

PLANNING COMMITTEE MEETING AGENDA

Monday 06 June 2016

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

*EMBSAY W EASTBY
26/2015/16284*

*FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 51
NO. HOUSES*

LAND OFF SHIRES LANE, EMBSAY.

APPLICANT NAME: R N WOOLER & CO

TARGET DECISION DATE: 08/01/2016

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it relates to a matter that has previously considered by the Committee and is also a departure from the Development Plan.

1. Site Description

- 1.1 The application site comprises a 2.80ha area of undeveloped grassland located on the southern side of Shires Lane in Embsay.
- 1.2 The site, which fronts onto Shires Lane, falls in level from north to south and lies between a detached property adjoining its north western corner and the grounds and club building of the village cricket club to the east. To the east, south, and west the site is also bounded by land uses comprising open fields, allotment gardens, and a football pitch.
- 1.3 On the opposite side of Shires Lane there is residential development comprised of detached houses set within large gardens, further east there are more densely developed detached residential properties.
- 1.4 In terms of the wider landscape setting the site forms part of larger a patchwork of fields that are situated to the south and east of the main settlement. To the south the field pattern is truncated by the Embsay Steam Railway line whilst Skipton Quarry is located further south on the opposite side of the railway line.
- 1.5 The site is located adjacent to but not within 'Development Limits', and the boundary of the Embsay Conservation Area runs part way along Shires Lane on the opposite side of the road. The site is consequently located in the open countryside as defined in the Adopted Local Plan.
- 1.6 The wider landscape within which the application site is located is characterised as an '*Intermediate landscape of pasture with wooded gill and woodland*' in the Craven District Landscape Appraisal
- 1.7 There are no trees on the application site itself although there are a row of approximately 5 trees lying adjacent to the site frontage on the highway verge of Shires Lane as well as along the boundary of the cricket club.

2. Proposal

- 2.1 This is a full planning application seeking approval for the construction of 51 houses.
- 2.2 The application follows two previous outline planning permissions Ref. nos. 26/2014/14518 and 26/2014/15224 which granted approval for approximately 46 dwellings (combined). The latter outline approval was granted as an extension to the first and increased both the site area and the overall number of dwellings.

- 2.3 As all matters other than the principle of development and access were reserved the outline approvals were not for a precise number of houses although indicative layouts were submitted in which it was demonstrated that the combined sites could achieve approximately 46 dwellings.
- 2.4 The proposed layout has not changed significantly from the indicative layouts submitted with the outline applications and were subject to pre-application discussions and responded to the advice of both the case officer and the Councils Conservation Advisor.
- 2.5 The scheme incorporates areas of open space to the site frontage and adjacent to the cricket ground and proposes 51 units (including 20 affordable units) in the following mix:
- 11 x 1 bedroom
 - 10 x 2 bedroom
 - 7 x 3 bedroom
 - 17 x 4 bedroom
 - 6 x 5 bedroom
- 2.6 The properties comprise a mix of detached and semi-detached properties all of which would be two-storeys (although upper floors are shown in the roofs of some of the larger properties. Although for the most part houses are proposed the single bedroom properties would be apartments.
- 2.7 When this application was originally submitted a total of 48 dwellings were proposed. The application was subsequently amended to replace certain house plots adjacent to the cricket ground with apartments to address concerns raised by Sport England. The change from houses to apartments resulted in the total number of dwellings increasing from 48 to 51. Neighbours, the Parish Council and relevant consultees were notified that changes were made and the amended plans indicated this change. However, it should be noted that correspondence sent by the planning authority did not specifically clarify that the number of proposed dwellings had increased. The changes do not directly impact on any adjoining residents and relate to minor alterations within the site. In Officers view this further publicity was discretionary and not something that necessarily had to be taken.
- 2.8 The housing would be constructed from stone with a combination of stone and slate roofing with painted timber window frames.
- 2.9 Landscaping proposals are shown for the site including individual schedules for the gardens of the proposed new housing.
- 2.9 The proposed access to the site would be located at the north-east corner of the site opening onto Shires Lane and would incorporate visibility splays to NYCC Highways specifications.
- 2.10 In addition to 4 on-site areas of open space provision it is proposed to provide to gift the existing football pitch to the south of the site and to provide land for a junior football pitch approximately 10,500m² in area.
3. Planning History
- 3.1 26/2014/14518: Outline application for residential development (circa thirty four dwellings). Approved June 2014.
- 3.2 26/2014/15224: Outline application for residential development to provide extension to previously consented housing site (26/2014/14518). Approved May 2015.

4. Planning Policy Background

4.1 **National Planning Policy Framework**

4.2 **National Planning Policy Guidance**

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

The Local Plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are: -

- ENV1: Development in Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees & Woodland.
- T2: Road Hierarchy.

4.4 Craven's Negotiating Affordable Housing Contributions – October 2015 indicates the Council requires a 40% provision of affordable units, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is considered to be in accordance with the NPPF).

5. Parish/Town Council Comments

5.1 **Embsay with Eastby Parish Council:** The PC has made the following (summarised) comments:

- Concerns that the submitted Flood Risk Assessment may not be entirely accurate and that subsequent implementation of a drainage scheme is suitable for purpose and capable of adequately dealing with surface water run-off from the site.
- The proposed house on the north-west corner of the development despite being re-sited from the initial scheme, will still have virtually the same height and overly dominant mass in relation to the neighbouring bungalow. On the opposite side of the proposed house (to the east) there is a commendable proposed frontage of landscaped public amenity land and subsequently the single storey structure of the cricket club pavilion. The PC therefore substantiates it's claim that a 2 storey house on this plot would be unacceptable and respectfully suggests it be omitted and the public amenity strip be extended for the full frontage of the proposed site or the site accommodate a bungalow of similar height and overall proportion to that existing to the west.

6. Consultations

6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues in relation to this site. Also recommend that a sustainable drainage scheme is submitted for approval in order to prevent the increased risk of flooding, improve water quality, wildlife habitats and the amenity of the surface water drainage system. Finally, EH suggest that the operating times of the construction site are limited in order to reduce the potential for noise nuisance to nearby properties.

6.2 **CDC Strategic Housing Officer:** The applicant has submitted an application for a revised scheme which now provides for 51 units of which 20 are to be provided as affordable housing. This is in line with Cravens *Negotiating Affordable Housing Contributions – October 2015'* which replaced Craven's *Interim approach to negotiating affordable housing in residential developments'*.

The new affordable housing guidance still requires developers to provide 40% affordable housing on sites of 5 or more dwellings (subject to viability) and now formally allows off site commuted sums to be made where strategic housing feel it would be more suited. Craven Council also have an updated SHMA in place (June 2015) that considers need on a District wide basis rather than on a parish based scale. The new SHMA indicates that there is an affordable housing need of 114 homes to be provided each year across the district.

The applicants are proposing to provide the following units on site as affordable housing:

- 11 x 2 bed houses @ 70m² in size
- 6 x 1 bed houses @ 60m² in size
- 3 x 3 bed houses @ 85m² in size

Transfer prices, irrespective of tenure are set at £950 per m². A S106 agreement will be required which will provide for a local connection criteria associated with the affordable homes provided on the site. Priority will in the first instance be given to those people with a connection to Embsay with Eastby Parish.

Subject to the above being provided Strategic Housing have no objections to application.

- 6.3 **CDC Sports Development Officer:** This application partially meets SRC2 requirement. The gifting of the senior football pitch and additional land for a junior football pitch meets the current demand from the clubs. The provision of 4 on site open space areas provides valuable locally accessible public open space to serve informal needs of the development. However, there is a small shortfall that could be addressed by way of a planning gain contribution (£47,250) or for the developer to bring the land for the junior football pitch into full Football Association match standards.

The landscape details and maintenance/management of the 4 on-site open spaces needs to be addressed as currently missing some details, such as benches, bins, signs and how managed and maintained for future use and therefore does not fully accord with saved policy SRC2. Therefore the officer recommends that a condition is set to control the full details of the proposal.

- 6.4 **CDC Tree Officer:** An ecology survey report has been submitted but does not find anything of note which would either obstruct the scheme or require significant amendments. The report does make recommendations to ensure biodiversity is enhanced and no wildlife using the site is disturbed or damaged through the development process. Recommendations at paragraphs 7.2 to 7.8 of the ecology report should be conditioned. The trees just outside the site along the north boundary are shown to be retained and these should be conditioned to be protected throughout the development process by fencing in accordance with BS 5837 (2012). Landscape scheme and specification all satisfactory and should be included in any planning consent granted rather than leaving to condition.

- 6.5 **NYCC Highways:** Recommend that planning permission is granted subject to various standard conditions relating to construction of roads/footways, provision of visibility splays/turning areas and management of construction traffic.

- 6.6 **NYCC SuDS Officer:** Following submission of additional information regarding the drainage proposals the SuDS Officer has commented that the information satisfies the unresolved items associated with surface water management with the exception of maintenance. It is intended that the SuDS will be adopted by Yorkshire Water which is satisfactory. However the overland exceedance flow route/swale to the detention pond will not be included in this adoption arrangement. The planning authority is required to ensure that this part of the SuDS is also maintained for the lifetime of the development and as such will need to satisfy itself that suitable maintenance arrangements are in place.
- 6.7 **NYCC Education:** Based on the revised application which would generate potential need for an additional 12 pupils at the Embsay Church of England Voluntary Controlled School the Education Authority has requested a developer contribution of £81,576.00.
- 6.8 **The Environment Agency:** Whilst the application form states that this development would discharge foul drainage to a package treatment plant, there is a letter from the applicant's agent stating that the discharge will actually go to mains drainage. As long as this is the case the EA has no objections or further comments on this application.
- 6.9 **Yorkshire Water:** The site layout (details submitted on drawing GA/13 (initial issue dated 02/09/2015) that has been prepared by Rural Solutions) was not acceptable to Yorkshire Water as the submitted drawing appeared to show a public sewer diversion route which was not satisfactory i.e. they recommended that plot 1 was amended so that changes of direction on the diverted public sewer were greater than 90 degrees in all instances. Notwithstanding the above, if planning permission were to be granted a condition was recommended in order to protect the local aquatic environment and YW infrastructure.

Following submission of a revised plan YW has confirmed that they have no objection in principle to the proposed sewer diversion (subject to requirements of Section 185 of the Water Industry Act 1991) as submitted on drawing GA/50 (revision J) dated 04/04/2016 that has been prepared by Rural Solutions.

- 6.10 **Sport England:** SE had originally objected to the proposals due to concerns over the proximity of some of the proposed housing to the adjacent cricket field and the possibility of ball strikes.

The applicants have revised the proposals and now propose apartments (plots 37-40) which would have no outside space and would incorporate covered parking bays. In response to the revised plans SE comment:

Having re-assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

This being the case, SE withdraws its holding objection to this application, subject to the comments of the England Cricket Board.

The England Cricket Board has advised that the solution proposed in the risk assessment is acceptable provided that windows facing the pitch are glazed with 9mm toughened glass and designed so that they do not open in a way that will

allow access of cricket balls and that the boundary wall should be at least 2.5 metres high.

- 6.11 **Historic England:** The present application site would be visible from the Embsay and Bolton Abbey Steam Railway which is frequented by tourists. In making its decision on the current application HE recommend that the Council is mindful of views from the railway and ensures that if consent is granted, appropriate landscaping assists the absorption of the development into its context within the Special Landscape Area.

If the Council is minded to grant consent HE recommends that the proposals '*aspire to a quality of design and execution which may be valued now and in the future.*' (Conservation Principles page 9 para 14c). HE recommends that materials and details are conditioned for agreement in writing with the Council.

7. Representations

- 7.1 A total of 34 comments have been received (one in support of the application) which are summarised as follows.

Officer note: The comments can be viewed in full on the Council's planning website:

- Development would overlook and be overbearing to neighbouring properties resulting in overshadowing, loss of outlook and loss of privacy.
- Tactile footpath has been removed from the plan.
- The same conditions attached to the previous outline permissions should be applied to this application.
- There is no mention of the proposals to improve road safety in the village.
- Embsay does not require more houses.
- Development is too large and too densely spaced.
- Public transport information on application is out of date.
- There is currently no bus service in the village. Bus services are not adequate to serve the proposed development.
- Proposal is for more houses than Local Plan identifies a need for.
- Infrastructure in village cannot cope with increased population.
- School cannot accommodate more pupils.
- Development would lead to increased flooding problems.
- Sewerage works is not adequate to deal with increased outflows. The proposed drainage solution is inadequate.
- A full and proper Flood Risk Assessment is required.
- Development would detract from the character of the village and would urbanise it.
- Proximity to cricket ground would give rise to conflict due to risks of ball strikes.
- The additional football pitch to be provided is irrelevant and would be prone to flooding.

- Development would spoil view from steam railway and affect tourism.
- Shires Lane is used by traffic other than local vehicles and is congested at times.
- Junction/crossing by the paper shop is dangerous.
- The proposals will impact upon wildlife.
- No pavements in the area to serve the development.
- Increased traffic will result in road safety issues.
- Site is located on an official cycle route and there would be conflict from increased traffic.
- Loss of views.
- The POS which extends from the western boundary including a footpath should be extended to the eastern boundary wall.
- Housing near to allotments would not be practical.
- Maintenance of proposed open space would add further cost to Council and raises question of who will maintain it.
- Development would result in loss of grazing land.
- Is there a need for 1 bedroom affordable properties?
- Development would be detrimental to the environment and landscape.
- There are no employment opportunities in the village.

7.2 The letter of support comments as follows:

- Embsay senior football team have a pitch within the designated area and would like to create a junior team.
- Embsay Juniors Football Club (EJFC) is growing and play and train at Sandylands and Aireville Academy and also use a ground in Gargrave. Proposed facilities will help support the local community, primary school and will preserve open ground.
- Request that a pitch assessment is carried out before any land is gifted to ensure that it is a viable proposition for the club and community.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan and whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.
- 8.2 Affordable housing provision.
- 8.3 The effect of residential development on the character and appearance of the area.
- 8.4 The impact of development on the local highway network, traffic movement, and vehicle and pedestrian traffic safety.
- 8.5 The impact of development on drainage and flood risk.
- 8.6 Residential amenity issues.

9. Analysis

Planning policy and the 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 of but adjoins the development limits of Embsay and therefore is located within an area of 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 less weight in the decision making process.
- 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 local authorities' 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 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. A housing distribution strategy for the proposed 256 homes has been agreed by a meeting of the Full Council which suggests that Skipton should receive 50% of new housing to be provided. Whilst this resolution is noted, in Officers opinion very limited weight can be attached to this evidence given the very early stage of the emerging Local Plan.
- 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 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 The application site has previously been identified as a preferred site (EM016) that may potentially be brought forward for housing development in the Council's emerging Local Plan but due to the extant outline planning permissions is now identified as an 'Existing Committed Housing Site (at 31/3/2015) in the 'Pool of Site Options with Potential for Residential or Mixed use and Sustainability Appraisal – Consultation Document' that was approved by the Craven Spatial Planning Sub-Committee on 4th April 2016.
- 9.12 With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area and has both pedestrian and vehicle connections to local facilities and services, albeit limited. Nonetheless, the site is a very sustainable location for residential development.
- 9.13 The site is suitable for a residential use and can achieve a high quality development. As such, it is held that the proposal is in line with the objectives of the NPPF in that the proposal would provide both economic and social benefits. Furthermore, the proposed development would not 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.

9.14 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.

9.15 In conclusion, the application site is not within recognised development limits of Embsay, as defined by the 1999 Local Plan, but is located immediately adjacent to the existing built up area. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF policy. Furthermore, whilst it should be noted that this is a full planning application rather than a reserved matters, it is a material consideration that the principle of development on this site has already been established by previously permitted extant outline planning permissions.

Affordable housing provision:

9.16 The applicant has submitted an application for a revised scheme which now provides for 51 units of which 20 are to be provided as affordable housing. This is in line with Cravens *Negotiating Affordable Housing Contributions – October 2015*' which replaced Craven's *'Interim approach to negotiating affordable housing in residential developments'*.

9.17 The applicants are proposing to provide the following units on-site as affordable housing:

- 11 x 2 bed houses @ 70m² in size
- 6 x 1 bed houses @ 60m² in size
- 3 x 3 bed houses @ 85m² in size

9.18 It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.

The impact on the character and appearance of the area:

9.19 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.20 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.21 As set out above Saved Local Plan Policies ENV1 and ENV2 are of some relevance to the consideration of this application. Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under Policy ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate

well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.

- 9.22 The site on which the development is proposed is a sloping field that lies adjacent to existing development that runs partially along the southern side of Shires Lane and is adjacent to the edge of the Conservation Area. In terms of the historic environment the NPPF sets out the broad policy requirement that the significance of any heritage asset that may be affected by development should be identified, in this case the nearby Embsay with Eastby Conservation Area, and that development should not result in any adverse impact upon that significance.
- 9.23 In this case the site is on the edge of the settlement and it is considered that the detailed layout is acceptable. In coming to this view it is noted that illustrative layouts were submitted as part of the previous outline applications and that the proposed layout does not differ significantly from those. Specifically, the layout is not overly dense and the development includes areas of open space to the northern and eastern sides that would help to retain some of the semi-rural character of Shires Lane. In terms of the proposed house types it is considered that the scale, design and use of materials are all acceptable in the context of this application site.
- 9.24 With regards to the proximity to the Conservation Area and the potential for impact on its setting, it is considered that the housing development would be complimentary to the surrounding housing and maintain some openness in the wider street scene. Consequently, it is not considered that development of the site, would affect the significance of the heritage asset to an unacceptable degree.
- 9.25 In terms of the design and materials of the housing it is considered that the proposals reflect the palette of materials that exist on the adjacent housing and would be complimentary to those properties and to the area generally. Similarly it is considered that the scale of the housing and the semi-traditional design of the housing, together with the variation in density throughout the development is appropriate to the area.
- 9.26 There are a small number of trees located on the highway verge sited alongside the dry-stone wall that fronts onto the site. These trees are not protected by a preservation order (and as they are located outside of the conservation area they are not protected by other means). Some of the trees on the northern side of Shires Lane are specifically protected by preservation orders, but those protected trees are better specimens and make more contribution to the amenity of the area than the trees on the south side of Shires Lane. The application does not specifically indicate the removal of these trees, however it is possible that achieving the visibility splays at the site access would result in the removal of possibly 1 or 2 of the easternmost trees. These are the trees of the least significance that are located on the southern side of Shires Lane and Officers are of the opinion that if necessary their loss would be acceptable.
- 9.27 Overall, it is considered that the proposal to develop the site for housing is acceptable and has been designed in a way that would be compatible with the character of the area as required under Saved Local Plan Policy ENV2 and the broader policies set out in the NPPF.

Highways issues:

- 9.28 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'.

- 9.29 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.
- 9.30 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, lack of footways and pedestrian safety. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.
- 9.31 A number of objections to the proposed development relate to congestion and road safety issues arising from the volume of traffic parking on Shires Lane and in particular the on-street parking generated by cricket and football matches. In planning terms such congestion would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road does not in itself mean that the road is impassable provided vehicles are not parked illegally and causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.
- 9.32 At the request of NYCC Highways the applicants have agreed on the previous outline applications to provide a footpath link that would connect the site to a crossing point adjacent to 5 East Lane. It is proposed to re-attach a condition to require provision of the footpath subject to submission of full details for conditional discharge.
- 9.33 It is considered that there are not sufficient grounds to refuse planning permission over matters of highway safety.
- Drainage and flood risk:
- 9.34 Local residents have expressed concern about the ability of the site to be drained both with respect to surface water and foul drainage although the site is not identified as being within a flood plain or an area of flood risk.
- 9.35 A Flooding and Drainage Assessment has been submitted with the application and it is proposed to deal with surface water to the watercourse that lies approximately 200m to the south-east of the site at green field run-off rates. Storm water storage would be achieved via oversized concrete pipes supplemented by a dry detention area.
- 9.36 The NYCC SuDS Officer has commented that the submitted information satisfies the previously unresolved items associated with surface water management with the exception of maintenance. It is intended that the SuDS will be adopted by Yorkshire Water which is satisfactory. However, the overland exceedance flow route/swale to the detention pond would not be included in the adoption arrangement. The planning authority is therefore required to ensure that this part of the SuDS is also maintained for the lifetime of the development. For this reason it is proposed to attach a planning condition to require that the maintenance arrangements are submitted for approval prior to the commencement of the development.

9.37 Foul drainage from the site would be to the existing sewer network and no objections have been raised by either Yorkshire Water or the Environment Agency.

9.38 It is considered that the drainage issues relating to this development are acceptable.

Impact on amenity:

9.39 There are specific requirements under both Saved Local Plan Policies and the NPPF that new development should not adversely impact upon the amenity of any neighbouring property either through a significant loss of outlook, daylight or arising from a loss of privacy.

9.40 In this case it is considered that the proposed housing layout would have no unacceptably adverse impact on any existing properties in the area. Specifically, the housing opposite the site would be located to the north but lies sufficiently distant and is screened and orientated relative to the site such that there would be no significant loss of outlook, privacy or daylight. The majority of the site does not directly adjoin existing dwellings and arguably the only property that could potentially be unacceptably impacted upon is a bungalow that lies adjacent to the north-west corner of the site. In this case it is proposed to build a detached house that would be larger in scale than the bungalow but would lie 10m from the boundary and a further 5m from the nearest part of the bungalow. It is considered that the juxtaposition of the proposed new build with the existing bungalow is not unacceptable as the proposed house is reflective of the scale of the majority of the existing housing located towards the north-west corner of the application site and would not in officer's opinion be out of context. There are side facing windows proposed to the gable end of the new property but these are identified on plan as being obscure glazed and therefore would not allow overlooking and loss of privacy to arise

9.41 It is considered that the proposal would not impact on the amenity of the residents of neighbouring properties sufficiently to constitute grounds for refusal of planning permission.

Other matters:

9.42 Saved Local Plan Policy SRC2 requires developments for more than 10 dwellings to make a contribution to public open space. The Sports Development Officer has commented that further details of the proposed open space and sports provision would need to be submitted for consideration (this would also include requiring further details of the offer to provide an additional football pitch). Additionally, the SDO comments that an off-site contribution in the form of a commuted sum may be necessary. It is considered that the policy requirements in respect of open space can be met and that it is appropriate to deal with this issue by way of a planning condition.

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.

9.44 With regards to the local school CDC has received a request from the NYCC Education Authority for a financial contribution but in the absence of a relevant planning policy requirement cannot require the developer to make such a contribution.

- 9.45 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective opinion which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent if at all.
- 9.46 The ecological appraisal undertaken by Envirotech on behalf of the applicants is considered to be professionally competent and it is accepted that there is no evidence of any protected species present on the site. Notwithstanding it is proposed to attach an informative to any approval of planning permission to address the legal requirements should any protected species be found to be present on the site.
- 9.47 Finally, objections have been made on the grounds of incompatible land uses being within close proximity of each other. Specifically, the proposed housing is seen to be inappropriate in close proximity to the cricket field and allotment gardens. It is not uncommon to find such uses in close proximity and it is not considered that such uses are mutually exclusive, and that therefore there would be no basis for a refusal of planning permission over this issue. In any case, and with regards to the cricket club, the applicants have revised their proposals to address concerns regarding ball strike and no objections are being raised by either the England Cricket Board or Sport England.

10 Recommendation

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

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with the following:
 - Drawing nos. GA00A, GA01, GA12A, GA20 revision A, GA21 revision A, GA22 revision A, GA23 revision A, GA24 revision A, GA25 revision A, GA26 revision A, GA27 revision A, GA28 revision A, GA29 revision A, GA30 revision A, GA31 revision A, GA32 revision A, GA33 revision A, GA34 revision B, GA35 revision B, GA36 revision A, GA37, GA38, 1013-001, 1013-100 and 1013-101 received by the local planning authority 9th October 2015.
 - Drawing nos. GA02C, GA13 revision J, GA50 revision J, GA51, GA52, GA53, GA54, GA55 and GA56, received by the Local Planning Authority on 12th April 2016.
 - Design and Access Statement (April 2016), Ecological Appraisal (paras. 7.2 to 7.8), Boundary Risk Assessment and Flooding and Drainage Assessment.

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

Reason: To specify the permission for the avoidance of doubt.
3. Details of 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 and proposed finished floor levels and building heights shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. The west (side) facing windows of the property on plot 1 shall be fitted and maintained thereafter with obscure glazing.

Reason: For the avoidance of doubt and in accordance with the approved plans.

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

Reason: In the interest of satisfactory and sustainable drainage.

6. The site shall be developed in accordance with the approved Sustainable Drainage System (SuDS) scheme. Details of the proposed maintenance arrangements for the SuDS shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: To ensure that the site is properly drained and maintained

7. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert the sewer that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

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

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

9. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within the 5m easement either side of the centre line of the water main that crosses the site.

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

10. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and 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% provision 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 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);
- (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 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 document 'Negotiating Affordable Housing Contributions' (October 2015) and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

11. 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 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.

12. 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:

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary.
 - (b) dimensions of any carriageway, cycleway, footway, and verges.
 - (c) visibility splays.
 - (d) the proposed buildings and site layout, including levels.
 - (e) accesses and driveways.
 - (f) drainage and sewerage system.
 - (g) lining and signing.
 - (h) traffic calming measures.

- (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) 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:
 - (a) the existing ground level.
 - (b) the proposed road channel and centre line levels.
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) 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.
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels.
 - (c) kerb and edging construction details.
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) 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.

Informative:

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

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

13. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

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

14. 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.

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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

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

Informative:

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

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

16. No part of the development shall be brought into use until the existing access on to Shires Lane 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.

Informative:

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

17. 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 looking east measured along both channel lines of the major road Shires Lane from a point measured 37 metres looking west 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.

18. 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 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.

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Footway between site and new crossing point near 5 East Lane, including crossing point.

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

20. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Ref: GA03A) and are available for use unless otherwise approved in writing by the Local Planning Authority. Once

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

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

21. 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:

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

Informative:

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk.

Reason: In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

22. During construction works there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7.30 – 18.00 on Mondays to Fridays and 7.30 – 13.00 on Saturdays.

Reason: In accordance with policy number and to avoid conflict with vulnerable road users.

23. 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:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with policy number and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

24. The development hereby approved shall not be occupied until full details of the design and specification of the mitigation, including details of management and maintenance responsibilities, as set out in the Lobosport Technical Report titled: 'Boundary Risk Assessment: Shires Lane, Embsay, dated 11/04/2016 have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The approved details shall be installed in full before the development is first occupied.

Reason: To provide protection for the occupants of the development from potential ball strike from the adjacent playing field.

Informatives

1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. These precautions may include the provision of wheel washing facilities where considered appropriate. These precautions should 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 during the construction period.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
3. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 3, 6, 7, 8, 10, 11, 12, 13, 14, 16, 19, 21, 23 and 24 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 the above conditions please note that 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
12/2016/16593*

*DEMOLITION OF EXISTING BUILDING AND ERECTION OF NEW OFFICES
AND PHARMACEUTICAL LABORATORIES*

SKINNER GROUND FARM, BROUGHTON ESTATE, BROUGHTON.

APPLICANT NAME: BROUGHTON CUSTODIAN FUND

TARGET DECISION DATE: 28/04/2016

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision as it is a departure from the Development Plan.

1. Site Description

- 1.1 The application site is located at Skinner Ground Farm which is sited in open countryside to the north of the A59.
- 1.2 Access to the site is via a long track (Old Lane) that exits at two points onto Gargrave Road to the east. The site lies adjacent to converted farm buildings (Skinner Ground Farmhouse Barn) that are in use as commercial premises.
- 1.3 The proposal relates to the western part of the farm where there is an existing large farm storage building and a slurry store which it is proposed to demolish. There is no planning history associated with this building although the applicant's agent has stated that the site and building has been in use by the Broughton Hall Estate as an estate yard to service the estate buildings for over 15 years. This use has included joinery, mechanics, storage, paint store, machinery store and storage of building materials.
- 1.4 Although set back from the main road the site is visible from the A59 and is set within a landscape of rolling fields defined as 'Lowland – Rolling Drumlin Pasture' in the Craven District Landscape Appraisal.
- 1.5 A very small part of the site access is located within the outer zone buffer of the Nether Kellet high pressure gas pipeline (this means the actual pipeline itself is approximately 330 m to 400 m to the north of the site access).
- 1.6 The site access and land to the south of the existing building that is within the application site is also a Public Right of Way (05.8/5/1 Broughton).

2 Proposal

- 2.1 Permission is sought for demolition of the existing building and the erection of new offices and pharmaceutical laboratories.
- 2.2 The proposal seeks to provide new premises for Broughton Laboratories which is an existing company trading on the nearby Broughton Hall Business Park and would enable the business to expand. The company current employs 43 people and would employ 65+ as part of the proposed expansion. The development is also intended to provide floor space for other similar businesses.
- 2.3 The proposed development would comprise two 'U' shaped buildings set within a large car parking/service area and includes landscaping. The development would include 92 parking spaces and 20 cycle spaces.

2.4 The proposed buildings would measure 82m x 82m in footprint and would be 7.6m in height falling to 2m on the inner elevations. In floor area the buildings would comprise a total of:

Ground Floor:

- 415m² Lab space
- 390m² Meeting rooms
- 1086m² Office

First Floor:

- 790m² meeting rooms
- 98m² Office

2.5 Due to the topography of the site the rear parts of the building would be cut into the hillside and therefore partially obscured from viewpoints to the north-west.

2.6 In addition a further single storey communal building is proposed that would be located towards the rear (north-west) of the site adjacent to the main buildings. This would measure 14m x 7m and would feature an overhanging shallow pitched hipped roof 3m in height falling to 2m at eaves level. The communal building would be located in an elevated position to the north-west of the main buildings.

2.7 The main buildings would have mono-pitched roofs finished with zinc profiled sheeting and would be constructed with lime rendered masonry, hardwood external blinds, larch soffits and oak glazing frames. The smaller communal building would use matching materials.

2.8 The site would use the existing access which would be upgraded and include passing places and improvements to the visibility splays at the junction with Gargrave Road. A footpath link is also proposed that would allow pedestrian access from the site to an existing bus stop adjacent to the cottages (Sulphur Wells Houses) located on the A59 to the south of the site.

3 Planning History

3.1 12/2: Erection of cattle unit. Approved November 1979.

3.2 12/35: Proposed dairy unit. Approved July 1992.

4 Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

ENV10: Protection of Trees and Woodland.

EMP5: New Employment Development outside Development Limits and Established Industrial Area (Excluding Conversions).

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework.**

4.3 **National Planning Practice Guidance.**

5 Parish/Town Council Comments

5.1 **Broughton Parish Council:** No comments received.

6 Consultations

- 6.1 **CDC Environmental Health:** Regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site. There are no known contaminated land implications regarding this proposed development.
- 6.2 **CDC Tree Officer:** No objection in principle. However, clarification about the planting is needed. The plan and detail provided are lacking in detail.

Existing hedgerows are proposed to be restored and new ones planted which is welcomed. A species list is provided showing that some of the species are trees but more detail is required. What is the mix ratio of hedgerow species, numbers per linear metre etc? Also, if standard trees are to be planted in the hedgerow, what size will they be? (a minimum of 10 – 12 cms standards is required) and at what spacing within the hedgerow? There also needs to be sizes etc. specified for the other tree planting on the site to include identification of where each species is to be planted along with a full specification for all the planting works (soil quality and depth if it is being imported, cultivation of soil, planting of trees and hedges, staking, pest protection etc.). All this could be provided now for determination or could be conditioned.

It should be conditioned that all trees and hedges around the perimeter of the site should be protected by fencing in accordance with BS 5837 (2012) for the duration of the development in the interests of landscape amenity to ensure trees and hedges are retained in sound and healthy condition.

- 6.3 **NYCC Highways:** No objections subject to appropriate visibility splays being provided at the junction and the imposition of conditions to cover construction details of access, retention of parking spaces and of the PROW.
- 6.4 **NYCC SuDS Officer:** Whilst it has not been demonstrated that all requirements have been fully satisfied at this stage of the application, the application is for redevelopment of an existing site and proposes a reduction in impermeable areas providing betterment to the existing surface water drainage arrangements. As such we have no objection to proposals in principle and would recommend the following condition for any approval:

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, will be less than the run-off from the site prior to the proposed development 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).

- 6.5 **Environment Agency:** The site lies in flood zone 1 and does not trigger any constraints.
- 6.6 **Yorkshire Water:** No objections subject to a condition to ensure the protection of the water main that traverses the site.
- 6.7 **Health and Safety Executive:** Only a very small part of the application site encroaches within the outer consultation zone of the Nether Kellet Gas Pipeline. This comprises the northernmost access to Gargrave Road to the north-east of the development site. The HSE has been consulted on the basis that the notifiable development comprises part of the transport link to the site. The HSE do not advise against development.

7. Representations

7.1 One letter has been received commenting on the application as follows:

- No objection to the building and associated works but there is a problem with the assessment of traffic impact on the junction with Gargrave Road and the A59.
- A fuller investigation into the traffic impact is needed with a view to improving this, for example with traffic lights.
- The company that the new building is intended for are currently on the Broughton estate and have 30-40 cars that all arrive between 8am and 9am and leave after 5pm. As the company want to expand by another 50% this would mean around 60 vehicles coming during the morning and leaving after 5.
- The increase in number of vehicles will impact on the A59 more than traffic impact assessment suggests and would lead to issues with road safety.
- The statement shows accidents that the police have attended, but there are quite a few more than those and it can only increase with the additional traffic.
- Photograph taken from the Bull car park was taken during a quiet period and is misrepresentative.

8. Summary of Principal Planning Issues

- 8.1 Principle of development
- 8.2 Design and visual impact.
- 8.3 Impact on amenity.
- 8.4 Highway safety.
- 8.5 Drainage.

9. Analysis

Principle of development:

- 9.1 The site lies in open countryside as defined in the adopted Local Plan and therefore Saved Local Plan policies ENV1 and ENV2 are of relevance. ENV1 is prohibitive of inappropriate or sporadic new development in open countryside and only permits development that is of benefit to the rural economy, helps to maintain or enhance landscape character, is essential for the operation of agriculture or forestry or is essential to the needs of the rural community. Saved Policy ENV2 sets detailed criteria for new development in open countryside that is consistent with the requirements of ENV1 and therefore acceptable in principle.

- 9.2 Saved local Plan Policy EMP5 is of more direct relevance to this application and seeks to limit new employment development outside of development limits and established industrial areas. Under EMP5 such development would only be permissible where it can be demonstrated that exceptional circumstances exist i.e. that development is essential to the social and/or economic needs of the community, but it must also be demonstrated that there are no alternative sites available within development limits or an established nearby industrial area before planning permission could be granted under EMP5.
- 9.3 NPPF policies are more permissive than the Local Plan policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The NPPF also sets out a requirement for local planning authorities to secure both economic growth and to support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise including conversion of existing buildings and well-designed new buildings.
- 9.4 It can be seen from the above that development of the application site would be contrary to the Local Plan policies but is capable of being compliant with the NPPF. In this instance paragraph 14 of the NPPF is therefore of relevance as it sets out a requirement that where relevant development plan policies are out of date permission should not be refused unless the adverse impacts outweigh the benefits of allowing development or where specific policies in the Framework indicate that development should be restricted.
- 9.5 In this case it is considered that whilst Saved Local Plan policies ENV1 and ENV2 are broadly consistent with the NPPF they remain of limited relevance to consideration of this application. However, the prohibitive policy EMP5 is of relevance but is not consistent with the NPPF. Consequently it is necessary to consider whether there are substantial dis-benefits to allowing development in this case or whether any NPPF policies indicate that permission should be refused.
- 9.6 Considering the above policy requirements it is significant that both the neighbouring converted farm and the large storage building that would be replaced by the proposed offices/laboratories have been in commercial use for in excess of 10 years. As a consequence it is arguable that the site of Skinner Ground Farm has a lawful use for employment related uses and that this is a material consideration in the determination of this planning application. As neither of the buildings has been subject to an application for a Lawful Development Certificate the absolute planning position cannot be stated but it is nevertheless very clear that the land and buildings have not been in agricultural use for a considerable period of time. Irrespective, the NPPF is clearly supportive of proposals that contribute towards economic growth and in particular to development that would contribute towards a prosperous rural economy and therefore the principle of this application is in accordance with national planning policy. It is also the case that the application seeks to construct a high quality bespoke building that would enable an established business located at the nearby Broughton Estate to expand and it is considered that the application would represent further investment in the local economy that is worthy of support.
- 9.7 In summary, it is considered that there are no significant dis-benefits to this proposal and that the employment development that is proposed would be consistent with NPPF policy. Accordingly it is concluded that the application is acceptable in principle.

Design and visual impact:

- 9.8 NPPF policy advocates good design and states that this is indivisible from good planning and should contribute positively to making places better for people.
- 9.9 In this case the proposed design is modern but is considered to be an appropriate design for the rural setting of the site and to represent a quality build that would contribute positively to the wider landscape. In coming to this view it is noted that extensive landscaping is proposed as part of the development and that it will be necessary to ensure that the full details of this are submitted for prior approval and subsequently implemented in accordance with the recommendations of the Council's Tree Officer.

Impact on amenity:

- 9.10 There are no residential properties located within close proximity of the site although it is visible from a row of cottages located to the south and the access point is near to other dwellings forming the main hamlet of Broughton.
- 9.11 It is considered that the proposals would not adversely affect the visual amenity of any of the nearby properties and in fact would be an improvement on the existing site which has a building in poor condition and a disused slurry store neither of which are visually appealing. The use of the site would be one that would not give rise to issues of noise or disturbance from excessive activity although it is noted that the proposal would inevitably give rise to increased vehicular activity.
- 9.12 Overall, it is not considered that there are any amenity issues arising from the development that would justify refusal of planning permission.

Highway safety:

- 9.13 The concerns of the third party set out above regarding the ability of the road network to accommodate the traffic that would be generated by the proposed development are noted.
- 9.14 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'.*
- 9.15 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. Similarly EMP5 requires that new employment development outside of development limits and industrial areas should not create conditions prejudicial to highway safety.
- 9.16 The representation from a local resident raises concerns over traffic safety issues stemming from traffic generation. However, NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals are considered to be in accordance with NPPF advice and saved Local Plan Policy T2 and are therefore acceptable in terms of highway safety issues.

Drainage:

- 9.17 Drainage proposals have been submitted to the NYCC SuDS Officer for consideration and indicate that surface water run-off from the development will be to existing land drains by surface run-off and shallow interflow. The SuDs officer has advised that whilst it has not been demonstrated that all requirements have been fully satisfied at this stage of the application, the application is for redevelopment of an existing site and proposes a reduction in impermeable areas providing betterment to the existing surface water drainage arrangements. As such he has no objection to the proposals in principle and has recommended a condition requiring submission of further details for prior approval.
- 9.18 With respect to foul drainage this is to be discharged to an existing sewer and no objections have been raised to this solution by Yorkshire Water.
- 9.19 It is considered that, subject to discharge of the recommended planning condition, the proposal is acceptable in terms of drainage.

10. Recommendation

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

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with the following:
Drawing nos:
- PL101 (Site Layout) received 8th April 2016
 - PL002 (Location Plan), PL003 (Access Plan), PL004 (Old Lane Junction) PL201, PL101 (Unit 1 Ground Floor Plan), PL102 (Unit 1 First Floor Plan), PL200, PL300 (Communal Building, Composite North/South Elevation, Unit 1 Internal Courtyard Sections, Site Sections) received 26th January 2016
 - PL110 (Site plan showing drainage) received 25th May 2016..
 - Design and Access Statement, Transport Statement and Workplace Travel Plan received 26th 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 for the avoidance of doubt.
3. The employment premises hereby approved shall only operate between the following hours:
0700 to 1800 Monday to Saturday.
Reason: In the interests of the amenity of occupiers of the nearby residential properties.

4. Prior to the first installation on site full details of the proposed external lighting of the site, including any lighting attached to the buildings, shall be submitted to and approved in writing by the local planning authority.

The development shall subsequently be undertaken in accordance with the approved details and no other external lighting shall be installed on the site or approved buildings without the prior approval of the local planning authority.

Reason: In the interests of visual amenity.

5. No development shall commence until details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of visual amenity.

6. All trees and hedges around the perimeter of the site should be protected by fencing in accordance with BS 5837 (2012) for the duration of the development.

Reason: In the interests of landscape amenity to ensure trees and hedges are retained in sound and healthy condition.

7. No building or other obstruction including landscape features shall be located over or within 15 feet of either side of the centre line of the water main i.e. a protected strip width of (30) feet, that traverses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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 run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will be less than the run-off from the site prior to the proposed development 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 and be retained thereafter.

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 access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) (c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Informative:

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

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

10. 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 splay areas are provided giving clear visibility of 60 metres measured along both channel lines of the major road Gargrave Road Broughton 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.

Informative:

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

11. 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 15-636 PL101 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.

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

Direct surfaced path, e.g. crushed stone, between development and bus stop at Sulphur Wells (A59).

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

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

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

a. Provision of tactile paving

b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulphur Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].

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

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

The required highway improvements shall include:

a. Provision of tactile paving

b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulphur Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].

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

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

1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulphur Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].

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

- 15 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.

16. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services
 - e. continual appraisal of travel patterns and measures provided through the travel plan
 - f. improved safety for vulnerable road users
 - g. a reduction in all vehicle trips and mileage
 - h. a programme for the implementation of such measures and any proposed physical works
 - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

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

Informatives:

1. To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

2. 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 County 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.

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

Discharge of Condition(s)

1. With regard to Condition No 5 above please note that it will be necessary to submit a formal application to discharge the condition.

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

*WEST CRAVEN
12/2016/16613*

*DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF A NEW
WELL BEING CENTRE. RECONFIGURATION OF CAR PARKING AREA*

THE BOTHY, BROUGHTON HALL ESTATE, BROUGHTON.

APPLICANT NAME: TRUSTEES OF BROUGHTON HALL ESTATE

TARGET DECISION DATE: 28/04/2016

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision as it is a departure from the Development Plan.

1. Site Description

- 1.1 Part of the application site, referred to as The Bothy, is located on the site of an existing building situated within the Broughton Hall Estate that has been vacant for a number of years and is now in a state of disrepair. The building lies adjacent to a walled garden that is part of the Grade II listed historic park and is near to the recently constructed 'Utopia' café/conference centre set within the walled garden.
- 1.2 Immediately to the rear (north) of the application site there is a group of dense tree/shrub planting with open estate grounds beyond. To the west there are a group of converted buildings that are in use as offices and to the south there are further open aspect estate grounds.
- 1.3 The remaining part of the application site includes a sizeable area of car parking that lies to the south of The Bothy that also wraps around the southern edge of the walled garden. A large section of the southernmost part of the site encompasses an undulating area of grass that has a driveway running across it and is interspersed by a number of mature trees.
- 1.4 The site is located outside of development limits and in an area of open countryside as defined in the Local Plan but is within a now well-established employment area that includes a number of buildings that are in office use.

2. Proposal

- 2.1 Permission is sought to demolish the existing Bothy and to construct a 1,254m² Well Being Centre. In addition permission is sought to reconfigure and extend the existing car park that lies adjacent to The Bothy.
- 2.2 The details of the two elements are:
Well Being Centre:
- 2.3 The proposed Well Being Centre would occupy a larger footprint than the existing Bothy (approx. 34.5m x 23.5m) and would project southwards into the gravelled car parking area with its front elevation lying parallel to the entrance to the walled garden.
- 2.4 The proposed building would be part single and part two-storeys with flat roofs and would be contemporary in its design and use of materials. These would comprise a mix of stone, timber cladding, large areas of bronze framed glazing, patinated zinc roof and wall panels and a translucent marble entrance to a meditation area.

- 2.5 In addition to the meditation area the building would contain a swimming pool, a jacuzzi area, changing rooms, sauna, gym, lounge, offices, therapy room, offices, kitchen/store and plant rooms. To the periphery of the building it is proposed to incorporate stone paved areas.
- Car Park:
- 2.6 The existing car park comprises a large rectangular gravelled area that has no formal marking out and is somewhat utilitarian. The revised proposals would increase the capacity of the car parking. Because of the informal arrangement of the existing car park the capacity is not entirely clear but is estimated to be approximately 190 spaces. The revised scheme would increase this to 216.
- 2.7 The car parking would be laid out in a more organic way and would be spread across a much larger area than the existing with tarmac access roads leading to a series of gravelled car parking areas located to the south-west and south of the walled garden. The proposed car park extends into open estate land that is grassed over and has a number of mature specimen trees planted throughout. Whilst the majority of the existing trees would be retained it is proposed to offset the trees that would need to be removed with new planting.
3. Planning History
- 3.1 12/2003/3102: Demolition of derelict buildings and erection of one single storey and one two storey building to provide multi-spaces and storage for offices. Withdrawn October 2003.
4. Planning Policy Background
- 4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**
- ENV1: Development in the Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees and Woodland.
- EMP5: New Employment Development outside Development Limits and Established Industrial Area (Excluding Conversions).
- T2: Road Hierarchy.
- 4.2 **The National Planning Policy Framework.**
- 4.3 **National Planning Practice Guidance.**
5. Parish/Town Council Comments
- 5.1 **Broughton Parish Council:** No comments received.
6. Consultations
- 6.1 **CDC Environmental Health:** No objections.
- 6.2 **CDC Tree Officer:** No objection to the demolition of the bothy and the construction of the well-being centre. The Tree Officer concurs with the findings of the submitted arboricultural report and suggests that a condition is placed on the consent requiring all tree protection measures to be in accordance with BS 5837 (2012) and all site work to be undertaken as per the method statement, both as detailed in the arboricultural report.

The proposal also includes the reconfiguration of car parking including a large area to the south of the walled garden. No detail of the car parking was originally submitted and there is significant potential for conflict with existing trees in that area. A concept plan (BHE05) has been submitted but it is only indicative and does not give any detail of carpark and access road construction, protection of and construction near to existing trees or any detail of new planting.

Officer note: The arboricultural report submitted with the application only relates to trees located immediately to the rear (north) of The Bothy. No details of the trees affected by the extended car parking areas were submitted. A site visit was subsequently undertaken by the Tree Officer and Case Officer to assess the effect of the car park on the existing trees. The Tree Officer has commented further as follows:

Following submission of further details the Tree Officer comments that they have addressed the issue of the levels but cannot comment on whether the proposed falls etc. are adequate or sufficient. The applicant's agent has suggested a condition relating to retention or removal of existing trees which is acceptable but has not specified the replacement tree size correctly. Trees should be specified by the girth of the trunk so the size should be changed from 1.5 metres to 10 – 12 cms girth. To be factually correct the tree discussed on site at the outside corner of the walled garden is a Cedar and not a Pine as described in the letter.

6.3 NYCC Highways: No objections.

6.4 NYCC SuDS Officer: Whilst it has not been demonstrated that all requirements have been fully satisfied at this stage of the application, the application is for redevelopment of an existing site and proposes a reduction in impermeable areas providing betterment to the existing surface water drainage arrangements. As such the SuDS Officer has no objection to the proposals in principle and recommends the following condition for any approval:

'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, will be less than the run-off from the site prior to the proposed development 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).'

6.5 Yorkshire Water: Has commented as follows:

Drainage:

Existing Infrastructure - On the Statutory Sewer Map, there is a small diameter public sewer recorded within the site. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations.

Surface Water - The Clarification Note 'Surface Water Management (prepared by Weetwood dated 18/05/2016)' confirms an existing watercourse (Broughton Beck) exists near to the site. With this regard, further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

Water Supply:

A water supply can be provided under the terms of the Water Industry Act, 1991.

6.6 **Historic England:** Has commented as follows:

'It is proposed to demolish the derelict bothy and greenhouse (which we assume to be listed by virtue of being within the curtilage of the Hall) in the area to the west of the walled garden and to build a wellness centre to the designs of Yiangou Architects. It is also proposed to improve the appearance of the car park which is associated with the Hopkins pavilion in the walled garden.'

From map evidence it has been established that the bothy and greenhouse were present by 1868 and may date from the period of increased horticultural activity within the estate which was associated with W A. Nesfield's work. Nevertheless, these modest buildings are considerably altered and appear from the photographs provided in the application to have little aesthetic value, although it is possible that they have some historical and evidential value. They are sited in a 'back of house' location and would not appear to readily lend themselves to conversion for the required purposes. The proposed wellbeing centre is intended to improve the viability of the Estate and thereby to sustain the significance of its heritage assets. It is clear that it has been designed with great care so as to visually complement Hopkins' Utopia pavilion in the walled garden and it would improve its setting in views from the walled garden looking west, enhancing the significance of the site. The design would appear to us to 'aspire to a quality of design and execution which may be valued now and in the future' (Conservation Principles, page 9 para. 14c). The realisation of this potential will be dependent upon the materials and detailing being of sufficiently high quality in their own terms to meet the promise of the Design and Access Statement. The re-designed car park would improve the setting of the walled garden within the Designated Park. We consider the proposal meets the test in para. 131 the National Planning Policy Framework (NPPF) by sustaining the viability of the heritage assets on the Estate and also by its potential to enhance the significance of the Estate by its contribution as a modernist building of aesthetic value. For the same reasons there appears in this case to be justification in accordance with para 132 of the NPPF for the harm/loss caused by the demolition of the existing derelict bothy and greenhouse. This is providing any evidential value in both the bothy and the greenhouse is realised through the analytical recording of these buildings.'

We recommend that consent may be granted. If the Council is minded to grant consent we recommend that the buildings to be demolished are made subject to a programme of analytical recording, in order to realise any evidential value they may have. We also recommend that conditions are applied to the new building and the car park, covering materials and detailed design, including a landscaping scheme'.

6.7 **Environment Agency:** No comments.

6.8 **Natural England:** No objections in relation to SSSI's and recommends standing advice applied in relation to protected species (bats present and mitigation recommended in the submitted bat survey). A Priority Habitat has been identified (Woodland Pasture and Parkland) which requires protection under the NPPF.

6.9 **Yorkshire Wildlife Trust:** The Trust would recommend that the Bat Mitigation on page 8 of the Bat Roost Assessment by Thomas McQuillan of Quants Environmental is conditioned. The Trust would also recommend that if possible features to accommodate bats are incorporated into the new buildings. Bird boxes are also recommended in the surrounding woodland, however these will not compensate for the loss of swallow nest sites and it would be more satisfactory if swallow nest opportunities were provided in the building.

7. Representations

7.1 None received.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Design and visual impact/impact on heritage assets.

8.3 Impact on amenity.

8.4 Highway safety.

8.5 Drainage.

8.6 Ecology.

9. Analysis

Principle of development:

9.1 The site lies outside of development limits in an area defined as open countryside in the adopted Local Plan and therefore Saved Local Plan policies ENV1 and ENV2 are of relevance. ENV1 is prohibitive of inappropriate or sporadic new development in open countryside and only permits development that is of benefit to the rural economy, helps to maintain or enhance landscape character, is essential for the operation of agriculture or forestry or is essential to the needs of the rural community. Saved Policy ENV2 sets out detailed criteria for new development in open countryside where that development is consistent with the requirements of ENV1 and therefore considered to be acceptable in principle.

9.2 Saved local Plan Policy EMP5 is of more direct relevance to this application and seeks to limit new employment development outside of development limits and established industrial areas. Under EMP5 such development would only be permissible where it can be demonstrated that exceptional circumstances exist, i.e. that development is essential to the social and/or economic needs of the community, but it must also be demonstrated that there are no alternative sites available within development limits or an established nearby industrial area before planning permission could be granted under EMP5.

- 9.3 It is considered that whilst Saved Local Plan policies ENV1 and ENV2 are broadly consistent with the NPPF they remain of limited relevance to consideration of this application which is for a replacement building within an established employment area, albeit one that does not have a formal designation for that purpose under the current Local Plan. The prohibitive Local Plan policy EMP5 is of some limited relevance but is also inconsistent with the NPPF and therefore the policy requirements of EMP5 cannot be applied in this case.
- 9.4 NPPF policies are more permissive than the Local Plan policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The NPPF also sets out a requirement for local planning authorities to secure both economic growth and to support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise including conversion of existing buildings and well-designed new buildings.
- 9.5 It can be seen from the above that development of the application site would be contrary to the Local Plan policies but is capable of being compliant with the NPPF. In this instance paragraph 14 of the NPPF is therefore of relevance as it sets out a requirement that where relevant development plan policies are out of date permission should not be refused unless the adverse impacts outweigh the benefits of allowing development or where specific policies in the Framework indicate that development should be restricted.
- 9.6 In this case the application is within the grounds of the Broughton Business Park which is not a designated employment area in the current Local Plan but is acknowledged as '*an established business area*' under Draft Policy SP2 of the emerging Craven Local Plan.
- Draft Policy SP2 states:
- 'The local economy will grow, diversify and generate new employment and productivity opportunities. This will be achieved by:*
- a) *Supporting sustainable economic activity within towns, villages and the rural area, including the sustainable growth of the existing employment cluster at Broughton Hall Business Park*'.
- 9.7 Whilst the emerging Local Plan is still at a formative stage and has not been subject to any formal public consultation and therefore is of very limited weight it is nevertheless considered that the acknowledgement of the business park in the draft plan and the aspiration to support its future growth is a material consideration in the determination of this application.
- 9.8 The proposal seeks approval for a building that would be complimentary to the existing conference/café facilities available within the Utopia building and to the existing businesses established at Broughton Business Park. As such it is considered that the proposal would be consistent with NPPF policy in that it would support economic growth in a rural area and would create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28 refers). Notwithstanding matters of design, visual impact, ecology etc. that are dealt with later in this report it is considered that in this case there are significant benefits to be derived from this proposal and that the development is entirely consistent with the NPPF and therefore acceptable in principle.

Design and visual impact/impact on heritage assets:

- 9.9 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.10 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.11 Another NPPF requirement is that development should not be allowed where it would result in an unacceptable adverse impact upon the significance of any heritage asset. The exception to this would be where the public benefits of the proposed development are considered to outweigh any dis-benefits that may arise should development be allowed.
- 9.12 In this case the application site lies within the grounds of a Grade II listed historic park and garden and there are numerous listed buildings within the estate although none are within close proximity to the application site. Historic England has commented on the application and has questioned whether or not the non-listed buildings within the estate are listed by virtue of their location within the curtilage of the historic park and the listed Broughton Hall. In Officer opinion The Bothy is not listed by association and therefore it is not considered that listed building consent is required for its demolition. The principal issue in respect of this application is considered to be the impact of the proposed demolition and new build on the wider setting of the historic park and the listed buildings that are located within it.
- 9.13 The proposal is for a very contemporary design which in this case is considered to be of good quality and to be complimentary to the existing Utopia building situated nearby as well as to the historic buildings and more recently built offices.
- 9.14 The development would incorporate a mix of materials in which traditional stone would lie alongside large areas of glazing, modern bronzed fenestration, timber and patinated zinc. In officer's opinion the proposed materials have been combined in a manner that would result in a building that whilst being in no way traditional in appearance or vernacular in form would nevertheless be entirely appropriate in the context of the application site which is characterised by a mix of both traditional and modern buildings.
- 9.15 The building would only be visible within the Broughton estate and would be largely screened from view other than from the southern aspect. In any case public views of the development would be limited to the grounds of Broughton Business Park and therefore it is considered that the only issue to be considered in terms of visual impact would be the setting of the historic park grounds and nearby listed buildings.
- 9.16 It is considered that the impacts of the proposal would be twofold. Firstly, the removal of the existing building, which is in a derelict condition and is considered to be of limited architectural merit or historic significance, would be beneficial to the overall visual amenity of the area and the wider setting of the historic gardens. Secondly, the proposed new build would be a sensitively designed addition that would, in officer's opinion, enhance the immediate setting of the site adjacent to the walled garden and Utopia building and would moreover, make a positive contribution in its own right to the Broughton Estate.

- 9.17 In coming to the above view the comments of Historic England have been taken into account. Those comments are set out in full at paragraph 6.5 above and in particular the following statement is noted. ‘*The design would appear to us [Historic England] to ‘aspire to a quality of design and execution which may be valued now and in the future’ (Conservation Principles, page 9 para.14c)*’.
- 9.18 It is considered that the proposed Well Being Centre is entirely acceptable in terms of its design, use of materials and visual impact. Moreover, it is considered that the proposal constitutes good design consistent with the requirements of the NPPF and will not result in any unacceptably adverse impacts on the heritage assets of the Broughton Hall Estate including the nearby listed buildings.
- 9.19 With regards to the proposed alterations to the car park it is considered that the re-configuration would represent a significant improvement on the existing car park which is purely functional and of no great merit. The revisions are aesthetically an improvement despite covering a much larger area and would considerably improve the parking provision on-site to serve the employment premises. As with the new build Historic England have expressed support for the car park proposals and it is considered that the development remains consistent with the NPPF policy requirements provided the proposed tree removal is offset by replacement planting. It is proposed to attach a condition to secure suitable landscaping throughout the application site.
- Impact on amenity:
- 9.20 The proposals are located within the Broughton Estate and would not give rise to any amenity issues as there are no nearby properties that are not part of the estate that could be impacted upon.
- Highway safety:
- 9.21 The proposals seek to introduce a building that would service the existing premises located throughout the estate and would generate 10 jobs upon completion. The re-configured car park would create a substantial increase in the number of available spaces but is not linked to any current proposals for more commercial floor space.
- 9.22 No objections to the proposals have been raised by NYCC Highways and it is not considered that the proposed Well Being Centre would give rise to a significant increase in traffic and vehicle movements to and from the site.
- 9.23 Accordingly, it is considered that the development is acceptable in terms of highway safety issues.
- Drainage:
- 9.24 Drainage proposals have been submitted to the NYCC SuDS Officer for consideration. The SuDs officer has advised that whilst it has not been demonstrated that all requirements have been fully satisfied at this stage of the application, the application is for redevelopment of an existing site and proposes a reduction in impermeable areas providing betterment to the existing surface water drainage arrangements. As such he has no objection to the proposals in principle and has recommended a condition requiring submission of further details for prior approval.
- 9.25 Foul drainage is indicated to be disposed of to a mains sewer. Yorkshire Water has been consulted and has raised no objections.
- 9.26 It is considered that, subject to discharge planning conditions, the proposal is acceptable in terms of drainage.

Ecology:

- 9.27 The application has been submitted with a Bat Roost Assessment dated December 2015 and has been subject to consultation with Natural England and the Yorkshire Wildlife Trust.
- 9.28 The Bat Roost Assessment indicates the presence of protected species although it is stated that that bats do not present a significant ecological constraint to the development of the site. Mitigation measures are proposed that include the preparation of an emergence survey prior to any works being undertaken (between April and September inclusive) and the roof features being removed by hand 4 days prior to any further works in order to allow time for bats to leave the building. Further mitigation is recommended in the form of installation of 4 bat boxes to provide a biodiversity enhancement.
- 9.29 In terms of nesting birds it is recommended that all works take place outside the breeding bird season (March – August inclusive) unless preceded by checks for nesting birds by a suitably qualified person. Mitigation is recommended in the form of 8 hardwood bird boxes installed in the trees around the buildings.
- 9.30 It is considered that subject to implementation of the mitigation measures set out in the Bat Roost Assessment and as recommended by the Yorkshire Wildlife Trust there are no ecological constraints associated with the proposals.

Summary:

- 9.31 Paragraph 14 of the NPPF advises that LPA's should be *'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b) specific policies in this Framework indicate development should be restricted.'*
- 9.32 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in some instances with the NPPF (as supplemented by the PPG) and limited weight can therefore be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.
- 9.33 As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. It is considered that this scheme will replace an unattractive building with a bespoke architect designed building and bring the land into beneficial use that will create employment opportunities and contribute to securing the future of an established existing business park at Broughton. For these reasons it is considered that there are substantial benefits to the scheme that outweigh any concerns regarding the location of the development.

10. Recommendation

- 10.1 That planning permission is granted subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with the following:
 - Drawing nos. 1920.100 revision C, 106 revision D, 107 revision C, 108 revision B109 revision B 110 revision B 'Home Park Concept' 2201.16 ref: BHE05 received by the Local Planning Authority 27th January 2016.
 - Topo Survey Drawing 1 (Drainage connection) received 25th May 2016.
 - Bat Roost Assessment (mitigation), Surface Water Management Note, Design and Access Statement, Significance Statement and Arboricultural Report received by the Local Planning Authority on 27th January 2016.
 - The approved site location plan is ref: 1920.01 received 27th 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 for the avoidance of doubt.
3. No development of the approved new building or car parking areas 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, will be less than the run-off from the site prior to the proposed development 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.
4. All trees annotated 'existing' on the plan titled Home Park Concept 22.01.16 Ref.BHE05 shall either be retained and protected during the construction process (to Standard 3998 (2010) 'Tree Work') or if removed shall be replaced with a new tree at a height at the time of planting of not less than 1.5m in size (10 – 12 cms girth). Full details of the proposed replacement planting shall be submitted for approval prior to the commencement of development and planting shall take place in accordance with those approved details thereafter.

Reason: In the interests of visual amenity.

5. No development shall commence until details of all the materials to be used on the external elevations and car park surfacing have been submitted to, and approved in writing, by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In the interests of visual amenity.

6. No development, including site clearance shall commence until a programme of recording of the application site has been submitted to and approved in writing by the local planning authority. The recording shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the development site.

Informatives

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
2. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30th September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 3, 4, 5 and 6 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 No. 5 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**

*BENTHAM
15/2016/16700*

FIRST FLOOR EXTENSION TO EXISTING BUNGALOW, PLUS A SINGLE STOREY SIDE EXTENSION TO THE WEST ELEVATION AND INTERNAL ALTERATIONS.

11 GRETA HEATH, BURTON IN LONSDALE.

APPLICANT NAME: MR AND MRS COLIN KNOWLES

TARGET DECISION DATE: 06/05/2016

CASE OFFICER: Neville Watson

The application has been referred to Planning Committee at the request of Councillor Brockbank, due the extent of extensions proposed and the need to consider the impact that these have on the character of the street scene and the amenities of the adjoining neighbour.

1. Site Description

- 1.1 This application site is on Greta Heath by the riverside in Burton in Lonsdale. The property is a gable fronted bungalow constructed in rendered blockwork with a concrete tiled roof. The property to the west has an asymmetrical pitched roof with only ground floor accommodation on the north elevation but is a full two storeys at the rear (south) facing the river. The property to the east is a bungalow. Local topography is such that the bungalows to the north have lower ground floor garaging.
- 1.2 There is a riverside track to the south of the property. The site is outside the conservation area but within the development limit of Burton-in-Lonsdale. Parts of the application site fall within Flood Risk Zone 2.

2. Proposal

- 2.1 The proposal involves re-modelling the existing two storey bungalow to create three bedroomed accommodation.
- 2.2 The scheme includes the demolition of the existing single garage to the west of the property, replacing it with a larger single storey extension 5 m. x 8.5 m. to create an entrance lobby and living room. The eaves height and ridge height on the footprint of the existing bungalow would be raised by 1.8 m. to create two bedrooms with en-suite bathrooms in the roof space. The southern elevation would have Juliette balcony French doors overlooking the river. The northern elevation would have a first floor window in the gable. To the east it is proposed to construct mono-pitched 5 m. x 2 m. stores. The existing ground floor accommodation would be reconfigured with minor alterations to the fenestration.
- 2.3 The development would be constructed with rendered walls and stone quoins with concrete roof tiles and uPVC windows and doors. Although the proposal results in the loss of the garaging there remains adequate off street parking for 2/3 cars

3. Planning History

- 3.1 There is no planning history on the site post 1974

4. Planning Policy Background

- 4.1 Saved Local Plan Policy H20 and Appendix F
- 4.2 National Planning Policy Framework
- 4.3 Planning Practice Guidance

5. Parish/Town Council Comments

5.1 Burton In Lonsdale Parish Council: No reply to date.

6. Consultations

6.1 None

7. Representations

7.1 Two letters of objection have been received.

7.2 The neighbours to the east are concerned about an overbearing impact of the extensions on their property that has a kitchen window in the west elevation. They also comment on the stores that will be within 1200 mm. from the boundary and question the need for them. Comment is also made about an existing garden shed and trees on the riverside.

7.3 Objections have been received from neighbours to the north expressing concern about views from the new bedroom window to their living room (Officer Note. The properties are 35 m. apart which would not have an unacceptable impact from a secondary window to a principal window). The neighbour also comments on the impact of the development on the amenities of the bungalow to the east of the application site and loss of light to the kitchen. Reference is also made to the riverside trees. (Officer Note. The trees are outside the application site).

8. Summary of Principal Planning Issues

8.1 Design/impact on the street scene.

8.2 Impact on residential amenity.

9. Analysis

Design/impact on the street scene

9.1 The National Planning Policy Framework seeks good design and regards this as one of its core principles in achieving sustainable development. Development should also provide a good standard of amenity for existing residents. In addition the Council's Saved Local Plan Policy H20 states that the scale, design, proportions and materials are as such that they respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area. Similarly the privacy and amenity of neighbouring residents should not be significantly compromised.

9.2 The proposed development is intended to create additional accommodation at first floor level together with a ground floor extension to create an entrance lobby and living room to the west of the bungalow and stores to the east. The existing roof space is limited and would not allow the creation of bedrooms without lifting the eaves level. There is a mixture of properties on Greta Heath, including two storey dwellings, conventional bungalows and bungalows with lower ground floor accommodation making use of local site topography.

9.3 Appendix F of the Council's Saved Local Plan Policy advises that roof extensions to bungalows would not be acceptable unless they 'incorporate roofs of a similar design, form and pitch to that of the existing building'. The current roof form is a pitched roof with gables facing the road and the river. It is proposed to raise the roof by 1.8 m. The design, form and pitch matches the existing property.

9.4 The proposed ground floor extensions are simple in design and form and will have no adverse impact on the street scene when viewed from Greta Heath or the track along the riverside to the south. Construction materials match the existing property.

- 9.5 It is considered that an appropriate design has been chosen in order to achieve the space required. It is not considered that the character and appearance of the host dwelling will be considerably different or appear discordant within its surroundings as a result of the alterations to the roof thereby complying with the design guidance contained within the Council's Saved Local Plan Policy and the National Planning Policy Framework.

Impact on residential amenity.

- 9.6 The property to the west is two storey at the rear, with an asymmetrical roof with only ground floor fenestration. To the east of this property is an attached double garage. It is not considered that the development would have any adverse impact on this dwelling.

- 9.7 There is approximately 35 m. between the application property and the dwellings to the north. It is considered that this distance is more than sufficient to ensure that the proposed development would not have any adverse impact on the dwellings to the north.

The footprint of the existing building is approximately 3.2 m. from the boundary with the bungalow to the east and that property is approximately 1.2 m. from the common boundary. It is proposed to raise the eaves height by 1.8 m. and the proposed single storey stores are 1.2 m. from the boundary. There is one habitable kitchen window to the western gable of the neighbour's bungalow and it is accepted that there would be some increase in overshadowing of this window by the proposed extensions. On balance it is considered that the impact would not be so great as to warrant refusal of the application.

- 9.8 In this case the proposed development is considered to be of an appropriate scale, design and proportion and is not considered to significantly detract from the amenities of neighbouring occupiers or the visual appearance of the wider street scene. Therefore, the application proposal is considered to comply with the guidance contained within the National Planning Policy Framework and Council Saved Local Plan Policy.

Other matters

- 9.9 The application has been accompanied by a Flood Risk Assessment that essentially sets out that floor levels for the extension will be no lower than the existing building and that other flood proofing measures will be undertaken (such as raising the height of electricity sockets). Such an approach is in accordance with the relevant Environment Agency standing advice.

10. Recommendation

- 10.1 That the application be approved.

Conditions

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

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

2. The approved plans comprise Drawings KL2651/11 and KL2651 /12 received by the Local Planning Authority on the 25th February 2016, and the Flood Risk Assessment received on 11 March 2016. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

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.