subject to viability.

- 6.5 **Airedale Drainage:** Indicates that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The board raises no objections to the proposed approach of using SuDS, but little information has been provided at this stage to assess. Conditions are therefore recommended to require more detailed drainage information to be provided and approved.
- 6.6 **Environment Agency:** No objection, however, if foul drainage cannot be connected to a main sewer, under the Environmental Permitting Regulations 2010, any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the environment agency, addition to planning approval. Please note that the granting of planning permission does not guarantee the granting of an environmental permit.
- 6.7 In addition, any domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hr period must comply with general binding rules provided that no public foul sewer is available to serve the development. Also a soakaway used to serve a non-mains drainage system must be sited no less than 10m from the nearest watercourse, not less than 10m from any other foul soakaway and not less than 50m from the nearest potable water supply, spring or borehole.
- 6.8 **NYCC Highways Authority:** No objection to the proposal subject to the use of appropriate conditions.
- 6.9 **Yorkshire Water:** Water supply can be provided to the site under the terms of the Water Industry Act 1991. The site is not served by the public sewerage network, and therefore, the application should be referred to the Environment Agency and the LPA's Environmental Health Section for comment on private treatment facilities.
- 6.10 **NYCC (SUDS):** No objection to the proposal subject to the use of an appropriate condition.

7 Representations

7.1 Nine letters of representation (2 from No. 7 Carla Beck House & 2 from Swallow House) have been received with comments summarised below:-

7.2 **Local/National Policy.**

- The proposal fails to accord with the Local Plan.

7.3 **Design.**

- The layout of the development would be improved by the loss of the access corridors.
- The size of the development is out of character with the small community in this area of Carla Beck Lane.

7.4 **Highway Issues.**

- Concern that the proposal would cause problems with regards to sight line and turning circles.
- Proposal would result in further congestion as visitors or contractor's park along Carla Beck Lane.

7.5 Flooding

- Concern that the development will exacerbate an existing flooding situation.

7.6 Other issues.

- Will the development impact on the protected trees on adjacent land.
- Concern that this development is the first part of a phased development of the surrounding agricultural fields.
- The site falls outside of the scope of a brownfield site.
- Considering the restrictions for the conversion of agricultural buildings to residential in terms of only 3 dwellings per farm, therefore, the proposal would result in over development of the site.
- The site wasn't identified for development during the recent consultation.
- If approved would the two identified sites (Grundy Farm or land near Dale Road) be withdrawn from the Carleton spatial plan?

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Affordable Housing Provision.

8.3 Open Space Provision.

8.4 Visual impact of the development.

8.5 Impact of the development nearby residential dwellings.

8.6 Impact of development on highway network.

8.7 Impact of development on protected trees.

8.8 Drainage.

8.9 Other issues.

9 Analysis

Principle of development.

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The application site lies outside but within close proximity to the existing development limits of Carleton therefore, 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 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; 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 & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF 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.
- 9.5 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 of the key objectives 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 December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. To produce the Five Year Housing Land Supply Methodology and Report the Council first had to identify the District's objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.
- 9.8 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council's five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended increased housing requirement for the emerging Local Plan of 256 homes per year. This objectively assessed housing need figure has been accepted by a meeting of the Full Council for the purposes of the preparation of a Draft Local Plan. The revised Five Year Housing Land Supply

Methodology and Report explains that the emerging Local Plan figure of 256 dwellings per year should not be used for calculating the 5 year housing supply until it is tested properly through the Local Plan process.

- 9.10 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence for the Local Plan indicates that the housing requirement for the District will need to be even higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 It is acknowledged that the application site has been identified as a site (CA015) for potential housing. However, at present the site hasn't been taken forward as one of the preferred sites that would be brought forward for development in Carleton. 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.
- 9.12 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 of Carleton and is slightly remote from the main settlement. However, on balance, the site is located adjacent to an existing collection of dwellings, which are located within walking distance of the centre of Carleton (although there is not a footpath for the entire length of Carla Beck Lane). The settlement has good pedestrian and vehicle connections to local facilities and services (e.g. Public House, Post Office & Pharmacy). 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.
- 9.13 Notwithstanding that the site is outside of any recognised development limits and therefore lies in the open countryside as defined by the local plan the site has 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 redevelopment of this site would provide environmental benefits which complies with the guidance contained within the NPPF.
- 9.14 It is considered that the site is suitable for residential use, 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 so 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.
- 9.15 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.

- 9.16 In conclusion, the application site is not within recognised development limits of Carleton, as defined by the 1999 Local Plan, but is located close to the existing built up area of Carleton. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details submitted.

Affordable housing provision.

- 9.17 Craven District Council's 'Negotiating Affordable Housing Contributions' (December 2015) states 40% affordable housing should be provided on sites of 5 dwellings or more.
- 9.18 The proposal is for outline only and whilst the submitted details agree to provide 40% affordable housing there are no specified details. Therefore, agreement to provide the required contribution to affordable housing has been established in principle, but the precise details will need to be clarified later. It would therefore be appropriate to address this issue by condition.

Open space

- 9.19 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.
- 9.20 Saved Policy SRC2 requires development for 10 dwellings or more to make a contribution to public open space. In this instance, no specific details have been supplied with regards for the provision of either on-site or off-site open space contribution. Therefore, as the requirements for open space provision cannot be firmly established at this stage it would therefore be appropriate to address this issue by condition.

Visual impact

- 9.21 The NPPF 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. It also states that development should respond to local character and history and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.22 Although the proposal is only seeking approval for the principle of development it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.23 The application site lies adjacent to Carla Beck House 1 -7, The Bungalow and The Coach House (Nursing Home). A further group of dwellings are located to the south identified as The Old Byre, Swallow House and Byre Cottage. To the southern and western boundaries of the site backs onto agricultural fields, free from development.
- 9.24 In this instance, only an indicative plan has been submitted and therefore is not a detailed layout for consideration. Notwithstanding the lack of detail, the proposal envisages development outside the confines of the existing village, where the

character of the surrounding area comprises of low density housing set within a rural landscape.

- 9.25 In contrast, the illustrative plan indicates a somewhat suburban design solution that may not ultimately be considered to be acceptable. For example, details submitted indicate that circa 24 houses are proposed on a 0.9 hectare site, even taking into account the spacing between the dwellings, the housing density could appear distinctly urban in affect.
- 9.26 However, ultimately it is considered that it is possible for a development to be provided that would have an acceptable impact. It is considered that a suitably designed housing development could be provided that would be complimentary to the character and appearance of the surrounding area.
- 9.27 Located to the west of the site are a number of listed building and the designated conservation area of Carleton. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.28 The proposed development would be visible from the upper floors of Spence's Court and The Rectory and thus falls within the setting of these listed building. However, it is considered that the separation distance in excess of 370m is sufficient to ensure that any impact on the setting of these heritage assets is less than substantial.
- 9.29 Overall, it is considered that the proposal to develop the site for housing is acceptable could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.

Amenity issues

- 9.30 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.
- 9.31 There is no reason why a scheme could not be produced that provides adequate spacing within the layout and neighbouring properties to meet acceptable amenity and separation standards for privacy and light.

Highway Issues

- 9.32 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.
- 9.33 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'.*
- 9.34 In this instance the proposal is only seeking outline permission and thus it is not possible to comment on a detailed layout. Therefore, the only issue for consideration is whether an access can be provided that would safely accommodate the proposed

residential development and whether any increased usage would compromise highway safety.

- 9.35 There have been representations from local residents expressing concern over traffic safety arising from volume of traffic generated, traffic congestion and lack of footpath. NYCC Highways have been consulted and have raised no objections to the use of the existing vehicular access on receipt of full details for approval at the reserved matters stage.
- 9.36 It is considered that there are not sufficient grounds to refuse planning permission over matters relating to highway issues.

Impact of development on protected Trees.

- 9.37 Saved Policy ENV10 seeks to safeguard protected trees from harm or unjustifiable loss as they can both individually and in groups, play an important role in forming the character and attractiveness of the landscape.
- 9.38 In 1976 a Tree Protection Order was placed on three trees within the site (T10, T11 & T12). However, over the years due to the continued development of the farm two of these trees have been removed as a result of sought consent (T12) or that the tree had died and its retention presented a risk of serious harm (T10). The remaining protected tree (T11) is located close to the southeast corner of the site adjacent to Carla Beck Lane and continues to make a positive contribution to the character and appearance of the area. Therefore, with careful consideration there is no reason why this tree cannot be retained. It is therefore considered that with an appropriate scheme the long term retention of this protected tree can be achieved.

Drainage

- 9.39 Although the submitted details state that foul water will be disposed by other means no further details have been forthcoming. As such it is recommended that an appropriate condition can be attached to resolve in details this issue as part of the reserved matters application.
- 9.40 From 6th April 2015 decisions on planning proposals relating to major development are required to ensure that sustainable drainage systems (SUDs) are used for the management of surface water. The application form indicates that surface water is to be disposed of via a sustainable drainage system thus meeting the requirements of this policy change. NYCC Suds Officer has been consulted and advises that there is insufficient information to advise on the propriety of surface water management proposals, but this could be addressed by an appropriate condition.
- 9.41 It is therefore recommended that an appropriate condition can be attached to ensure the implementation of a suitable SUD's system as part of a reserved matters application.

Other issues

- 9.42 Third party representation have expressed concern that if the proposal is approved that this would set a precedent for further development. However, each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.
- 9.43 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is nearby and accessible to residents.

Conclusion.

- 9.44 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.

- 9.45 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 planning approval subject to the following conditions.

Conditions

1. No development shall commence until approval of the details of the layout, appearance of the building(s), the landscaping/boundary treatments, and the scale of development (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

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

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

2. The approved plans comprise drawing titled 'Location Plan' received by the Local Planning Authority on the 19th January 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 and for the avoidance of doubt.

3. The details submitted in accordance with condition 1 shall include all building facing materials 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 proposed ground levels, proposed finished floor levels and building heights.

Reason: In the interest of visual amenity.

4. 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, the Council's adopted 'Interim Approach to Negotiating Affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

5. No development shall take place until either:

- (iii) Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance.
- (iv) Alternative arrangements for the provision of open space, recreation and sports facilities have been secured and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

6. A detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

Reason: To ensure the implantation of appropriate landscaping which will improve the environmental quality of the development.

7. Prior to any site activity commencing in association with the development, barrier fencing shall be erected for the protection of tree (T11) adjacent to the site in compliance with BS 5837 (2012) Trees in Relation to Construction – Recommendations. Within this fenced area no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all

development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to the protected tree during construction works.

8. No excavation or grading shall be undertaken within the Root Protection Area without the prior approval of the Local Planning Authority.

Reason: To prevent damage to the protected trees during construction works.

9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

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
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

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

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

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all 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.

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

12. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

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:

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

- Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5 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.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 10 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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.

15. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres measured along both channel lines of the major road Carla Beck Lane 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.

16. 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.

17. 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 hereby permitted until full details of the following have been

submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason: In the interests of road safety.

18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas 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 ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

19. 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.

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 commencement of development, a detailed scheme for the foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.

Reason: To ensure effective drainage of the site.

Informatives

1. 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.
2. 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).
3. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via 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.
4. In imposing conditions above relating to highways 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.
5. 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
6. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

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.

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

**GLUSBURN
32/2016/16879**

*VARIATION OF CONDITION NO 5 OF PREVIOUSLY APPROVED
APPLICATION (32/2014/15202) TO AMEND OPENING TIMES*

UNIT F1 HARDINGS LANE, SKIPTON ROAD, CROSS HILLS.

APPLICANT NAME: MR MICHAEL GRIDLEY

TARGET DECISION DATE: 29/06/2016

CASE OFFICER: Andrea Muscroft

The application has been referred to Planning Committee at the request of Councillor Barrett to consider the impact on the residential amenity and other any other related material planning matters regarding this variation of opening hours.

1. Site Description

- 1.1 The application site is an industrial unit within a complex of buildings at Airedale Trading Park, Cross Hills. Unit C2 is situated within a stone-built former mill, which has been subdivided into a number of units over the years. The gym operates on the first floor of this part of the building. The ground floor is occupied by Hall's Carpets. The east elevation of Unit C2 faces towards detached dwelling 'Thorn House' and a terrace of dwellings 'Hardings Houses', at a distance of between 10 to 13 m.
- 1.2 The site is at the southern end of the Airedale Trading Park, which is bordered by a railway line to the south (beyond Hardings Lane) and the A6068 (Skipton Road) to the west. The site is accessed via Hardings Lane, an unadopted road, which runs parallel with the railway line, and meets Skipton Road adjacent to a level crossing.
- 1.3 The site is within development limits and an established industrial area.

2. Proposal

- 2.1 The proposal is seeking to vary condition 5 of planning approval 32/2014/15202 with regards to extending opening hours.
- 2.2 The development original approved (ref: 32/2014/15202) proposed the opening hours as follows:

5. The use hereby permitted shall not be open to customers except between the house of 9am to 9pm Monday – Friday and 10am to 2pm on Saturdays and shall not open at any time on Sundays, Bank or Public Holidays.

Reason for imposing the condition: To safeguard the amenities of the occupiers of nearby properties.

- 2.3 Following the implementation of the development the proposal now seeks the amendment to the businesses opening hours.
- 2.4 The amendment is detailed below:
- Monday to Friday 6am – 9pm.
 - Sunday 10am – 4pm.
- 2.5 **Officer note:** The premises would remain closed on Bank and Public Holidays.

3. Planning History

- 3.1 The property has a long planning history. The following are of most relevance: -

- 3.2 5/32/81/B – Alterations and extension to Standard mills for use as poultry processing factory. Approved 24/05/1977. No restrictions placed on hours of operation.
- 3.3 5/32/81/R – (1) Extension to fresh poultry process; (2) first floor extension in north roof light to place existing cardboard box machine; (3) canopy to loading bay. Approved 03/06/1985. No restrictions placed on hours of operation.
- 3.4 32/2002/1889 – Change of use to fitness centre/gymnasium and associated car parking. No restrictions placed on hours of operation. Approved 09/04/2002 (planning approval apparently not implemented)
- 3.5 32/2014/15202 - Partial change of use of first floor of B1/B2 (existing carpet warehouse) unit to D2 (leisure), Martial Arts/ Gym – Approved December 2014.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies EMP8 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

5.1 **Glusburn Parish Council** objects to the application for the following reasons: -

- Noise levels are constant and windows are always open. The gym should install fans and close windows.
- Parking problems are constant and users are rude to residents when asked to move.
- In winter cars sit with headlights shining into houses, whilst they wait for their children.
- Emergency services will not be able to access the property if required.
- Users urinate outside in full view of residents and against residents sheds. The toilet in the gym also needs a blind as users can be seen urinating by residents.
- The road is not suitable for the traffic generated and is starting to break up.
- The gym is already open enough.

6. Consultations

- 6.1 **CDC Environmental Health:** Comment that they have recently received a noise complaint from a resident living in close proximity to the gym. Also state that there are no issues from a contaminated land point of view.
- 6.2 **NYCC Highways Authority:** No objection.

7. Representations

- 7.1 Six letters of representation have been received. Comments summarised below:-

7.2 **Amenity issues.**

- Concern that there would be a further erosion of privacy if opening hours were extended.
- Concern that extended opening house would further exacerbate the existing noise problems.

7.3 Highway issues.

- Concern that emergency vehicle would be unable to navigate Hardings Lane due to the increased level of parking.
- Concern that any increase in opening hours would lead to further traffic congestion.

7.4 Other issues.

- Recent repairs undertaken at the junction of Hardings Lane due to the increased traffic flow have already started to fail.

8. Summary of Principal Planning Issues

- 8.1 The principle of the development has already been established by the original planning approval.
- 8.2 The key issues are therefore the impact on neighbouring amenity and highway safety.

9. Analysis

- 9.1 The site has a long history of industrial and commercial uses, and the principle of this form of development, considered under Saved Local Plan policies EMP8 has already been accepted under original planning approval 32/2014/15202.
- 9.2 The current proposal is seeking to vary a condition restricting opening hours. Paragraph 206 of the National Planning Policy Framework is therefore of some relevance. The document states 'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

Amenity Issues

- 9.3 Concern has been expressed by both nearby residents and the Parish Council relating to the potential for noise disturbance should the operating hours be extended. It is accepted that the proposal may result in a potential increase in noise especially in early mornings and Sundays when background noise are likely to be lower. The application site is located within an established industrial area, with industrial/commercial business to the west, north and to the east beyond the existing housing located along Hardings Lane. In addition, to the south of the site lies the Aire Valley Railway and to the west beyond the industrial/commercial units lies the B6265 a busy main artery between Steeton and Crosshills. As such there is already an existing level of background noise. Given the existing surrounding commercial premises, which already have the potential to generate noise, combined with transport noise, it is not considered that it could be successfully demonstrated that the proposal would unacceptably impact on the living conditions of nearby residents to such an extent to warrant a refusal.
- 9.4 The Council's Environmental Health Department has received a complaint in relation to noise emanating from the gym which they are currently investigating. Environmental Health has not however objected to this planning application and it needs to be determined. It is considered that the impacts on residential amenity are not significant enough to justify refusing planning permission. Should it transpire that Environmental Health subsequently consider that a statutory noise nuisance is occurring then under separate Environmental Health legislation it is possible to remedy this through the use of a noise abatement notice.
- 9.5 Comments have also been made about the potential for car headlights to shine into neighbours dwellings. Whilst these concerns are noted it is not considered that this is a reason to justifiably refuse planning permission.

Highway issues.

- 9.6 The application is not seeking to any changes to the existing vehicle or pedestrian access to the site.
- 9.7 With regards to concerns being expressed that emergency vehicles will be unable to navigate Hardings Lane NYCC have been consulted and have raised no objection on the grounds of vehicle or pedestrian safety.
- 9.8 Comments have been received in relation from residents of Hardings Lane with regards to unauthorised parking and damage to the private right of way as a consequence of its increase use. However, this is private matter between affected individuals and therefore is not a material planning consideration.

Other Issues

- 9.9 The toileting habits of the gym users are not reasons to withhold planning permission. Furthermore they are not really of relevance to this application to extend opening hours of the business.

Conclusion

- 9.10 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.

- 9.11 In this case it is considered that any adverse impacts of the development do not significantly and desirably outweigh the benefits
- 9.12 It is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

10. Recommendation

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

Conditions

1. DELETED CONDITION (time limit condition for implementation of the original planning permission no longer required).
2. The approved plans comprise Drawing No 15202, 15202/1, 15202/2 & 15202/3 received by the Local Planning Authority on the 5th November 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. 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 Block Plan 15202/1 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.

4. The first floor level of the premises shall be used only for a martial/gymnasium and for no other purpose including any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended.

REASON: To ensure that inappropriate uses do not occur within the locality in accordance with Policy EMP4.

5. AMENDED CONDITION: The use hereby permitted shall not be open to customers except between the hours of:

- 06:00 HRS to 21:00 HRS Monday – Friday
- 10:00 HRS to 14:00 HRS on Saturdays
- 10:00 HRS to 16:00 HRS on Sundays

The premises shall not open at any time Bank or Public Holidays.

REASON: To safeguard the amenities of the occupiers of nearby properties

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.

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

**SETTLE & RIBBLE
59/2016/16809**

*ERECTION OF THREE NEW DWELLINGS. (RESUBMISSION OF PREVIOUS
APPLICATION 59/2015/15703)*

LAND TO NORTH OF HESLEY LANE, RATHMELL.

APPLICANT NAME: FRANCMANIS PROPERTIES LTD

TARGET DECISION DATE: 26/05/2016

CASE OFFICER: Neville Watson

Councillor Staveley has asked that the application be referred to Planning Committee due to the public interest in the development proposal.

1. Site Description

1.1 The application site is on the northern side of Hesley Lane, Rathmell and extends to approximately 0.15 ha. The site forms part of a larger field in agricultural use. The southern boundary of the site is defined by a dry stone wall. There are residential properties to the east. The northern and western boundaries of the site are not defined by any existing physical features. There is a public footpath to the west of the application site. The site is outside the development limit of Rathmell identified by the Local Plan.

2. Proposal

2.1 This is a full application for three dwellings to be constructed in stone with stone slate roofs. A four bedroomed property with attached single garage would face Hesley Lane. A pair of three bedroomed semi-detached properties are proposed to the west of the detached property, set at right angles to the lane, with the front elevation facing west. A detached parking "barn" is proposed for the semi-detached dwellings. All three dwellings are served by a single driveway that also includes visitor parking spaces. New dry stone walls would form the northern and western boundaries of the site.

3. Planning History

3.1 59/2001/1713 Two dwellings. Refused as the development was outside development limits and the proposal would be detrimental to the open character of the site.
7.1.2002

3.2 59/2013/13856. Three dwellings. Withdrawn 8.10.2013

3.3 59/2015/15703. Three dwellings. Withdrawn 22.3.2016

4. Planning Policy Background

4.1 The National Planning Policy Framework – NPPF.

4.2 Planning Practice Guidance – PPG.

4.3 Saved Policies ENV1, ENV2, H12 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

5.1 **Rathmell Parish Meeting** have submitted comprehensive objections following a public meeting that was attended by 22 parishioners. The objections are summarised as follows:-

- Adverse landscape impact, particularly in views to the north towards Settle and Penyghent
- Unacceptable development outside the development limit which should not be granted without full consultation through the emerging Local Plan.
- Flooding/ drainage of the stream to the west of the site.
- Road safety issues on Hesley Lane.
- Reference to previous conclusions from 1994 that the Local Plan should respect the parish's rural character.
- The Parish Council also refer to the identification of the site forming part of the Strategic Housing Land Availability Assessment (SHLAA) (site RA003) which was included in the latest consultation on the emerging Local Plan. The Parish Council are not opposed to growth in the village but consider this site unsuitable for development

Officer note. The identification of the site as being potentially available through the emerging Local Plan carries very limited weight in the determination of this application.

5.2 **Ribble Banks Parish Council** supports the concerns of Rathmell PM. In particular the site is not currently recognised in the local plan as a preferred site and decisions have not been made about the local plan that is presently the subject of public consultation.

6. Consultations

6.1 The **Highway Authority** do not object and recommend standard conditions.

6.2 **United Utilities** has no objections and has not requested conditions.

7. Representations

7.1 Nine letters of objection have been received which are summarised as follows:-

- Adverse impact on the character of the settlement.
- The site is outside development limits.
- Premature pending consideration of housing sites through the local plan process.
- Other brownfield sites are available.
- Loss of farmland.
- The value of the proposed dwellings would be above what local families could afford.
- Traffic/road safety concerns.
- Pedestrian safety concerns.
- Flooding concerns.
- Limited bus service.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Visual impact of the development

8.3 Other issues.

9. Analysis

Principle of development

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The application site lies outside but within close proximity to the existing development limits of Rathmell therefore, 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 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; 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 & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF 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.
- 9.5 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 of the key objectives 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 December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. To produce the Five Year Housing Land Supply Methodology and Report the Council first had to identify the District's objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning

guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.

- 9.8 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council's five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended increased housing requirement for the emerging Local Plan of 256 homes per year. This objectively assessed housing need figure has been accepted by a meeting of the Full Council for the purposes of the preparation of a Draft Local Plan. The revised Five Year Housing Land Supply Methodology and Report explains that the emerging Local Plan figure of 256 dwellings per year should not be used for calculating the 5 year housing supply until it is tested properly through the Local Plan process.
- 9.10 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence for the Local Plan indicates that the housing requirement for the District will need to be even higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 It should be noted that the adopted development limit boundaries drawn up in 1999 were not intended to deal with development needs for the District after 2006. The emerging Local Plan clearly indicates that in order to meet housing requirements the Council will have to rely on greenfield sites outside the currently established settlement boundaries.
- 9.12 The site has been identified as a 'potential site option' (ref: RA003) for housing development by the Council's second informal pre-publication draft of the new Local Plan for the District (5th April 2016). A number of sites are identified within the village as 'potential site options' and this application site forms a small part of site RA003. It is clearly the case that not of all of the 'potential site options' identified by the emerging local plan will be required to meet the Districts housing needs. Officers consider that the policy and potential allocations within this emerging plan can be given very limited weight in the decision making process. Members are advised that 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 Local Saved Policy H12 is also of some relevance as the policy is supportive of small scale residential schemes, on site which would not otherwise be released for housing subject to meeting the criteria of the policy, including that any proposal would provide 100% affordable accommodation. In this instance, the proposed dwellings would deliver market/ family accommodation. As such the proposal does not meet the

requirements of Saved Policy H12 as it is not a scheme for 100% affordable accommodation.

- 9.14 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental each of which need to be assessed jointly and simultaneously. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a nearby village.
- 9.15 With regards to the three dimensions of sustainable development it is accepted that the proposal would provide economic benefits during the construction stage and from potential future occupiers of these dwellings as they access facilities and services. The provision of housing would help towards supporting the local community and possibly the school, although the lack of providing affordable housing upon this site would limit the contribution made to the social dimension of sustainable development.
- 9.16 With regards to the environmental dimension of sustainable development paragraph 17 of the NPPF sets out core land use principles that should underpin both plan making and decision taking. Paragraph 17 advises that decisions should take account of the different roles and character of different areas and should contribute to conserving and enhancing the natural environment, recognising the intrinsic character and beauty of the countryside. It is considered that the development of this site would have an adverse impact on the landscape and therefore fails to satisfy the environmental dimension of sustainable development. The precise impacts of the proposed development on the landscape are considered in the following section.
- 9.17 For reasons outlined above it is considered that the proposed development is contrary to Saved Local Plan Policy ENV1 and the aims and objectives of the NPPF and is therefore not considered acceptable in principle.

Visual impact of the development

- 9.18 Section 7 of the NPPF sets out the importance of good design. It 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. The guidance also states that development should respond to local character and history, and reflect the identify of local surroundings and materials. Whilst the guidance advises that LPA's should consider using design codes the guidance also advises against imposing architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through requirements to conform to certain development forms or styles.
- 9.19 Section 11 of the NPPF also sets out guidance to ensure that the planning system contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes. Policy ENV1 requires that development in the countryside will only be permitted where it helps to maintain or enhance landscape character. Policy ENV2 still requires an assessment to be made on the impact of the development on the landscape.
- 9.20 The proposal is seeking to construct three detached dwellings plus off street parking and garaging. It is acknowledged that the applicant has strived to achieve a well-designed development. However, the nature of the site and the loss of openness and the linear extension of development on this site would diminish the contrast between the built-up part of the village and the open rural space to the north of Hesley Lane Long distance views from Hesley Lane in a northerly direction towards Penyghent is striking and attractive and is an intrinsic part of the distinctive character of Rathmell. The open agricultural field makes a significant contribution to the landscape setting of

the village and the space is as important to the character of the village as the built environment. Due to the open views of the site the proposed development of this site would form an unacceptable built intrusion into the open rural countryside when viewed from Hesley Lane and the public footpath.

- 9.21 In summary, it is considered that the proposed development would be visually intrusive and would neither maintain nor enhance the landscape character of the village and therefore fails to satisfy the requirements of Saved Policy ENV1. It also fails to meet the requirements of Saved Policy ENV2 of the Local Plan or the aims and objectives of the NPPF which seeks to ensure development contributes to and enhances the natural environment.

Other issues

- 9.22 The core planning principles set out key principles that should underpin plan-making and decision-taking. With regards to amenity it states that planning should seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. The closest residential property is approximately 12m. to the east of the eastern site boundary. Taking into account existing mature planting in the neighbour's garden it is not considered that there would be any unacceptable overshadowing or overlooking of this property. The proposal is considered to be acceptable with respect to all other residential amenity issues.
- 9.23 Saved Policy T2 is permissive of development proposal 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 design and road safety; and the highway impact has regard to the surrounding landscape. Although local residents have raised concerns about traffic /highway and pedestrian safety issues the Highway Authority has been consulted on this development proposal and has raised no objections to the submitted plans subject to conditions. Adequate provision is made for off street parking provision and there are no highway safety reasons that could justifiably be used to resist the development.
- 9.24 Local concern has been expressed about drainage and flooding. The site is not within any identified flood zone and United Utilities drainage infrastructure is close by. This is an application for only three dwellings and it is not considered that it could be demonstrated that the development will have an unacceptable adverse impact on localised drainage or flooding and therefore a refusal on these grounds cannot be sustained.
- 9.25 Concerns have been expressed that consideration of the application is premature until potential housing sites have been considered through the Local plan process. However, the application must be determined in accordance with the current development plan and the policies in the NPPF.
- 9.26 Representations have been made that there other brownfield sites are available. While the NPPF actively encourages the use of brownfield sites, the availability or otherwise of such sites is not a reason for refusing greenfield sites. Evidence used in the preparation of the Council's emerging new local plan indicates that the Council will need to use Greenfield sites to meet the District's future housing needs.
- 9.27 The loss of farmland is inevitable if the site was developed but the field is not of the "best and most versatile" land and refusal on this ground cannot be sustained.
- 9.28 The likely value of the properties may be beyond the means of local families but this is not a reason to justifiably refuse the application.
- 9.29 Finally, representations have been made about a limited bus service but this would not be a reason for resisting development.

Conclusions

- 9.30 In conclusion, whilst it is accepted that the proposal would provide economic and some limited social benefits, the NPPF is clear in paragraph 8 that the 3 roles of sustainability should not be taken in isolation, because they are mutually dependent. Therefore, in the absence of any exceptional circumstances for the construction of three dwellings in the open countryside combined with the fact that the proposal conflicts with the environmental role in terms of its failure to contribute or enhance the area through inappropriate development, it is considered that the proposal would not result in sustainable development.
- 9.31 Paragraph 14 of the NPPF advises that applications should be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or that specific policies in the Framework indicate that development should be restricted. In this case the harm to the landscape significantly and demonstrably outweighs the benefit of the provision of housing.

10. Recommendation

- 10.1 That the application be refused.

11. Reasons for Refusal

1. The proposed construction of three dwellings on this site would be visually intrusive and have a significant adverse impact on the landscape that forms an intrinsic part of the character of Rathmell. In the absence of any exceptional justification for housing in the open countryside the proposal is contrary to Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. The proposal also fails to satisfy the environmental dimension of sustainable development in the National Planning Policy Framework and specific policies in the National Planning Policy Framework that seek to protect the natural environment. In this case it is considered that the harm to the landscape significantly and demonstrably outweighs the benefit of the provision of housing.

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

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

*INGLETON & CLAP
18/2016/16884*

*PROPOSED ERECTION OF GARDEN ROOMS TO PLOTS 7, 8, 9, 10 & 11
(FOLLOWING ORIGINAL RESERVED MATTERS CONSENT REFERENCE
18/2015/15634)*

FORMER DALESVIEW GARAGE, OLD ROAD, CLAPHAM.

APPLICANT NAME: MCCONNELL HOMES LTD

TARGET DECISION DATE: 13/07/2016

CASE OFFICER: Mark Moore

This full planning application has been referred to the Planning Committee as it is seeking approval for amendments to a residential development scheme that was previously approved by the Committee.

1. Site Description

1.1 The application site was previously used by a Mercedes car dealership for car sales, servicing and repairs. There were a number of buildings on the site which have now been removed and the site is in the process of being developed with new build housing. A number of trees on the southern and eastern boundary of the site are protected by a Tree Preservation Order.

1.2 The site is within the development limits of the village of Clapham and lies adjacent, but just outside, the village conservation area.

1.3 The site is within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty.

1.4 To the south and east of the site is open countryside. To the north, on the opposite side of Old Road, are residential properties and light industrial buildings. To the west is Clapham Juniors and Infants School.

2. Proposal

2.1 The amendments propose the erection of garden rooms to plot nos: 7, 8, 9, 10 and 11.

2.2 These properties are located at the eastern side of the site and back onto open countryside. Permission is sought to enlarge each of those properties by the addition of a garden room extension to the rear.

2.3 The proposed extensions would be the full width of the properties and project rearwards by 4.3m featuring a flat roof 3m in height incorporating a central hipped skylight approximately 4m in height and bi-folding glazed doors to the rear. The proposed extensions would be constructed in stone with rendered panels to match the materials of the main house.

3. Planning History

3.1 The following recent applications are of relevance (most recent first) :

3.2 18/2015/16464: Discharge condition 2 of reserved matters permission ref: 18/2015/16634.

3.3 18/2015/16462: Discharge of conditions 5, 7, 9, 16 and 19 of outline permission ref: 18/2012/1316.

- 3.4 18/2015/15634: Reserved matters application (appearance, scale and landscaping) pursuant of outline planning application 18/2012/13161. Approved August 2015.
- 3.5 18/2012/13161: Renewal of extant outline planning permission to replace previous approval 18/2008/8715 – 22 dwellings with access. Approved January 2013.
- 3.6 18/2012/12722: Permission granted for removal of condition 23 of previous approval reference 18/2008/8715 that restricts the ridge height of any dwelling to 7.5m. Approved at Planning Committee in October 2012.
- 3.7 18/2011/11849: Prior notification approved for demolition of all buildings within the former Mercedes garage. Approved August 2011.
- 3.8 18/2008/8715: Permission granted for erection of 22 dwellings. Approved at Planning Committee in December 2009.
- 3.9 18/2007/8091: Demolition of existing buildings and erection of 31 dwellings. Refused by Planning Committee in Jan 2008.
- 3.10 18/2005/5735: Demolition of existing buildings; erection of 16 no. dwellings, craft workshops, children's nursery and associated external works. Withdrawn prior to determination in June 2006.
- 3.11 18/2004/4057: Outline application for the erection of residential dwellings and the provision of 1,000m² of B1 (light industrial and research and development) floorspace. Planning Committee resolved to be mindful to permit this application subject to a s106 agreement to secure affordable housing and the provision of open space. The s106 agreement was never signed and the application withdrawn on 31 October 2006.
- 3.12 18/2003/3130. Outline application consisting of the erection of residential dwellings and the laying out of public open space together with the change of use of car showroom and servicing facilities to use class B1 (Offices, light industrial and research and development). Refused by Planning Committee on February 2004 for the following reasons:
 - i) The proposal would not represent a small scale development and would not conserve or protect the quality of the environment of Clapham village, contrary to policy H4.
 - ii) The proposal would lead to the loss of employment generating premises within the village contrary to policy EMP7.

4. Planning Policy Background

4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**

ENV10: Protection of Trees and Woodlands.

H4: Residential Development within the Development Limits of Villages

SRC2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

5. Parish/Town Council Comments

5.1 **Clapham Parish Council:** No comments received at the time of compiling this report.

6. Consultations

6.1 None required.

7. Representations

7.1 One representation received. This comments as follows:

- Materials that are being used are not in keeping with surrounding properties.

Officer note: This is a matter that is presently under investigation by the Council's Enforcement Team.

- Proposals include new pavement which is out of character and will narrow road and result in loss of grass verge and daffodils.

Officer note: This comment has no relevance to this application which is solely for amendments to the design of dwellings to include the proposed garden room extensions.

8. Summary of Principal Planning Issues

8.1 Design, visual impact, impact on amenity.

9. Analysis

9.1 The proposals are considered to be relatively minor changes to the approved plans that would add to the quality of the overall development without resulting in any unacceptable impacts on visual amenity or on the amenity of any neighbouring property.

9.2 Accordingly, it is recommended that the proposed amendments are approved.

Officer note: An additional plan showing a garden room extension identified as Type D: detached version 2 has been submitted. The location plan also includes a garden room to the property at plot 12. The submitted application description does not refer to plot 12, no fee has been paid for such an alteration and therefore this does not form part of the application under consideration.

10. Recommendation

10.1 That planning permission is granted subject to the following conditions:

Conditions

1. The development shall not be carried out other than wholly in accordance with the following:

- Existing Site Location Plan
- Proposed Site Layout Drawing No. 25.06.110 revision H
- Drawing Nos: 25.06.302 (Type C), 25.06.303 (Type D) and 25.06.304 (Type D: detached version 1).

All of the above received by the Local Planning Authority on 18th April 2016.

The development shall also be carried out in accordance with following submitted under planning application ref: 18/2015/15634 to discharge conditions of outline planning permission ref: 18/2012/13161:

- Landscaping Plan No: 5014.01 revision C received 1st July 2015.
- Supporting information received 7th July 2015.

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.

This approval relates to the garden rooms to Plots 7 to 11 only and no approval is given for any other alterations to the originally approved scheme.

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

2. Planning permission is not hereby granted for any alteration to plot 12.

Reason: For the avoidance of doubt as alterations to this property are not considered to form part of the application. Whilst a plan has been submitted to indicate a change to this property, the works are not detailed on the application form, the development has accordingly not been publicised on this basis, and the appropriate planning fee has not been paid for alterations to plot 12.

3. Prior to their first use on site full specifications for all materials to be used in the construction of the external facing surfaces (including plinth) and doors/garage doors of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Notwithstanding any details shown on the approved plans and accompanying supporting information all roof lights throughout the development hereby approved shall be flush fitting 'conservation' roof lights and shall be maintained as such thereafter.

Reason: In the interests of visual amenity.

5. Unless alternative details are submitted to and approved in writing by the local planning authority, the development shall be undertaken in accordance with the measures set out at section 5.5 of the Site Investigation and Contamination Assessment Report dated November 2014 that was approved to meet the requirements of condition 5 of planning permission ref: 18/2012/13161.

Reason: To ensure a safe development in the interests of the future occupiers of the site.

6. Unless alternative details are submitted to and approved in writing by the local planning authority, the development shall be undertaken in accordance with the drainage details approved under drawing nos: CF5336 002 revision B and CF5336 001 revision D submitted under planning application ref: 18/2015/16462 to meet the requirements of outline planning permission ref: 18/2012/13161.

7. The site shall be drained with separate foul and surface water drainage, with only foul drainage connected to the foul sewer.

Reason for 6 & 7: To ensure satisfactory drainage of the site.

8. Unless alternative details are submitted to and otherwise approved in writing by the local planning authority the development shall be undertaken in accordance with the highway details approved under the following plans:

- 25.06.210 revision B received 14th December 2015.
- CF5336 002 revision G received 21st January 2016.
- CF5336 003 revision A received 21st January 2016.
- CF5336 004 revision G received 21st January 2016.

All of the above submitted under planning application ref: 18/2015/16462 to discharge conditions 9, 16 and 19 of planning permission ref: 18/2012/13161

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

9. 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.
10. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason for 9 and 10: In order to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

11. The access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) That part of the access extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - (iii) 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.
 - (iv) The final surfacing of any private access within 4.5 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.
 - (v) Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Saved Policies T2 & H4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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

12. No part of the development shall be brought into use until the existing access on to Old Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

13. 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 70m looking east, 45m looking west measured along both channel lines of the major road (Old Road) from a point measured 4.5m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. 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.

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 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 metre 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.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved :
 - (i) have been constructed in accordance with the submitted drawing (Reference Drawing no. 25.06.110 Rev H.
 - (ii) are available for use unless otherwise approved in writing by the Local Planning Authority.

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

Reason: In order to provide for appropriate on-site vehicle facilities 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 Condition(s)

1. With regard to Condition No 3 above please note that it will be necessary to submit a formal application to discharge the condition. 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.

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

*INGLETON & CLAP
18/2016/16885*

*REVISIONS TO PLOTS 16 AND 19 TO PROVIDE ADDITIONAL
ACCOMMODATION IN THE ROOFSPACE. ENLARGED GARAGE BLOCK
TO SERVE PLOTS 20, 21 AND 22.*

FORMER DALESVIEW GARAGE, OLD ROAD, CLAPHAM.

APPLICANT NAME: MCCONNELL HOMES

TARGET DECISION DATE: 13/07/2016

CASE OFFICER: Mark Moore

This full planning application has been referred to the Planning Committee as it is seeking approval for amendments to a residential development scheme that was previously approved by the Committee.

1. Site Description

- 1.1 The application site was previously used by a Mercedes car dealership for car sales, servicing and repairs. There were a number of buildings on the site which have now been removed and the site is in the process of being developed with new build housing. A number of trees on the southern and eastern boundary of the site are protected by a Tree Preservation Order.
- 1.2 The site is within the development limits of the village of Clapham and lies adjacent, but just outside, the village conservation area.
- 1.3 The site is within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty.
- 1.4 To the south and east of the site is open countryside. To the north, on the opposite side of Old Road, are residential properties and light industrial buildings. To the west is Clapham Juniors and Infants School.

2 Proposal

- 2.1 The amendments propose revisions to plots 16 and 19 to provide additional accommodation in the roof space. It is also proposed to enlarge an approved garage block that lies adjacent from 2 bays to 3 which would entail a slight reduction to the garden area of plot 19.
- 2.2 The proposed changes to the bungalows comprises an increase in the height of the roof from 5.6m to 5.9m and the incorporation of front and rear pitched roofed dormers. This allows for the inclusion of a third bedroom with an en-suite bathroom in the loft space. In all other respects the design of the bungalows is unchanged.

3 Planning History

- 3.1 The following recent applications are of relevance (most recent first) :
- 3.2 18/2015/16464: Discharge condition 2 of reserved matters permission ref: 18/2015/16634.
- 3.3 18/2015/16462: Discharge of conditions 5, 7, 9, 16 and 19 of outline permission ref: 18/2012/1316.
- 3.4 18/2015/15634: Reserved matters application (appearance, scale and landscaping) pursuant of outline planning application 18/2012/13161. Approved August 2015.

- 3.5 18/2012/13161: Renewal of extant outline planning permission to replace previous approval 18/2008/8715 – 22 dwellings with access. Approved January 2013.
- 3.6 18/2012/12722: Permission granted for removal of condition 23 of previous approval reference 18/2008/8715 that restricts the ridge height of any dwelling to 7.5m. Approved at Planning Committee in October 2012.
- 3.7 18/2011/11849: Prior notification approved for demolition of all buildings within the former Mercedes garage. Approved August 2011.
- 3.8 18/2008/8715: Permission granted for erection of 22 dwellings. Approved at Planning Committee in December 2009.
- 3.9 18/2007/8091: Demolition of existing buildings and erection of 31 dwellings. Refused by Planning Committee in Jan 2008.
- 3.10 18/2005/5735: Demolition of existing buildings; erection of 16 no. dwellings, craft workshops, children's nursery and associated external works. Withdrawn prior to determination in June 2006.
- 3.11 18/2004/4057: Outline application for the erection of residential dwellings and the provision of 1,000m² of B1 (light industrial and research and development) floorspace. Planning Committee resolved to be mindful to permit this application subject to a s106 agreement to secure affordable housing and the provision of open space. The s106 agreement was never signed and the application withdrawn on 31 October 2006.
- 3.12 18/2003/3130. Outline application consisting of the erection of residential dwellings and the laying out of public open space together with the change of use of car showroom and servicing facilities to use class B1 (Offices, light industrial and research and development). Refused by Planning Committee on February 2004 for the following reasons:
 - i) The proposal would not represent a small scale development and would not conserve or protect the quality of the environment of Clapham village, contrary to policy H4.
 - ii) The proposal would lead to the loss of employment generating premises within the village contrary to policy EMP7.

4 Planning Policy Background

4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**

ENV10: Protection of Trees and Woodlands.

H4: Residential Development within the Development Limits of Villages

SRC2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework**

5 Parish/Town Council Comments

5.1 Clapham Parish Council: No comments received at the time of compiling this report.

6 Consultations

6.1 None required.

7 Representations

7.1 None.

8 Summary of Principal Planning Issues

8.1 Design, visual impact, impact on amenity.

9 Analysis

9.1 The proposals are considered to be relatively minor changes to the approved plans that would not result in any unacceptable impacts on visual amenity or on the amenity of any neighbouring property.

9.2 Accordingly, it is recommended that the proposed amendments are approved.

10 Recommendation

10.1 That planning permission is granted subject to the following conditions:

Conditions

1. The development shall not be carried out other than wholly in accordance with the following:

- Proposed Site Layout Drawing No. 25.06.110 revision H
- Drawing Nos: 25.06.110 (Type F) and 25.06.309 (Proposed Garage Block).

All of the above received by the Local Planning Authority on 19th April 2016.

The development shall also be carried out in accordance with following submitted under planning application ref: 18/2015/15634 to discharge conditions of outline planning permission ref: 18/2012/13161:

- Landscaping Plan No: 5014.01 revision C received 1st July 2015.
- Supporting information received 7th July 2015.

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.

This approval relates to Plots 16 and 19 and the adjacent garage block only and no approval is given for any other alterations to the originally approved scheme.

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

2. Prior to their first use on site full specifications for all materials to be used in the construction of the external facing surfaces (including plinth) and doors/garage doors of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. Notwithstanding any details shown on the approved plans and accompanying supporting information all roof lights throughout the development hereby approved shall be flush fitting 'conservation' roof lights and shall be maintained as such thereafter.

Reason: In the interests of visual amenity.

4. Unless alternative details are submitted to and approved in writing by the local planning authority, the development shall be undertaken in accordance with the measures set out at section 5.5 of the Site Investigation and Contamination Assessment Report dated November 2014 that was approved to meet the requirements of condition 5 of planning permission ref: 18/2012/13161.

Reason: To ensure a safe development in the interests of the future occupiers of the site.

5. Unless alternative details are submitted to and approved in writing by the local planning authority, the development shall be undertaken in accordance with the drainage details approved under drawing nos: CF5336 002 revision B and CF5336 001 revision D submitted under planning application ref: 18/2015/16462 to meet the requirements of outline planning permission ref: 18/2012/13161.
6. The site shall be drained with separate foul and surface water drainage, with only foul drainage connected to the foul sewer.

Reason for 5 & 6: To ensure satisfactory drainage of the site.

7. Unless alternative details are submitted to and otherwise approved in writing by the local planning authority the development shall be undertaken in accordance with the highway details approved under the following plans:
 - 25.06.210 revision B received 14th December 2015.
 - CF5336 002 revision G received 21st January 2016.
 - CF5336 003 revision A received 21st January 2016.
 - CF5336 004 revision G received 21st January 2016.

All of the above submitted under planning application ref: 18/2015/16462 to discharge conditions 9, 16 and 19 of planning permission ref: 18/2012/13161

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

8. 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.
9. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing by the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason for 8 and 9: In order to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

10. The access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) That part of the access extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - (iii) 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.

- (iv) The final surfacing of any private access within 4.5 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.
- (v) Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Saved Policies T2 & H4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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Reason: In the interests of highway safety.

- 12. 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 70m looking east, 45m looking west measured along both channel lines of the major road (Old Road) from a point measured 4.5m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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Reason: In order to provide for appropriate on-site vehicle facilities 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
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation
- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.

Discharge of Condition(s)

1. With regard to Condition No. 3 above please note that it will be necessary to submit a formal application to discharge the condition. 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.