

## PLANNING COMMITTEE MEETING AGENDA

Monday, 13th February 2017

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**SKIPTON WEST  
63/2016/17515**

*OUTLINE PLANNING PERMISSION FOR RESIDENTIAL  
DEVELOPMENT WITH ALL MATTERS RESERVED*

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*R N WOOLER AND CO, CARLETON ROAD, SKIPTON.*

APPLICANT NAME: R N WOOLER & CO. LTD  
TARGET DECISION DATE: 23/01/2017  
CASE OFFICER: Andrea Muscroft

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**63/2016/17637**

*APPLICATION FOR ADVERTISEMENT CONSENT FOR  
POSTER FRAME SIGNAGE. AMENDMENT TO AND  
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63/2016/17003*

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*HIGH STREET CAR PARK, SKIPTON; WALLER HILL  
STREET CAR PARK, SKIPTON CAVENDISH STREET CAR  
PARK, SKIPTON; COACH STREET CAR PARK, SKIPTON  
COMMUNITY CENTRE CAR PARK, INGLETON;  
WHITEFRIARS CAR PARK, SETTLE.*

APPLICANT NAME: COMMUNITY PARTNERS LTD  
TARGET DECISION DATE: 01/02/2017  
CASE OFFICER: Andrea Muscroft

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SETTLE & RIBBLE  
62/2016/17189***PARTIAL DISCHARGE OF CONDITION 3 AND DISCHARGE OF CONDITON  
5 OF PLANNING APPROVAL 62/2014/14929.**LAND TO SOUTH OF INGFIELD LANE, SETTLE.*

APPLICANT NAME: SKIPTON PROPERTIES

TARGET DECISION DATE: 14/10/2016

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee as it has relevance to a planning application that appears elsewhere on the agenda and is for discharge of conditions attached to an application that was determined by the Committee.**

**1. Site Description**

- 1.1 The application site comprises a 4.22 ha area of open grassland that runs in an arc from the south of Ingfield Lane, Settle and to the east of the Settle/Carlisle railway line.
- 1.2 The land is described in the Craven Landscape Appraisal as 'Valley Pasture Landscape' comprised of flat open floodplain although it is not identified as a flood zone in the Strategic Flood Risk Assessment.
- 1.3 There are three individual protected trees (Refs: 2278 – 2280 177 2009) and a group TPO (Ref: 2283 177 2009) located towards the north eastern end of the site. A public footpath is located adjacent to the north-east part of the site outside of the site boundary.
- 1.4 The site is located outside of development limits in an area of open countryside as defined in the Local Plan.

**2. Proposal**

- 2.1 Planning permission 62/2014/14929 was granted for the development of a surface water management scheme (flood meadows) to deal with surface water drainage in the area. The application was approved and was acceptable on its own merits but was designed to deal with the surface water drainage of further potential development in the area. Approval of that application in 2014 does not fetter or pre-judge any application for further development. This further development is now the subject of a hybrid application for residential and commercial development to the south of Ingfield Lane that is the subject of a separate report on the agenda (ref.62/2016/17188). This application seeks to partially discharge condition 3 of the permission and fully discharge condition 5 of application reference 62/2014/14929.

- 2.2 Condition 3 of the planning permission is as follows:

*No development shall commence until a comprehensive scheme of the surface water management proposals has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -*

- *Full schedules of all proposed planting, including indication of the types and numbers of trees and shrubs, their distribution on site, and those areas seeded or turfed.*
- *A full assessment undertaken by an appropriately qualified person to demonstrate that the proposed planting within the proposed swales and flood plains is appropriate to prevent particulate pollutants from contaminating neighbouring wetland areas or watercourses.*
- *Details for the protection of trees and hedges compliant with BS 5837 (2012) including details of trees and hedges to be retained or removed, root protection zones, barrier fencing and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period.*

- *Details of all hard landscaping works, fencing and screening, and the finished appearance of any above ground built infrastructure (i.e. any necessary infrastructure works other than the proposed swales and flood meadows).*
- *Details of all changes in level or landform.*
- *Full details of the how the permitted development is to be managed and maintained in perpetuity. Information should include details of how the maintenance of the proposal is to be financed and furthermore the measures that will be undertaken to ensure the permitted development continues to fulfil its intended purpose.*

*The development shall subsequently be undertaken in strict accordance with the terms of the approved management plan and its provisions and requirements maintained thereafter.*

*Reason: To ensure that the details of the development proposal are acceptable in the interests of ensuring suitable drainage, visual amenity and to ensure the development continues to be suitable for its intended purpose.*

2.3 Condition 5 of planning approval ref: 62/2014/14929 is:

*'Prior to the commencement of the development hereby permitted a full nesting bird survey shall be undertaken by an appropriately qualified person. The findings/recommendations of that survey shall be submitted to the Local Planning Authority for approval and any recommendations and or/mitigation measures agreed with the Local Planning Authority shall be subsequently implemented.*

*Reason: In the interests of safeguarding and protecting wildlife and their habitats'.*

2.4 The proposal is for a sustainable drainage system that would be achieved by the creation of a low lying flood meadow that would store and attenuate the surface water from the site and from the surrounding area. It is proposed that the site would provide a dual function of providing a drainage strategy whilst also acting as a landscaped buffer between the proposed development of the adjoining land and the wider open landscape to the south and east. The applicant's agent has stated that the proposals would also provide public open space and ecological habitats.

2.5 In essence the scheme comprises a series of swales and flood meadows excavated to a depth of between 750mm and 1.5m that would accommodate existing watercourses and run-off. The areas would be sown with meadow grassland for seasonally flooded areas and a wetland mix for the proposed swales that would be more regularly flooded.

2.6 It is proposed to make the proposed flood meadow publicly accessible via a series of footpaths and to introduce new tree planting and landscaping. Although indicative plans were provided with the original submission no detailed landscape proposals were submitted for consideration, the applicant's agent requesting that this be addressed by a planning condition. Full landscaping details including tree planting have been submitted as part of this application.

2.7 The submitted details are to discharge the landscaping elements of the above condition only and therefore bullet points 2, 5 and 6 would still remain.

**Officer note:** The remaining elements can be dealt with separately from the landscaping details submitted with this application.

2.8 A 'Nesting Bird Survey and Report' has been submitted in response to condition 5.

### 3. Planning History

3.1 62/2014/14929: Development of surface water management scheme (flood meadows) for phase 2 of residential development. Approved December 2014.

### 4. Planning Policy Background

4.1 **The National Planning Policy Framework.**

4.2 **National Planning Policy Guidance.**

4.3 **Saved Local Plan Policies:**

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

ENV10: Protection of Trees and Woodlands.

SRC12: Protection of Public Rights of Way.

5. Parish/Town Council Comments

5.1 Not consulted.

6. Consultations

6.1 **CDC Tree Officer:** Confirmed that the plans are acceptable.

6.2 **CDC Sports Development Officer:** Confirmed that the plans are acceptable.

**Officer note:** Refer to application ref: 62/2016/17188 for the full SDO response.

6.3 **Natural England:** Currently has no comment to make on the discharge of condition 5 and partial discharge of condition 3.

6.4 **Yorkshire Wildlife Trust:** The landscape plan for the flood meadow area and proposed plantings are satisfactory and include native species which should be of value for wildlife and look attractive. There does not seem to be any detail on pond depths and design which will be important. An ecological management plan will also be required to ensure that the flood meadow remains valuable for people and wildlife in the future. This part of condition 3 refers to this:

*'Full details of how the permitted development is to be managed and maintained in perpetuity. Information should include details of how the maintenance of the proposal is to be financed and furthermore the measures that will be undertaken to ensure the permitted development continues to fulfil its intended purpose.'*

The breeding bird survey does not provide any useful information and was carried out on only one day at the end of the bird breeding season.

7. Representations

7.1 None.

8. Summary of Principal Planning Issues

8.1 Whether the conditions can be partially/fully discharged.

9. Analysis

Condition 3:

9.1 The landscaping details that have been submitted are satisfactory as are the details of the proposed LEAP (Locally Equipped Area for Play). It is considered that these aspects of the condition (ie. bullet points 1, 3 and 4) can be discharged. Bullet points 2, 5 and 6 therefore remain to be discharged.

Condition 5:

9.2 The response from Yorkshire Wildlife Trust is very clear that the survey was only taken on one day at the end of the breeding season and is therefore of limited value. Accordingly it is not considered that condition 5 can be discharged.

10. Recommendation

10.1 That bullet points 1, 3 and 4 of condition 3 are discharged and the condition is therefore discharged in part only with the following matters (i.e. bullet points 2, 5 and 6) remaining to be discharged:

- *A full assessment undertaken by an appropriately qualified person to demonstrate that the proposed planting within the proposed swales and flood plains is appropriate to prevent particulate pollutants from contaminating neighbouring wetland areas or watercourses.*
- *Details of all changes in level or landform.*
- *Full details of the how the permitted development is to be managed and maintained in perpetuity. Information should include details of how the maintenance of the proposal is to be financed and furthermore the measures that will be undertaken to ensure the permitted development continues to fulfil its intended purpose.*

10.2 That condition 5 of planning permission ref: 62/2014/14929 is not discharged.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SETTLE & RIBBLE  
62/2016/17188**

*PHASE 2 OF DEVELOPMENT OF LAND COMPRISING; HYBRID APPLICATION FOR A MIXED USE DEVELOPMENT INCLUDING; FULL DETAILS OF THE ERECTION OF 65 DWELLINGS (C3), PUBLIC OPEN SPACE, LANDSCAPING AND ACCESS DETAILS; TOGETHER WITH AN OUTLINE APPLICATION FOR 2.83HA OF RESIDENTIAL DEVELOPMENT (C3), 1.2HA OF SERVICED EMPLOYMENT LAND (B1/B1C CLASS), WITH PUBLIC OPEN SPACE AND LANDSCAPING (OUTLINE) WITH DETAILS OF NEW ACCESS FROM SKIPTON ROAD (B6480) (PHASES 3 AND 4)*

*LAND SOUTH OF INGFIELD LANE AND EAST OF SKIPTON ROAD, SETTLE.*

APPLICANT NAME: SKIPTON PROPERTIES LTD  
TARGET DECISION DATE: 18/11/2016  
CASE OFFICER: Mark Moore

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**This application is being referred to the Planning Committee because it relates to a major application with significant public interest that extends a residential site that has previously been granted planning permission by the Planning Committee. In addition, due to its location outside of Development Limits, the proposal is a departure from the Local Plan and also affects the setting of designated heritage assets (a listed building and a conservation area).**

1. Site Description

- 1.1 The application site comprises a 6.83ha area of land located to the south of Ingfield Lane, Settle.
- 1.2 The site adjoins an existing residential development and the extended garden of the Falcon Manor Hotel to the north and its north-west boundary would lie to the rear of existing residential properties fronting onto the B6480. The western site boundary lies adjacent to the Settle-Carlisle railway which is on a raised embankment whilst the remaining site boundaries adjoin open countryside.
- 1.3 The site lies outside of development limits in an area defined as open countryside in the adopted Local Plan but does adjoin the settlement boundary.
- 1.4 The Settle-Carlisle railway that adjoins the western edge of the site is a designated conservation area.
- 1.5 The Falcon Manor Hotel to the north of the site is a grade II listed building.
- 1.6 The site lies approximately 200m west of the boundary of the Yorkshire Dales National Park and approximately 450m to the south of the boundary of the Settle conservation area.
- 1.7 The land on which the site is located is classed as Grade 4 agricultural land and is classified as 'Valley Pasture Flat Open Floodplain' in the Craven District Landscape Appraisal 2002. The site is not situated within a flood zone as identified in the Environment Agency's Strategic Flood mapping.
- 1.8 A public sewer runs across the north-west corner of the site where it adjoins the grounds of the Falcon Manor Hotel.
- 1.9 The north-east corner of the site incorporates a balancing pond that was granted approval in connection with the existing (phase 1) residential development that fronts onto Ingfield Lane.



- 1.10 The site is comprised of open fields and is undulating although the land generally falls away in level to the south and east with the highest parts of the site lying adjacent to the boundary of the existing residential development on Ingfield Lane to the north.
2. Proposal
- 2.1 The application is a hybrid that incorporates the following 3 elements within the same site (running north to south):
- A full planning application for a phase 2 residential development on 3.16ha of land.
  - Outline application for a phase 3 area of residential development on 2.23ha of land.
  - Outline application for a phase 4 of serviced employment land on 1.20ha of land..
- 2.2 The phase 2 part of the application seeks full planning permission for 65 dwellings comprised of 39 market houses and 26 affordable units. The 26 affordable units represents 40% of the total provision and the application is accompanied by a signed affordable housing pro-forma.
- 2.3 The proposed housing in the phase 2 development would comprise:
- Market housing:
- 8 x 2 beds
  - 16 x 3 beds
  - 15 x 4 beds
- Affordable housing:
- 5 x 1 bed
  - 16 x 2 bed
  - 5 x 3 bed
- 2.4 All of the proposed units would be two storeys and would include a mix of house types including detached, semi-detached and terraced houses. The overall density of development would be 27 dwellings per hectare.
- 2.5 The proposals include some garages and overall there are 86 parking spaces shown throughout the development.
- 2.6 In relation to the phase 3 and 4 outline applications, full details have only been provided in relation to a new site access onto the B6480 Skipton Road. This would lie to the north-east of an existing railway bridge that crosses the road. The proposed access would incorporate visibility splays of 2.4m x 43m (west) and 48m (east) and would include reconfiguration of the road signage in accordance with the recommendations of a Road Safety Audit commissioned by the applicant at the request of NYCC Highways. All other detailed matters (ie. appearance, layout, scale, access (aside from the proposed new access referred to above) and landscaping) are reserved for future consideration. Accordingly, Members at this stage are considering whether the phase 3 and phase 4 developments are acceptable in principle, bearing in mind that the precise scale, layout, appearance and landscaping of those phases are not settled at this point.
- Officer note:** There are illustrative plans showing a **potential** phase 3 and 4 layout but these details are not being applied for at this time. Therefore the illustrative layouts should only be considered as an example of what, in principle, it is possible to achieve on the site. Alternative layouts could be submitted in due course. The proposed phase 2 layout (full details of which are provided) would be served from the existing roads on the phase 1 development but would include links which could be utilised in future to give access to the

proposed phase 3. It is intended that the new access onto the B6480 Skipton Road would serve the phase 3 and 4 developments and in turn allow access to the phase 1 and 2 sites.

- 2.7 Following consultations with both Historic England and the National Park Authority the phase 2 layout has been revised and includes increased areas of open space to the north-west corner of the site and a 'green corridor' running southwards.
- Officer note:** The application site as a whole (both full and outline areas) would be bounded by a combined area of flood meadows and landscaping that has an extant planning permission. Details of the landscaping scheme have been applied for as a (partial) discharge of condition application that appears elsewhere on this agenda.
- 2.8 The phase 4 area of the site seeks outline permission for 1.20ha of serviced employment land falling under B1 use class. No details of the proposed employment development has been applied for although in a supporting planning statement accompanying the application it is stated that the site would generate approximately 85 to 130 full time equivalent jobs.
3. Planning History
- 3.1 62/2015/15462: Screening opinion for a mixed residential and commercial use. EIA not required March 2015.
- 3.2 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. EIA not required August 2016.
- 3.3 The following relates to the adjacent sites:
- 3.4 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access (relates to phase 1). Refused September 2009 for the following reason:
- 'The proposed development by virtue of its siting and layout and due to the proximity of existing properties on Brockhole View and Inglehurst on Ingfield Lane which have limited depth to their rear garden areas is likely to cause disturbance and loss of privacy to those properties to such a degree as to be detrimental to residential amenity. This would be contrary to PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.*
- An appeal was lodged against the refusal of planning permission. In summary, the Inspector came to the view that the development was acceptable in principle but did agree with the Council's reason for refusal concluding that the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers. The appeal was subsequently dismissed.
- 3.5 62/2010/10975: Outline application for 37 dwellings including layout and access (relates to phase 1). This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.
- 3.6 62/2013/13496: Request for screening opinion for a residential development of 37 houses. Screening opinion that EIA not required issued May 2013. Relates to phase 1.
- 3.7 62/2013/13590: Residential development of 37 dwellings. Approved August 2013. Relates to phase 1.
- 3.8 62/2013/14087: Discharge Of Conditions 3,4,5,7,9,10,12,15,18,19,22,23,24 And 25 Of Previous Planning Approval Ref: 62/2013/13590 For Residential Development Of 37 Dwellings. Approved April 2014. Relates to phase 1
- 3.9 62/2014/14854 Fell 1 No Mature Beech T5 on plan (T4 on the TPO) and replace with semi mature tree. Approved September 2014. Relates to phase 1.
- 3.10 62/2014/14926: Variation of condition 24 to previous approval 62/2013/13590. Withdrawn January 2015. Relates to phase 1.
- 3.11 62/2014/14929: Development of surface water management scheme (flood meadows) for phase 2 of residential development. Approved December 2014. Relates to the area of land shown within the blue line on the site location plan PL01-A.

- 3.12 62/2014/15081: Application for temporary surface water attenuation pond on land to the south of phase 1 residential development (as approved by permission 62/2013/13590). Approved December 2014. Relates to phase 1 but included within the site boundary of the current application.
- 3.13 62/2014/15089: Amendments to design of surface water drainage scheme. Approved December 2014. Relates to the area of land shown within the blue line on the site location plan PL01-A.
- 3.14 62/2015/15462: Screening opinion for a mixed residential and commercial use at Ingfield Lane. Determined that EA was not required. March 2015. Relates to application site.
- 3.15 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. Screening opinion sent August 2016. Relates to application site.
- 3.16 62/2016/17189: Partial discharge of condition 3 and discharge of condition 5 of planning approval 62/2014/14929. Not yet determined. (see separate report on agenda) Relates to the area of land shown within the blue line on the site location plan PL01-A.

#### 4 Planning Policy Background

##### 4.1 **The National Planning Policy Framework.**

##### 4.2 **National Planning Practice Guidance.**

##### 4.3 **Saved Local Plan Policies:**

- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in the Open Countryside
- EMP5: New Employment Development outside Development Limits and Established Industrial Areas (Excluding Conversions)
- ENV10: Protection of Trees and Woodland
- SRC2: Provision of Recreation Space in New Housing Developments
- T2: Road Hierarchy.

#### 5 Parish/Town Council Comments

- 5.1 **Settle Parish Council:** Objects to the application and has commented as follows:  
*'The Council supports the residents and has serious concerns about this development and its impact.*

*According to National Planning Policy there are areas that get special protection against certain developments. Reasons for special protection include:*

- *Protect attractive landscape – e.g. national parks*
- *Protect interesting plants and/or wildlife*
- *Control the spread of towns and villages into open countryside – e.g. Green Belts*
- *Protect monuments or buildings of historical or architectural interest.*

*The Falcon Park development goes against 3 of these.*

*The planning application itself is at best unclear and worst misleading in the information provided.*

*The application site is outside the development limit.*

*In the most recent version of the Local Plan this site SG025 has been removed from the site allocations list.*

*Flooding and Drainage and Foul Drainage issues have been highlighted by North Yorkshire County Council officer Stuart Edwards (Flood management) and several plans and further information have been requested prior to approval. Have these been received and will these be consulted on again?*

*Access is a serious problem and a danger as far as health and safety are concerned. The NYCC plan showing the second access road onto Skipton Road we believe has been complained about and has been referred to the legal dept.*

*The visual impact would be detrimental to the Settle Carlisle Railway Conservation Area and also on the Yorkshire Dales National Park.*

*In addition plans and supporting information are missing, S6a and b affordable housing assessments and CDC pro forma and therefore this is not a valid and transparent application on which the Council can be expected to comment fully. The Local Plan has been delayed and the District Council are currently reassessing the Strategic Housing Market assessment and possibly reducing the number of houses required.*

*Settle Town Council strongly recommend that you refuse this application’.*

## 5.0 Consultations

5.1 **CDC Economic Development:** The application insofar as it relates to development for B1/B1c uses meets the key themes and priorities of the Economic Development Strategy for Craven District (2010 – 2016). In particular, the proposal contributes to the key theme of enabling business growth by investing in infrastructure that supports the creation of employment opportunities for local people.

The Employment Land Review (November 2016) conducted by Nathaniel Lichfield & Partners to provide evidence for the emerging Local Plan found that:

- There is an imbalance between the supply and demand for industrial accommodation, which is reflected in the District’s low vacancy rate of just 2.6%. A vacancy rate of around 10% is considered as a “reasonable” level necessary to ensure the smooth functioning of the market.
- Demand is generally for small to medium sized industrial premises up to 5,000 square feet and is mainly from local firms, although there is demand for larger premises as well.

The development of the site for employment use will make a significant contribution to satisfying “pent up” demand for new commercial space from local companies who are looking to grow. In responding to the survey of local businesses conducted as part of the Review, a manufacturing company within the Settle area said that the lack of serviced employment land was restricting their growth aspirations; they were looking for a minimum of 10,000 square feet. This reflects the feedback from the majority of respondents (63%) to the survey that said a lack of suitable land or premises was preventing them from expanding in the District.

The 1.2 hectares mentioned on the application form being allocated to B1/B1c uses will provide an area of a significant size as to accommodate a range of sizes with capacity to provide “grow on” space. If planning approval is granted, it is recommended that due to the need for employment land within the Settle area, it is on condition that the 1.2 hectares as mentioned on the application form is allocated for B1/B1c uses, and that the final allocation is not reduced to the 1.19 hectares as shown on the location plan and application site boundary in the Design and Access Statement. Based on the amount of workshop per hectare given in the application, the difference could mean a reduction in the amount of workspace that could be accommodated on the site by 34 square metres (365 square feet) of workspace – the size of a business starter unit.

Considering the immediate need for employment land as identified by the above-mentioned survey of local businesses, It is recommended that the phasing of the proposed scheme is changed to enable the development of the land for B1/B1c uses to be accelerated. The responses received from businesses within the Settle area identified demand for 6,640 square metres (71,472 square feet) of workspace over the next five years, which included a general manufacturing business that needed a minimum of 6,000 square feet in 2017.

In addition to the lack of employment land, the Employment Land Review noted that access to facilities such as high speed broadband was a challenge to the growth and prosperity of businesses within locations such as Settle. Therefore, should planning approval be granted, it should be on condition that the on-site infrastructure includes provision that allows connectivity to next generation broadband at superfast speeds – in accordance with draft policy INF5 (Communication Infrastructure) in the emerging Local Plan.

In conclusion, the proposal will provide the District with much needed employment land; the shortage of which has acted as a constraint to enabling local business to grow and create new job opportunities.

However, from the perspective of the economic development service, it would be good if the applicant were to increase the amount of land to be allocated for employment from 1.2 hectares to 2 hectares – which represents only 29% of the whole site area. As evidenced by the survey of local businesses, this would provide a sufficient supply of land to accommodate the workspace needed by businesses in Settle to deliver their growth plans over the five-year period to 2021.

**Officer note:** In response to the above request the applicant agent has commented as follows:

*‘Your pre-application response of the 18th November 2015 confirmed that the balance was right and agreed as the basis for the application.*

*I’m aware that the Council has since published a new Employment Land Review (as mentioned in the EDU Consult Response) – but that same Review also states that two sites have been identified and assessed as suitable employment sites for the Local Plan process – both located on the outskirts of Settle adjacent to the bypass. The Review states that one of those should be brought forward to meet employment land needs over the Plan Period.*

*The suggestion ‘it would be good if.....’ the balance on this site should now be changed comes across as somewhat arbitrary. I note that the EDU support the short term delivery of 1.2ha and perhaps any additional longer term requirements for employment land in Settle can be met through other allocations of land in order to ensure this site delivers much needed new housing over the plan period and also remains viable and deliverable’.*

5.2 **CDC Strategic Housing:** The applicant has submitted a planning application for the development of 65 homes to include 26 affordable homes (40%).

40% on-site provision accords with the council’s planning guidance (Negotiating Affordable Housing Contributions, August 2016). The Strategic Housing Assessment 2015 (SHMA) evidences a district-wide affordable housing shortfall of 114 homes per year and these homes will go some way towards addressing that need.

The submitted mix, type and tenure of affordable housing has been agreed between Strategic Housing and accords with the findings of the SHMA which supports a higher proportion of 1 and 2 bed properties than 3 bed and above. The agreed mix of house types is:

- The Belmont (656 sq ft) - 5 No
- The Worth (753 sq ft) - 16 No
- The Wharfe (914 sq ft) - 3 No
- The Taylor (914 sq ft) - 2 No

In terms of creating mixed and balanced communities it is vital that the affordable homes are distributed throughout the development and well integrated. As such, they must be located as shown on the submitted layout. The affordable homes should also be phased alongside the market homes – no more than 50% of the market homes should be sold or occupied prior to the affordable homes being transferred to a Registered Provider. There is significant need for these homes and it is important that they are delivered in a timely fashion.

The council's approved transfer value is £1000 per square metre in this location, irrespective of affordable tenure. The SHMA indicates that a split of 75% rented to 25% shared ownership is required to address housing need.

The council will allocate a Registered Provider to the scheme once it is known when the developer will start on site. It is recommended that the application is deferred for approval subject to the signing of a section 106 agreement to ensure that the agreed units are delivered in a timely, phased fashion and in the agreed location.

**Officer note:** The 26 affordable housing units represents 40% of the proposed phase 2 residential development. The proposed phase 3 development is in outline form only and it will be necessary for 40% affordable housing to be provided for this part of the scheme when an application for reserved matters is submitted.

5.3

### **CDC Sports Development Officer:**

#### SRC2 Policy and Existing local provision:

Under Saved planning policy SRC2 this application for 65 residential units (Phase 2) and outline application for residential development (Phase 3) triggers a requirement to provide play, recreation space to meet the needs generated by the development..

The Council's new Open Space, Playing Pitches and Sports Facility assessment is the current up to date evidence base that has been produced in accordance with NPPF paragraphs 73 and 74. This adopted evidence base underpins SRC2 policy to give a clear local picture of local provision and local circumstances. SRC2 policy sets out that the Council will negotiate provision depending upon local circumstances. Therefore this new evidence base applies to this application.

The existing provision for Settle (quantity and quality) as set out in the evidence base and compared to the SRC2 standards is as follows:

- Significant deficit in Parks and Gardens – Zero provision.
- Small shortfall in Amenity Green space
- Large deficit in Children's Play areas, particularly for Youth provision: (1.37Ha for the Mid Craven Area)
- Adequate quantity and quality of playing pitches to meet current needs. Proposed new 4G pitch at Giggleswick school will ensure future provision is met.
- Adequate quantity and quality of sports hall provision
- Deficit in provision of swimming both quality and quantity.
- Adequate current formal open space such as allotments, Civic space and burial grounds

Therefore the local circumstances show the following 3 priorities for Settle:

1. New Park and Garden provision,
2. Additional Play provision with a specific need identified for youth provision,
3. Improvements to quality and quantity of swimming pool provision.

#### Development Requirements under SRC2 policy:

The SRC2 policy requirements for the 65 units of phase 2 are for 3803m<sup>2</sup> of open space. Phase 3 is likely to require a similar amount.

Proposed on site provision:

This application shows a Public Open Space in the north west corner that is adjacent to an old bowling green in front of the Falcon Manor Hotel and bounded by a path around the southern section and residential boundary hedge to the east / west edges. The space is shown as mainly grassland with some tree planting, landscaping and two benches. This space will only meet the informal children's play needs generated by the development: set (731m<sup>2</sup> required).

The detailed level of provision on this space needs to be set out in more detail, such as a set of Broxap Hardwood Bretherton Seats and a Broxap Winchester canopied timber litter bin. Officer note. Specifications by a particular manufacturer cannot be required as acceptable alternatives may be available.

The site must also have several signs to restrict dog walking and the risk of dog fouling the space. The nearby flood meadow will provide a more informal space for dog walking, subject to adequate signage and control measures in place.

The application refers to the adjacent flood meadow, which has planning approval (62/2014/14929) but is subject to a condition relating to the detailed landscaping, planting and hard surfacing. A concurrent application has been submitted (62/2016/17189) to discharge this condition and confirms that this flood meadow has a range of purposes and equipment that will meet the play and recreation needs generated by the Phase 2 development of 65 units and a phase 3 development.

The SDO has assessed these applications together to provide a co-ordinated approach between the two applications.

Comparison with existing local provision:

The following provision is within the catchment standard of the development:

1. Dog Meadow Allotment
2. Ingfield Lane play area (Phase 1 scheme)
3. North Rib RUFC

The provision of allotments and the rugby club pitches is adequate to meet the current and predicted future needs. The phase 1 play area only meets needs generated by phase 1.

Analysis of what is proposed against SRC2 policy and local circumstances / deficiencies:

SRC 2 policy is split into 3 areas. Based upon the existing local provision and SRC2 policy requirements for both phase 2 and 3 is likely to be as follows:

- 1 - Children's Equipped Play around 900m<sup>2</sup> of play provision (NEAP) to cater for the older children as phase 1 scheme has a more toddler / pre-school focus. The flood meadow proposal includes adequate provision to cater for this by way of a central enclosed equipped play area as well as interspersed youth play equipment. This will fully meet the play needs for this application
- 2 – Informal Children's play space of around 2000m<sup>2</sup> - the flood meadow has ample space and provision to cater for this and there is also on site open space as part of phase 2 that will ensure that this need generated by this application are fully met.
- 3 - Adult Provision of around 3000m<sup>2</sup> is required. Once again the flood meadow will provide a viable public open space with a wide range of equipment and items to meet the adult needs for recreation generated by this development. The local deficit of a park and garden will be met with the proposed flood meadow.

There is a management plan for the management and maintenance of the flood meadow site that is for 20 years and sets out:

*“Following the initial 12-month maintenance defect liability period the landscape areas will be covered by the approved contractor who will take responsibility for all hard and soft landscape elements on a running contract managed by the appointed management company. This plan will run in perpetuity, and will be reviewed at 5 year intervals so that operations can be adapted to the development of the landscaping scheme.”*

However, this application is only a partial one for the landscaping details and does not cover the management and maintenance in perpetuity of the site as required by condition 3 bullet point 6 of planning permission 62/2014/14929.

Conclusion:

The Sports Development officer’s assessment of this application is that the proposed Flood Meadow application (62/2014/14929) and the on-site provision of phase 2 will fully meet the SRC2 policy requirements for this development. However, as some of the works required to comply with Saved Local Plan Policy SRC2 are off-site should the Council be mindful to grant planning permission the following recommendation is made:

*That members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the management and maintenance in perpetuity of the proposed on-site Public open space and off-site flood meadow scheme (62/2016/17189).*

It is considered that the S106 agreement is necessary 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.

**Officer note:** The SDO has agreed the Policy SRC2 obligations on the understanding that additional residential development would be forthcoming under phase 3. The open space provision, which is to be provided under the application for the adjoining flood meadow, would exceed the requirement for the phase 2 development alone and would need to be re-assessed when details of the phase 3 residential development are known. The precise requirements of the open space provision for phase 3 are not known, taking into account this part of the application is in outline form only. It would therefore be appropriate to address this matter by a bespoke condition in the event that there is a requirement for open space over and above the open space provided by the open space shown on application reference 62/2016/17189.

5.4 **CDC Environmental Health:**

There are no known contaminated land implications regarding this application.

In relation to potential nuisance problems it is recommended that the developer be required to limit construction times, to submit a dust management plan for approval prior to the commencement of development and to ensure that details of the supplier and source of any soil materials be submitted for prior approval before being imported to the site.

5.5 **CDC Tree Officer:**

Commented as follows:

*‘I have looked at the plans for the meadow and consider them to be acceptable.*

*I refer to Landscape Masterplans GL0161 15C GLO61 17 & GL061 14C which I also consider are acceptable. An avenue of medium/large ornamental trees has been specified which will break up the site when looking from the hills beyond and also provide a green sight line from the Falcon Manor’.*

**Officer note:** The Tree Officer comments relate to both the phase 2 residential scheme and the details submitted for the adjoining flood meadow under planning application ref: 62/2016/17189.

5.6 **NYCC Highways:**



In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Prior to this application, capacity checks were undertaken on the now existing access onto Ingfield Lane, completed when Phase 1 of the development was built, and the B6480/ Cammock Lane /Ingfield Lane cross roads. These checks confirmed that traffic flows generated by the development will be low and there will be no capacity issues at either junction when the phases relating to this application are built. In addition, the proposed junction on B6480 has been assessed; this shows junction capacity is not an issue.

The appropriateness of the new junction on the B6480, given its proximity to the railway bridge, was reviewed at the time of this application and at a subsequent site visit. It was noted that HGVs passing under the bridge are in the centre of the road. Following the second visit it was considered prudent to ask the developer to commission a formal independent Road Safety Audit of the junction. Recommendations outlined in the Road Safety Audit have been brought forward solutions identified which will be included in the approved layout of the new junction. This matter can be covered by condition.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant. Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

1. Introduction of a new footway crossing of the Craven District Council car park to provide a sustainable link between the development and the Town Centre.
2. To provide road lighting in accordance with current standards, along the B6480 to improve pedestrian safety for residents of the new development and existing residents.

It is recommended that the following matters are covered by the imposition of conditions:

- Approval of road and footway layout.
- Construction of roads and footways prior to occupation.
- Approval of details of discharge of surface water.
- Provision of vehicle/pedestrian visibility splays.
- Provision of off-site works.
- Provision of approved access, turning and parking areas.
- Restriction on garage conversions.
- Prevention of mud on carriageway.
- Management of construction traffic/highway condition survey.
- Limitation on door/window openings over highway.
- Submission/approval of details of construction compound.

#### 5.7 **NYCC SuDS Officer:**

Information provided by the applicant has now satisfactorily addressed previously unresolved issues and the following condition is recommended 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 and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system*

*shall be implemented in accordance with the approved detailed design prior to completion of the development.*

*The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).*

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

#### 5.8 **NYCC Education:**

Based upon an estimated 65 additional properties and the shortfall in school places in the area the Education Authority calculate that a developer contribution of £220,935.00 is required towards the provision of primary school places.

**Officer note:** In the absence of any saved planning policy the local authority cannot insist upon developer contributions towards educational needs. The applicant has been asked whether or not he would be willing to agree to a contribution and has declined to do so.

#### 5.9 **North Yorkshire Police:**

No objections and has commented as follows:

- The drawings do not indicate that a suitable gate will be provided as close as possible to the front building line of each dwelling, in order to secure rear gardens by preventing casual access to the rear, where the majority of property crime occurs. This measure was provided on phase 1 and is therefore strongly recommended.
- The site layout drawing for phase 1 showed that all sub divisional boundaries consisted of 1.8m high timber fences. I note that for this phase, a number of sub divisional boundaries are only shown as being 1.2m high. Sub-divisional boundaries to the rear of properties should reduce the potential for offenders to be able to move freely between gardens; therefore it is preferable for this to be 1.8m in height. This can be achieved by having close boarded fencing to a height of 1500mm topped with 300mm trellis.
- As an observation, it is not clear how residents of some of the terraced properties will be able to service their rear gardens without having to walk through the property itself with garden waste and rubbish etc.
- It is recommended that each plot should be provided with lighting to illuminate all external doors and if appropriate, car parking and garage areas. Lighting should be switched using a photo electric cell (dusk to dawn) with a manual override.
- Appropriate street lighting complying with BS5489:2013 is recommended. This helps to improve the quality of the built environment and increases pedestrian activity after dark. It is important that users feel safe and comfortable using routes at night. An increased provision of lighting is likely to lead to an increased notice of criminal activity.
- Any proposed tree planting should be developed in tandem with the

street lighting scheme in order to avoid the scenario of tree canopies eventually obscuring lighting or creating shadow.

- No concerns regarding the security of accessible windows and doors as this is now covered by Approved Document Q, Building Regulations (all must meet BS PAS 24 – Secured by Design standards).
- There are many crimes that occur during the construction phase of building. Common crimes include the theft of plant, equipment, materials, tools and diesel fuel. It is therefore strongly recommended that site security must be given serious consideration should this application be successful.

#### 5.10 **North Yorkshire Fire and Rescue:**

The proposal must meet the requirements of Approved document B Dwelling Houses Section 11 Vehicle Access and provisions for Fire Hydrants

#### 5.11 **Yorkshire Dales National Park Authority:**

In response to amended proposals:

The amendments to the proposal are welcomed, in particular the additional planting areas along the outer edge of the development should provide for a softer transition between the open countryside and the development. However, there appears to be little change to the scale and density of the development from the previous scheme. YDNPA therefore comments;

*'The most effective form of mitigation would be to reduce the scale of the development towards the south-eastern side of the site. Consideration should be given to reducing the site further to omit the south-eastern corner of Phase 2 (for example, plots 24 and 51-56 inclusive) together with the north-eastern corner of Phase 3. The proposed water meadow and tree planting could then be extended further into the site reducing both the scale of the development and creating a break in the development when viewed at a distance. A reduction in the density towards the outer edge (south-east) is also recommended; through a mixture of house sizes with more space and planting around them, avoiding the current continuous line of large house types. This will enable increased open gaps and spaces along the south-eastern boundary to enable meaningful areas of tree planting and open gaps. This should help to reduce the perceived encroachment of development in views from the National Park and produce a softer edge to an extended Settle. Whilst Phase 4 is likely to be the least intrusive area, as for above it is recommended that the development reduces in density towards the south-eastern boundary of the site. Large scale buildings/roofs should be avoided and there should be sufficient space between and around buildings for tree planting and open green space.'*

#### 5.12 **Environment Agency:**

No objections. The EA has commented that if a mains connection is proposed for foul drainage the LPA must be satisfied that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. United Utilities can provide this information. If no capacity an alternative solution must be found.

**Officer note:** United Utilities has been consulted but has not responded at the time of compiling this report.

#### 5.13 **Historic England:**

Summary:

Historic England does not object to the principle of some development on this site. The amendments to the scheme have reduced the harm to the setting of the heritage assets slightly. The proposals would still cause less than substantial harm to the setting and significance of the Grade II listed Falcon Manor Hotel and the Settle-Carlisle Railway Conservation Area. In determining this application you should consider whether there is a 'clear and convincing justification' for the harm the proposals would cause (NPPF, p.132). This harm should then be weighed against the public benefits of the scheme (NPPF p.134), bearing in the mind the statutory duties of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

#### Historic England Advice:

The amendments that have been made to the layout of the proposed housing would reduce the visual impact on (and subsequently the harm to) the setting of the Falcon Manor Hotel. It is an improvement on the previous layout to have the direct visual link between the hotel and the wider landscape. There will however still be a change in character in the view given that the access road runs down the centre of the corridor and the rooftops of the housing will be visible to east and west.

When it was built, the hotel (originally a house) was surrounded by open countryside on all sides and the proposed housing will remove the final remnant of this open setting. It will therefore still cause harm to the setting and significance of the hotel, which would be less than substantial. We do however welcome the constructive way in which the comments raised in our recent letter have been taken on board and addressed by the applicants.

The development as a whole would cause less than substantial harm to the setting of the Grade II listed hotel and the Settle-Carlisle Railway Conservation Area. Any harm to heritage assets requires 'clear and convincing justification' in order for a proposal to be considered sustainable development (NPPF, p. 132). If you are satisfied that this justification exists, the harm the proposals would cause should be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF. This weighing exercise should be undertaken bearing in mind the statutory duty of section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to have 'special regard' to the desirability of preserving the setting of the listed building in determination of this application.

If your authority is minded to grant consent for the proposals the proposed tree planting should be irregular and informal, rather than creating a strict 'avenue' effect. The lighting strategy for this area should also be carefully considered to minimise the visual impact on the hotel.

Historic England does not object to the principle of development on this site but does consider the current proposals would cause less than substantial harm to the setting and significance of the adjacent heritage assets. If your authority is minded to approve the application we recommend you be satisfied that there is a 'clear and convincing justification' for the harm the proposals would cause. This harm should then be weighed against the public benefits of the scheme, bearing in the mind the statutory duties of the *Planning (Listed Buildings and Conservation Areas) Act 1990* outlined above.

#### 5.14 **Network Rail:**

Network Rail has sent a lengthy response that sets out a number of legislative and regulatory requirements that relate to development in close proximity to rail tracks and assets.

In summary Network Rail request the following:

- The developer must enter into an asset protection agreement.

- The developer must submit a risk assessment for any works within 10m of the operational railway.
- The developer should observe the requirements of the Party Wall Act.
- The developer must provide a 1.8m palisade/trespass-proof fence adjacent to Network Rail's boundary. Alternatively an acoustic fence may be provided subject to approval.
- No encroachment should occur over the railway during construction.
- A method statement must be submitted prior to the use of any equipment that might cause vibration.
- All surface water must be subject to prior approval and be directed away from the railway soak-away and suitable drainage of the site be provided such that there is no impact on Network Rail's assets.
- All excavations within 10m of the railway boundary must be notified to Network Rail for approval.
- The developer must accept responsibility for ensuring that the site will not be affected by contamination or land stability issues.
- New development must lie at least 2m from the railway boundary.
- Mitigation measures must be agreed to ensure that new development is not unduly affected by noise and/or vibration.
- No trees are to be planted within 'fall over' height of the operational railway.
- Suitable protective fencing should be erected to prevent vehicle incursion onto railway.
- There is potential for an increase in bridge strikes (Ingfield Bridge) and therefore consultation should be undertaken with Network Rails Asset Protection Engineers both during construction works and as a permanent arrangement.

**5.15 Yorkshire Wildlife Trust:**

Has commented as follows:

In our original response in August 2014 we suggested that SUDS would be an important part of the design. SUDS could reduce downstream flooding and improve water quality. The Trust would support the provision of flood meadows and the area will provide a good opportunity to enhance biodiversity in the area if it is well designed. The Susdrain website is an excellent resource and further information on design for the wetland area could be obtained, for example from case studies such where wetlands and ponds were incorporated into the design of a development with run-off going into a Site of Importance for Nature Conservation so that nearby roads were not flooded.

Considerably more detail is needed so that the authority can be certain that biodiversity will indeed be enhanced by the wetland scheme. There are some issues such as planting using native species and creating habitats from species such as rich grassland. Soil conditions will need to be suitable for the species chosen and the area will be more valuable if similar species to those found in surrounding areas are used. Connectivity to surrounding habitat will allow wildlife to move into the meadow. Good path and access design will be required so that people and pets do not necessarily access all parts of the flood meadow to control trampling and disturbance. Light spill from the development onto the flood meadow will impact species such as bats and needs to be minimised. Features such as roosts for bats and nesting opportunities for birds could be incorporated into nearby buildings, there are excellent suggestions for this in and the Bat Conservation Trust has further suggestions on their website. Long term management and monitoring will also

be vital to show that biodiversity has indeed been enhanced and an Ecological Design Strategy for the site should be conditioned.

**Officer note:** There does not appear to be any specific issues with this proposal in terms of impacts to wildlife and ecology. It is proposed to incorporate the condition recommended by YWT to ensure an appropriate long-term management and monitoring strategy is in place for the site.

5.16 **Settle and Carlisle Railway Development Company:**

Has commented as follows:

*'We are neither for nor against the proposal. We would like to see such a large local development contribute towards increased usage of Settle station and promotion of rail as a means of reducing road transport from the development. Funding towards customer benefits or cycle storage at Settle Station would be welcomed in addition to the marketing of rail services to new tenants, perhaps through the complementary purchase for buyers of the local Dales railcard to stimulate rail usage. The train service to Settle will be increasing in 2017 and 2019, as this development would be coming on stream towards 2019 it would help to promote sustainable journeys to it.'*

6.0 Representations

6.1 There are 22 representations which have been summarised as follows:

- Application is not valid as part of the site is in separate ownership i.e. Network Rail.
- The visibility splays at the junction as shown on the submitted plans cannot be achieved.
- The submitted drawings are not to scale or accurate and therefore the application is not valid.
- Development will have serious detrimental visual impact and would result in loss of an historic vista.
- Development would adversely affect views from the historic railway line.
- Development would adversely affect tourism in the area.
- Area is prone to flooding and further development would make flooding problems in the area worse.
- Flooding problems would make it difficult for residents to get mortgages and insurance.
- Any proposed water management scheme should be tested to see if it works before any housing is built.
- A full flood risk assessment is needed before a decision can be made.
- The materials and designs of the phase 1 development detract from the area with sub-standard roofing materials. Further similar development would not be out of character with the area and would not be acceptable.
- Development is outside of the Settle boundary and is in green belt.

**Officer note:** The site is not within a green belt.

- Proposals are contrary to both local and national policies.
- The development will adversely impact upon an AONB, the Settle conservation area and the National Park.
- Concerns about restricted access and nuisance to existing properties.

- Development will result in loss of privacy for occupiers of existing housing adjacent to the site.
- Housing locations differ from the plans that residents of the phase 1 site were shown and lie closer to the existing housing.
- The public green area is not as was shown on the plans that the residents of phase 1 were shown.
- Oxley Fold is not suitable for additional traffic that would be generated by the development and would not have adequate visibility.
- The land is not vacant as stated in application. It is agricultural grazing land.
- Application in its entirety would be massively out of proportion with Settle and would change the character of the town irreversibly.
- Proposals included a sheltered housing scheme which is too far away from the town centre and amenities.

**Officer note:** This no longer forms part of the application.

- Access close to the railway bridge is potentially unsafe.
- Proposal would result in increased traffic, noise and congestion in the area.
- Increased traffic using narrow entrance adjacent to a play area would represent a highway safety issue.
- Submitted plans are not consistent in the details of the proposed footpath links.
- Objection to the proposed tarmac pathway links which would become overspill parking areas and lead to problems with unauthorised uses.
- Proposed footpath links are not necessary as there are existing PROW.
- Proposed tree planting would block light to and obstruct views from existing housing.
- The land is no longer identified as a potential housing site in the emerging Local Plan and therefore is clearly not suitable for development.
- Is there likely to be support from the key stakeholders for a new road into phases 3 and 4 near the railway bridge?
- Secondary access near to the railway bridge will be a highway safety issue and would limit opportunity for existing residents to park their cars outside of their houses.
- How will the already overstretched locals services cope with the added increased population?
- Site is a valuable amenity space with impressive landscape views which would be lost.
- It is important to recognise that the fields in this area are part of the medieval settlements of Settle, Anley and Runley.
- Existing roads are too narrow to accommodate construction vehicles.
- The traffic survey is inaccurate and is flawed as it does not take account of the most recent road conditions and traffic flows.
- The developer has failed to comply with existing planning conditions and has also failed to comply with a condition of an approval for tree works after removing a protected tree.

- The developer has reduced the number of affordable homes in phase 1 and was fully aware of the ground conditions before they commenced building despite claims to the contrary.

**Officer note:** The above is a summary of the comments which have been made. The representations can be viewed in full on the Council's website.

## 7.0 Summary of Principal Planning Issues

- Land use/principle of development
- Housing provision
- Employment land provision
- Amenity issues
- Design
- Landscape impact
- Heritage
- Highway issues
- Drainage/flood risk

## 8.0 Analysis

### Principle of development: policy position

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

*'regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

9.2 The Development Plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan which was adopted in 1999.

9.3 The most relevant saved Local Plan policies in relation to this application are set out at paragraph 4.3 above. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the NPPF and that:

*'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*.

9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF (at paragraph 14) 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 [the] Framework taken as a whole; or*
- b) specific policies in this [the] Framework indicate development should be restricted'*.

9.5 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental, referred to in the NPPF as the roles the planning system should perform (paragraph 7). The NPPF also 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 In this case the site is located outside of development limits in an area defined as open countryside in the adopted Local Plan and therefore saved Policy ENV1 applies. This is essentially a restrictive policy that seeks to protect the open countryside from sporadic and inappropriate development.
- 9.7 The site is not allocated in the adopted Local Plan and there are presently no housing land allocations in the emerging Local Plan which is yet to be finalised. Given the current status of the emerging Local Plan it is considered that it has no bearing on the determination of this application.
- 9.8 Overall, it is considered that notwithstanding saved Policy ENV1 the proposals can be seen to accord with the key dimensions of sustainable development as set out in the NPPF. Whilst a judgement must be made as to whether or not the benefits of the proposed development would outweigh any dis-benefits it is the case that the development could be consistent with the Framework and is therefore acceptable in principle.
- 9.9 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 of a principle town within the district and would have both pedestrian and vehicle connections to local facilities and services. The site is a very sustainable location for residential development.
- 9.10 The site is suitable for a residential use and the plans indicate that a high quality development would be provided within the phase 2 development for which full details have been submitted. As such, it is considered that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not undermine the emerging spatial vision for the District or wider policy objectives of the emerging 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.
- 9.11 Saved Policy ENV2 is only applicable where development is considered to be acceptable in principle under Saved Policy ENV1 and 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, that services and infrastructure can be provided without any serious harm to the character and appearance of the area. The aims of policy ENV2 are broadly in line with the NPPF and can be given some weight. These will be addressed within the body of this report.
- 9.12 In conclusion, the application site is not within recognised development limits of Settle as defined by the 1999 Local Plan but is located immediately adjacent to the existing built up area of the town. Consequently, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and is considered to be acceptable in principle.

Principle of development: Housing provision:

- 9.13 Very recently the Council's Planning Policy team published the November 2016 'Five Year Housing Land Supply Methodology and Report' and this is of some relevance with respect to making decisions on planning applications for new housing development, as is the case here.
- 9.14 The report sets out the most recent position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply. The availability of a 5 year supply is a matter that is challenged by the applicant. However, whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can demonstrate a 5 year land supply at this stage this position may

change as new information becomes available. Members may recall that in May 2015 the latest information indicated that a 5 year supply could be demonstrated, only for the position to change in December 2015 when later information indicated that a 5 year land supply could not be demonstrated. Furthermore the report and the assessment methodology for the housing requirement that is used to form the basis for the supply calculation has not yet been subjected to full independent examination and may be subject to legal challenge.

- 9.15 In Officers opinion, the stated existence of a deliverable Five Year Housing Land Supply is not a good reason to justify refusal of a planning application. Specifically, the fact that the development is not necessary in order to help the Council achieve a 5 year supply is only one factor in the overall planning balance that would need to be taken into consideration in the determination of this application. It is also the case that the, as set out above, the Council's 5 year housing land supply position is subject to change, furthermore national policy is clear that local authorities should be planning positively to achieve a significant boost in the supply of housing. Therefore, the implications in terms of housing land supply remains a material consideration in the planning judgement that can be given weight in the decision making process.
- 9.16 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not necessarily be given any weight in the decision making process. The NPPF is concerned about sustainable development rather than whether or not it is within a defined spatial limit. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its merits and its suitability for residential development considered. The NPPF advises that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision but must be considered in the overall planning balance. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required due to the November 2016 Five Year Housing Land Supply report.
- 9.17 The submitted scheme provides for 65 dwellings to the northern (3.16 ha. Phase 2) part of the site of which 26 units would be affordable dwellings equating to 40% of the overall provision. The Phase 3 element of the application covers a 2.23 ha. area of land that would in principle be capable of supplying a similar number of dwellings (albeit the scale and layout are not before the Committee for consideration at this outline stage). I would also provide further affordable housing at 40%. Nevertheless, the additional housing which this development could provide (both full and outline parts of the application) would make a substantial contribution towards the Councils overall housing land supply, including the delivery of affordable housing. This is a significant benefit that would arise from the proposed development which needs to be afforded weight in the overall planning balance.
- Principle of development: Employment land provision:
- 9.18 Although submitted in outline form only this hybrid application includes a proposal for 1.2ha of serviced employment land for B1/B1c use, i.e. business development including offices and industrial uses that are compatible with a residential area.
- 9.19 It is important to appreciate that the delivery of this aspect of the proposal will be dependent upon future submission of reserved matters applications and therefore the grant of outline permission will not, without further action on the part of the developer, lead to a planning permission which is capable of implementation (as will be the case with phase 2).
- 9.20 Although saved policy ENV1 refers to development limits saved Local Plan policy EMP5 is of some relevance to this application as it relates to new employment development located outside of development limits and established industrial areas, as is the case here.

- 9.21 EMP5 is essentially a prohibitive policy that limits new employment development to development limits and/or established industrial areas. The exception to this would be where proposals can be demonstrated to be essential to the social and/or economic needs of the community and where there is no suitable alternative site within the development limits of a nearby settlement or an established industrial area. In such cases EMP5 would allow for new employment development provided that the development:
- Would not affect highway safety
  - Is located near to transport routes other than road
  - Respects the scale and level of activity in the area
  - Will not unacceptably affect the character and appearance of the countryside
  - Will not adversely impact on the character of local settlements or affect amenity
  - Will not affect sites of nature conservation value or archaeological importance
  - Has a good standard of design and will satisfactorily blend into the landscape
  - Incorporates high quality landscaping
  - Is served by good cycle/pedestrian routes and public transport.
- 9.22 In terms of NPPF policy the approach is different as it states that planning should operate to encourage and not act as an impediment to sustainable growth. In particular the NPPF encourages local authorities' to proactively plan for sustainable economic growth to support a strong, competitive economy.
- 9.23 Notwithstanding that the saved Local Plan policy allows for employment development outside of development limits it is nevertheless more restrictive of such development than the NPPF and therefore cannot be afforded significant weight. However, the individual criteria set out above are consistent with the broader aims and objectives of the Framework and provide a useful means of assessing individual proposals for new employment development.
- 9.24 In this case the comments of the CDC Economic Development team (as set out in paragraph 6.1 above) are of note. Specifically the proposal would meet with the key themes and priorities of the Craven District Economic Development Strategy (2010 -2016) and is supported by the conclusions of the employment land review undertaken on behalf of the Council by a specialist consultancy in November of this year (2016). The full comments of the CDC Economic Development team are set out above and it can be seen that the proposals are fully supported and endorsed and are therefore acceptable in principle in terms of the economic aspirations of the Council.
- 9.25 Taking the above points into account in terms of both saved Local Plan and NPPF policies it is considered that there can be no objections to the principle of the proposed development of employment land.
- 9.26 In summary, the proposal could potentially provide the district with much needed employment land, the shortage of which has acted as a constraint to enabling local business to grow and to the creation of new job opportunities in the Settle area. This therefore is an important factor in the overall consideration of the application that could be seen as a benefit of the development that could be afforded some weight in the overall planning balance. However, this element of the application is provided in outline and therefore the reserved matters will require approval before the commencement of phase 4 development.
- 9.27 In officer opinion the provision of served employment land is both desirable and acceptable in policy terms. Notwithstanding, it is officer opinion that it would not be appropriate in this case to attach a condition to prevent the commencement of the phase 2 residential element until all reserved matters and all other pre-

commencement conditions are discharged for phase 4 of the development, as the benefits of phase 4 are not considered necessary to make the phase 2 of the development acceptable.

Amenity issues:

- 9.28 There are specific requirements under both saved Local Plan policies and the NPPF that new development should not adversely impact upon the amenity of the occupiers of any neighbouring properties either through a significant loss of outlook, loss of daylight or loss of privacy. In this case the existing properties are located at the southern end of the phase 1 Falcon Gardens and to the west of the site fronting onto the B6480.
- 9.29 In this case the proposed layout for the full residential application indicates that the new development would lie sufficiently distant from the existing housing and be orientated such that there would be no significant loss of amenity to any of those properties. Specifically, the properties at the northern end of the site would be set parallel to and roughly equidistant (minimum 3.5m) from the southern gable ends of the existing houses.

**Officer note:** This (minimum) side separation distance is greater than that of some of the phase 1 properties on the existing estate.

- 9.30 With regards to outlook the proposed development would be a continuation of the existing phase 1 and whilst the existing houses to the north have had the benefit of open views there is no planning requirement to maintain their current outlook. It is considered that the impact on the outlook is acceptable and there are no significantly adverse impacts on the amenity of the existing housing to warrant refusal of this application.
- 9.31 The only other neighbouring properties are those situated at the north-west corner of the site. The proposed houses would be located 25m to the south-east of the existing and are considered to be sufficiently distant that no loss of amenity from outlook, overshadowing or loss of privacy would occur.
- 9.32 Considering the phase 3 (residential) and phase 4 (employment land) outline elements of the application the exact relationship of the new development is not known. However, it is considered that in principle the proposed development could be accommodated within the site boundaries without detriment to the amenity of the existing housing and that the employment land would be sufficiently distanced to prevent any significant problems from arising. The full assessment of residential amenity would be addressed at the reserved matter stage. In any case the proposed business uses would be controlled to ensure their compatibility with the site surroundings.

Design:

- 9.33 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.
- 9.34 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.
- 9.35 In this case Saved Local Plan Policies ENV1 and ENV2 are of some relevance to the consideration of this application as the principles outlined in those policies are still pertinent.
- 9.36 Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that

development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.

- 9.37 With regards to the detailed design proposals for phase 2 the proposed development would comprise traditional gable ended two-storey properties constructed in a natural stone with artificial stone slates to the roofs. The design would be a continuation of the housing that has been constructed in the phase 1 development and which has previously been approved by the local authority. It is considered that the overall form and detailing of the proposed houses would be appropriate to the locality and would be constructed to the same specifications as the existing phase 1 development. On this basis it is considered that the design of the proposed housing is acceptable. The design of phases 3 and 4 can be adequately controlled through the reserved matters process. It is clearly possible to achieve an acceptable design on the outline part of the site.
- 9.38 It is considered that the overall design of the development and the layout that has been proposed (insofar as details are known at this stage) is a good quality of design that would not erode the key characteristics of the site or nearby heritage assets to an unacceptable extent. A similar result can be achieved on the outline parts of the application at the reserved matters stage. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect.

Landscape:

- 9.39 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits would derive primarily from the loss of the open space, landscape and visual impact of the development and the potential impact upon the designated heritage assets of the Settle-Carlisle Railway conservation area and nearby grade II listed Falcon Manor.
- 9.40 With regards to the loss of the open space it is acknowledged that the land lies outside of development limits but this alone is not sufficient to come to a view that planning permission should not be granted. It is necessary to assess the dis-benefits of the proposals against the benefits of allowing development to take place.
- 9.41 In the first instance it is noted that the application did not initially receive full support from the Yorkshire Dales National Park Authority although it should be noted that their objections were initially focused on the potential visual impact in the wider landscape rather than over concerns over the development.loss of open space. To that end the proposed layout has been revised and additional landscaping incorporated throughout the development, this to include a larger area of open space adjacent to the Falcon Manor and a 'green corridor' running through the estate that would afford long range views of the listed building and its grounds. In addition revisions have been made to the landscaping on the periphery of the site and to the detailed scheme of planting for the adjoining land to be used as flood meadows.
- 9.42 In summary YDNPA has stated that the amendments to the proposal are welcomed and now support development of the site in principle but still have some concerns regarding the density of the development and the potential impact on views into the site from the national park. Equally, Historic England has acknowledged that the amendments to the scheme have reduced the visual impacts on (and subsequently the harm to) the setting of the Falcon Manor and to the Settle-Carlisle railway line but note that there will still be a change in the character of the views given that the access road runs down the centre of the green corridor and the rooftops of the housing will be visible to the east and west.
- 9.43 In the case of the National Park Authority they have requested a reduction in the density of the development towards the outer edge (south-east) and revisions in those areas to create a greater mixture of house types with more space around them with a view to reduce '*the perceived encroachment of development in views from the National Park and produce a softer edge to an extended Settle*'.

9.44 Regarding the YDNPA comments it is officer's opinion that the presence of the landscaping and remodelling of the landform to create the flood meadow that would adjoin the site is sufficient to mitigate the impact of the proposed development to views from the National Park. It is also considered that the overall density of the development (which is 20 dwellings per hectare) and the general arrangement and design of the layout are such that there would be no justification for requesting the further revisions that the Park Authority has suggested.

Heritage:

9.45 The Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving listed buildings in their settings and any features of special architectural or historical interest it possesses. Para 132 NPPF advises that great weight must be given to the asset's conservation and the more important the asset the greater the weight should be given. Historic England have commented that in its revised form the development would cause less than substantial harm to the significance of the designated heritage assets and that it is therefore a matter for the local planning authority to come to a decision on whether there is a '*clear and convincing justification*' for the harm that the proposals would cause. Para 134 NPPF advises that where development would cause less than substantial harm to a heritage asset it is necessary to weigh that harm against the public benefits of the scheme. The assessment of phases 3 and 4 would be dealt with at the reserved matters stage.

9.46 It is officer's opinion that there would not be grounds to refuse planning permission on the basis of the harm to the significance of the designated heritage assets particularly when considering Historic England's assessment that the harm caused would be less than substantial. As regards the planning balance, i.e. the assessment of the benefits against the dis-benefits of the proposal, there can be little doubt that the contribution to the Council's housing land supply coupled with the provision of additional employment land which would offset an identified shortfall in the Settle area represent substantial benefits of development that would more than offset any harm.

Highway issues:

9.47 The principal highway concerns associated with this application are as follows:

- The adequacy of the access routes into phase 2 from the existing phase 1 development.
- The acceptability of the proposed secondary access to the west of the site onto the B6480 (this would serve phases 3 and 4 reserved matters approval can ensure that the access connects up the existing and proposed routes through phases 1 and 2.)
- The impact of the proposals on the wider road network in terms of capacity.

9.48 With regard to the first two bullet points above NYCC Highways has commented on the application and have raised no objections to the capacity of the phase 1 access roads to serve the proposed development of phase 2. Access arrangements for phases 3 and 4 will be considered at the reserved matters stage.

9.49 In the case of the secondary access the principal concern lies with the proximity of the junction to the railway bridge and in particular the adequacy of sightlines from the proposed junction and the potential for highway safety to be compromised as a result of the narrowness of the road where it passes under the bridge. In response to those concerns, and subsequent to the applicant's initial submissions, an additional road safety audit of the proposed junction has been prepared by Sanderson Associates on behalf of the applicant. This was compiled in November 2016 and is included in the information pack accompanying this application.

- 9.50 It can be seen that the audit makes a series of recommendations which requires various on and off-site works to be undertaken in order to ensure that the proposed secondary access would not result in a loss of highway safety. The audit has been assessed by the NYCC Highway Engineer who has concluded that the proposed solutions put forward are acceptable and should be imposed by planning conditions if permission is granted.
- 9.51 As regards bullet point 3 above NYCC Highways consider that the levels of traffic associated with the proposals could be accommodated by the existing road network.
- 9.52 The remarks of the Highway Engineer can be read in full at paragraph 6.5 above and recommend that planning permission should be granted subject to recommendations for a S106 legal agreement and the stated planning conditions. It is considered therefore that the development is acceptable in terms of highway safety.

Drainage/flood risk:

- 9.53 The application has been accompanied by a detailed Flood Risk Assessment and has been subject to consultation with the relevant statutory authorities as summarised above. It is known that the site and its immediately surrounding area is subject to some localised flooding but it is not identified as being a flood risk zone on the Environment Agencies Strategic Flood Risk mapping.
- 9.54 It is noted that no objections to the proposals have been raised by the Environment Agency or the NYCC SuDS officer nor has there been a comment from United Utilities that they have concerns over the capacity of the local network to cope with the foul drainage from the development. Accordingly, subject to the recommended planning conditions, in particular prior approval of a detailed design and associated management/maintenance plan for surface water drainage, it is considered that the proposals are acceptable in terms of drainage and flood risk providing the scheme approved under reference 62/2014/14929. This would be addressed by a Section 106 agreement.

Summary:

- 9.55 This hybrid application raises competing issues that must be considered in the balance. The principal benefits would be the contribution to the Council's five year housing land supply position, which would be strengthened, and the policy imperative of boosting significantly the supply of housing (including affordable housing) as well as the potential provision of employment land. In relation to housing land supply the proposal for 65 dwellings with a further area proposed in outline which could be expected to provide a similar number of dwellings. A 40% affordable housing requirement can be imposed. As for the employment benefits, they are not associated with the full application for phase 2 but will arise only with the outline part of the proposal, the delivery of those benefits is therefore subject to approval of reserved matters and will not be fully secured as a result of a grant of planning permission at this stage. Nevertheless, in principle this is a substantial benefit of the proposal.
- 9.56 However, those benefits have to be balanced against the adverse impacts, which in particular comprises the development of a green field site which is outside development limits (albeit the relevant policies are not entirely consistent with the NPPF) and which lies adjacent to heritage assets which would inevitably be impacted upon to some degree (albeit the harm is less than substantial). There are also some issues relating to the wider landscape impacts of the proposed development.
- 9.57 Paragraph 14 of the NPPF advises that LPA's should be *'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- 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.'*

- 9.58 In this case the proposal does not fully accord with the development plan. However, it is considered that the relevant Saved Local Plan policies (in particular ENV1 and ENV2) conflict in some instances with the NPPF (as supplemented by the nPPG) 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) are out of date and the NPPF advises in such circumstances that a) or b) as set out above should be followed. However, Officer's assessment in this case is that the local policies are not wholly consistent with the approach taken in the NPPF and only very limited weight should be attributed to those policies
- 9.59 In cases where there are restrictive policies in play (in particular those relating to heritage) the balance needs to be struck under those policies first before the Committee considers the wider question of whether the adverse impacts of granting permission significantly outweigh the benefits so that planning permission should be refused (for the purposes of para 14 NPPF). As set out above Officers consider that the development is acceptable having regard to paras. 132-134 NPPF.
- 9.60 In coming to this view the comments of Historic England have been noted and it is considered that any potential harm would be mitigated against and outweighed by the benefits of allowing development to take place. In terms of the wider landscape it is considered that the site, in conjunction with the flood meadow proposals, would be well screened and it is not considered that any sensitive views would be affected to a significant extent.
- 9.61 In considering whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, Officers conclude that this scheme will provide new dwellings including affordable units as well as potentially some employment land although for the reasons outlined above it is not considered that this latter aspect of the application can be afforded significant weight. The development will have some adverse impacts but the landscape buffers and area of public open space i.e. flood meadows will help to acceptably mitigate any adverse impact. It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is acceptable, it benefits from the presumption in favour of sustainable development.

Section 106 Agreement:

- 9.62 Support for the application will require the applicant to enter into a Section 106 agreement to address the following issues:
- The provision of 40% affordable housing on phase 2 and phase 3.
  - The provision and timetable for the delivery of off-site open space provision and the management and maintenance of on-site open space within phase 2.
  - The provision of off-site highways works to include:
    - i) Introduction of a new footway crossing of the Craven District Council car park to provide a sustainable link between the development and the Town Centre.
    - ii) To provide road lighting in accordance with current standards, along the B6480 to improve pedestrian safety for residents of the new development and existing residents.
  - The applicant providing further acceptable information relating to the provision of Sustainable Urban Drainage both on and off-site and the provision of an appropriate timetable relating to the implementation of the off-site flood meadow scheme approved under planning permission ref: 62/2016/17189, prior to the commencement of the phase 2 development.

10 Recommendation



To grant delegated authority to the Strategic Manager for Planning and Regeneration to grant planning permission subject to the applicant first entering into a Section 106 Agreement to address the heads of terms outlined in paragraph 9.62 above.

Planning permission would be subject to the following conditions:

11. Conditions

**CONDITIONS WHICH APPLY ONLY TO THE OUTLINE AREA**

**A. Conditions relating to the approval of reserved matters and time within which development is to begin.**

1. Approval of the details of the siting, design and external appearance of the buildings road layouts and the landscaping of each Phase in the Outline Area (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development of that Phase is commenced.

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

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority for approval, and shall be carried out as approved.

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

3. An application for approval of the reserved matters relating to the Phase 3 development shall be made to the local planning authority before the expiry of three years from the date of this permission. All applications for the approval of reserved matters for the Outline Area shall be made to the local planning authority before the expiry of five years from the date of this permission.

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

4. The development of each Phase in the Outline Area shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved for that Phase.

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

**B. Other pre-commencement conditions**

5. No development shall commence in Phase 4 (with the exception of investigative works or the depositing of materials on site) until the following highway works have been approved in writing by the Local Planning Authority and constructed in accordance with the approved drawings:

- a) Provision of tactile paving.
- b) Provision of a new Zebra Crossing facility and local footway improvements for pedestrians at or near the crossroads of Ingfield Lane and the B6480 based upon Drawing 8034/003.
- c) Provision of nine (9) road lighting columns along the B6480 from the new access to the junction with Cammock Lane.

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

6. No development shall commence in Phase 4, until a scheme for the mitigation of noise impacts from the operation of any industrial units has been submitted to the local planning authority and approved in writing. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that residents of domestic dwellings in the development are protected from unacceptable noise.

### **C. Other conditions**

7. Prior to the first installation of any external lighting for any buildings in Phase 4, details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure that residential properties are protected from light nuisance.

### **CONDITIONS WHICH APPLY ONLY TO THE FULL PERMISSION AREA**

8. 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.

9. The development hereby permitted shall not be carried out otherwise than wholly in accordance with the following plans:

- 3901-012-PL01 Rev A-Site Location Red Line Plan
- 3901-012-PL02-Topo Survey
- 3901-012-PL03 Rev L - Proposed Phase 2 Layout (submitted 11-11-2016)
- 3901-012-PL04 Rev G - Proposed Masterplan Layout (submitted 27-12-2016)
- 3901-012-PL10 Rev G - Proposed Phase 2 Site Sections (submitted 11-11-2016)
- 3901-012-PL100 - Rev B - Royd - Plans & Elevations
- 3901-012-PL110 - Rev B - Harrier - Plans & Elevations
- 3901-012-PL120 - Rev C - Petyt - Plans & Elevations
- 3901-012-PL130 - Rev B - Ashton - Plans & Elevations
- 3901-012-PL140 - Rev C - Whittington - Plans & Elevations
- 3901-012-PL150 - Rev B - Cawder - Plans & Elevations
- 3901-012-PL160 - Rev D - The Whittaker - Plans & Elevations
- 3901-012-PL170 - Rev C – Branwell - Plans & Elevations
- 3901-012-PL180 - Rev B - Stainforth - Plans & Elevations
- 3901-012-PL210 - Rev A - Emily - Plans & Elevations
- 3901-012-PL230 - Rev A - The Clifford - Plans & Elevations
- 3901-012-PL240 – Rev A - The Belmont - Plans & Elevations
- 3901-012-PL300 - Rev B - The Worth - Plans & Elevations
- 3901-012-PL310 – Rev C - The Wharfe - Plans & Elevations
- 3901-012-PL320 - Rev B - The Taylor - Plans & Elevations
- GL0161 14C Soft Landscape Proposals (submitted 11-11-2016)
- GL0161 15C Soft Landscape Proposals (submitted 11-11-2016)
- Verified Views - 160901 Ingfield Lane Settle 031016 (submitted 3-10-2016)
- GL0161 17 - Composite Landscape Masterplan (submitted 11-11-2016)
- Road Safety Audit 8-11-2016
- Designers Response to Road Safety Audit 11-11-2016
- 117972.2002-Exceedance Flow Routes (submitted 30-11-2016)
- 117972-2001-A-Drainage Layout (submitted 30-11-2016)
- Proposed Access Arrangement 8034-001F (submitted 14-12-2016)
- Surface Water Runoff Calcs (submitted 16-12-2016)
- Flood Risk Assessment (received 19-12-2016) and Drainage Strategy

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

### **CONDITIONS WHICH APPLY TO THE WHOLE APPLICATION SITE**

## **A. Pre-commencement conditions**

10. No development shall commence in any Phase until a Construction Method Statement for that Phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the Phase. The statement shall provide for the following in respect of the Phase:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e) wheel washing facilities
- f) precautions to be taken to prevent the deposit of mud, grit and dirt on public highways
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) HGV routing to avoid Settle Town Centre.
- j) A survey recording the condition of the existing highway
- k) The timing of the arrival and departure and loading and unloading of any vehicle exceeding 7.5 tonnes.

Reason: To avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

11. No development shall commence in any Phase until a detailed design and associated management and maintenance plan for surface water drainage for the Phase 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 details to be submitted shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The details 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).

The approved design and plan shall be implemented prior to completion of the Phase and retained thereafter.

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.

12. No development shall commence in any Phase until details of the proposed means of disposal of foul water drainage for that Phase, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority (in consultation with United Utilities). The approved details shall be implemented and retained thereafter.

Reason: To ensure that the development can be properly drained.

13. No development shall commence in any Phase until a Landscape Management Plan, indicating long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than any privately owned residential gardens) in that Phase has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall be adhered to at all times thereafter.

Reason: To ensure that the approved landscaping scheme is implemented and maintained to an appropriate standard.

14. No development shall commence in any Phase until an Ecological Design Strategy for that Phase has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in accordance with the approved details.

Reason: In order to ensure that an appropriate long-term management and monitoring strategy is in place for the site in the interests of the protection of wildlife.

15. No development shall commence in any Phase until details for planting and for the protection of trees within that Phase have been submitted to and approved in writing by the local planning authority.

The planting details shall include:

- Full schedules of all proposed planting, including the types and numbers of trees and shrubs, their distribution on site, and those areas seeded or turfed.
  - A full assessment undertaken by an appropriately qualified person to demonstrate that the proposed planting within the proposed swales and flood plains is appropriate to prevent particulate pollutants from contaminating neighbouring wetland areas or watercourses.
- In relation to the protection of trees, the submitted details shall comply with BS 5837 (2012) and shall include details of trees and hedges to be retained or removed, root protection zones, use of barrier fencing and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period.

Reason: To preserve and enhance the visual amenities of the area and for reasons relating to biodiversity and, landscape and screening.

16. No development shall commence in any Phase, with the exception of investigative works or the depositing of materials on site, until the following drawings and details have been submitted to and approved in writing by the local planning authority, in consultation with the highways authority where appropriate, in respect of that Phase:

- a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - the proposed highway layout including the highway boundary
  - dimensions of any carriageway, cycleway, footway, and verges
  - visibility splays
  - the proposed buildings and site layout, including levels and any fenestration adjacent to highway boundaries
  - accesses and driveways
  - drainage and sewerage system including measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway
  - lining and signing
  - traffic calming measures
  - all types of surfacing (including tactiles), kerbing and edging.
- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - the existing ground level
  - the proposed road channel and centre line levels
  - full details of surface water drainage proposals.
- c) Full highway construction details including:
  - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels

- kerb and edging construction details
- typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A programme for completing the works.

The development of each Phase in the Outline Area shall only be carried out in full compliance with the approved drawings and details, save that minor variations may be agreed in writing by the Local Planning Authority.

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

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 drawings agreed with the LHA must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

17. No building shall be constructed in any Phase until details and samples of all materials to be used in the external elevations (including roofs) of all buildings to be constructed have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the stone to be used (including the colour and method of pointing and coursing) where it has been agreed to construct using this material. Such details as approved shall be implemented in full and retained thereafter.

Reason: To ensure the appropriate use of materials and design in the interest of the character of the area.

## **B. Other conditions**

18. No dwelling in any Phase shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course 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.

19. The Application 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.

20. 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 approved pursuant to condition 12.

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

21. No buildings shall be occupied or brought into use in any Phase prior to completion of the approved foul drainage works for that Phase.

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

22. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk assessment.

Reason: To ensure that the development and neighbouring land and properties are adequately protected against flood risk.

23. There shall be no access or egress by any vehicles phase 4 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 43 metres measured along the channel line in a southerly direction and 48 metres measured along the channel line in a northerly direction of the major road B6480 from a point measured 2.4 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object height shall be 0.60 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.

24. No dwelling in any Phase shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings. Once constructed these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent Order, no garage in any Phase shall be converted into domestic accommodation without the granting of planning permission.

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

26. No development shall commence in Phase 4 (with the exception of investigative works or the depositing of materials on site) until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

No part of phase 4 shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings.

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

Informative:

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

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

27. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

28. No development of phase 3 (residential 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 implementation, 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: Such details are required prior to the commencement of works to ensure the development makes 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.

Informative:

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

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. Notwithstanding the need to submit an application for the approval of reserved matters the developer should note that Condition Nos. 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 and 20 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. Please note 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.

#### Informatives:

1. The following explanations relate to the parts of the decision notice as set out above: "Phase" - means a phase of the Development (numbered 2, 3 and 4) as shown on drawing 3901-012-PL04 Rev G (proposed masterplan layout).

"the Application Site - means the entirety of the land within the red line shown on drawing 3901-012-PL01 Rev A (site location red line plan).

"the Full Permission Area" - means the part of the site for which full planning permission is granted, comprising Phase 2 as shown on drawing 3901-012-PL04 Rev G (proposed masterplan layout).

"the Outline Area" - means the part of the site for which outline planning permission is granted, comprising phases 3 and 4 as shown on drawing 3901-012-PL04 Rev G (proposed masterplan layout).

2. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

3. Operating times for construction should be limited to:

- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No Sunday or Bank Holiday working.

4. The developer should note the following requests by Network Rail:

- The developer must enter into an asset protection agreement.
- The developer must submit a risk assessment for any works within 10m of the operational railway.
- The developer should observe the requirements of the Party Wall Act.
- The developer must provide a 1.8m palisade/trespass-proof fence adjacent to Network Rail's boundary. Alternatively an acoustic fence may be provided subject to approval.
- No encroachment should occur over the railway during construction.
- A method statement must be submitted prior to the use of any equipment that might cause vibration.
- All surface water must be subject to prior approval and be directed away from the railway soak-away and suitable drainage of the site be provided such that there is no impact on Network Rail's assets.
- All excavations within 10m of the railway boundary must be notified to Network Rail for approval.



- The developer must accept responsibility for ensuring that the site will not be affected by contamination or land stability issues.
- New development must lie at least 2m from the railway boundary.
- Mitigation measures must be agreed to ensure that new development is not unduly affected by noise and/or vibration.
- No trees are to be planted within 'fall over' height of the operational railway.
- Suitable protective fencing should be erected to prevent vehicle incursion onto railway.
- There is potential for an increase in bridge strikes (Ingfield Bridge) and therefore consultation should be undertaken with Network Rails Asset Protection Engineers both during construction works and as a permanent arrangement.

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<b>WARD AND APPLICATION No.</b>	<b>PROPOSED DEVELOPMENT AND SITE ADDRESS</b>
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LAND TO THE WEST OF HOLME LANE, SUTTON-IN-CRAVEN.

APPLICANT NAME: SNELL DEVELOPMENTS LTD  
TARGET DECISION DATE: 06/01/2017  
CASE OFFICER: Mark Moore

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**This application is now subject to an appeal for non-determination as a deemed refusal and is not before Members for formal determination. As a previous application on the site was determined by Members it is presented to the Committee seeking a resolution on how the application would have been determined.**

1. Site Description

- 1.1 The application site comprises a roughly 'L' shaped parcel of land 2.80 hectares in area situated on the northern side of Sutton in Craven and to the south of Glusburn. It forms a green field site comprising open pasture land situated on the edge of the built up area of the settlement of Sutton. The land slopes with levels rising generally from north to south and east to west.
- 1.2 The eastern edge of the site adjoins Holme Lane whilst the northern boundary adjoins a watercourse known as Holme Beck. Further to the north there are residential properties and a small field that adjoins Holme Lane. The southern boundaries adjoin residential development and the grounds of Sutton Baptist Church. There is a footpath and agricultural fields beyond to the west of the site and further residential development to the east of the site on the opposite side of Holme Lane.
- 1.3 Trees on the site are located on the northern boundary adjacent to the beck; two trees are located along the line of the western boundary wall and a single tree on the line of the southern boundary wall. There are a number of other mature deciduous trees adjacent to the southern boundary that are located outside of the site, particularly those set within the grounds of the Baptist Church. Trees that are sited adjacent to the beck and within the grounds of the Baptist Church adjacent to the boundary of the site are protected by Tree Preservation Orders.
- 1.4 Access to the site can be gained off Holme Lane via a small gate which leads into a small recessed gravel area.
- 1.5 The application site lies outside the development limits as allocated in the adopted (1999) Craven District (Outside the Yorkshire Dales National Park) Local Plan and is defined as a 'Green Wedge' under saved Policy B3 of the Plan. The site lies to the north-west of but not within the Sutton Conservation Area.
- 1.6 The majority of the site is classed by the Environment Agency as being within Flood Zone 1. The eastern edge of the site is however classed as Flood Zone 2 which is identified under the EA's strategic flood mapping as having a medium probability of flooding.

2 Proposal

- 2.1 This is an outline application seeking approval for a development of approximately 32 dwellings. Only the principle of the development and the access to the site are being applied for with the appearance, landscaping, layout and scale of the development being reserved matters.
- 2.2 Although the design details of the proposed dwellings are reserved an indicative layout for the proposed development is submitted and forms part of the application. This shows a broadly linear internal road system with a single access point from the east onto Holme Lane. It illustrates that the position of the proposed housing would be set towards the southern side of the site.

- 2.3 The proposals include a landscaped strip of open space running across the northern edge of the site adjacent to Holme Beck with a footpath running through it and a link to the existing footpath at the western end of the site.
- 2.4 At the eastern end of the site is proposed an area of open space and a public car parking area.
- 2.5 Vehicular access to the site is to be from Holme Lane and it is proposed to reconfigure the road layout and construct a roundabout. The new roundabout would also serve Bridge Road to the east.
- 2.6 The application is a revised submission following the Council's decision in November 2011 to refuse planning permission for development of the site under planning permission ref: 66/2011/12210.
- 2.7 The Council's decision to refuse planning permission was subsequently upheld by the Planning Inspectorate in June 2013 following an appeal that was considered by way of a hearing.
- 2.8 The revised submission is a reduced scheme with circa. 32 houses as opposed to 53 as proposed in the previous scheme. The 'developable' site area has been reduced by removal of a strip of land running along the northern edge of the site which would be landscaped. This strip measures approximately 10m in width and terminates to a point set 55m back from the edge of Holme Lane.

### 3 Planning History

- 3.1 66/2011/12210: Outline planning application for the erection of 53 no. dwellings, a car parking area, landscaped riverside walk, wild flower meadow and structural planting ( Amended Layout & Additional Information Submitted). Refused November 2011 for the following reason:- The application was refused for the following reason:

*'The application site falls outside the allocated development limits of the settlement of Sutton, within an area identified as Green Wedge by Saved Policy BE3 from the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan. Saved Policy BE3 seeks to resist new development that would compromise the gap of land identified as Green Wedge and therefore development within this designated area, notwithstanding the proposed landscape and public access improvements, is contrary to the purpose of the Green Wedge policy. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The 2012 NPPF is a material consideration and contains the most up to date planning policy for decision making purposes in the District. Policy BE3 is not considered to be inconsistent in principle with the NPPF and the NPPF also provides support to the idea of designating Local Green Spaces that are important to local communities. The Council acknowledges it does not have a 5 year land supply and recognises the advice within paragraph 49 of the NPPF. However, the District Council considers that the local Green Wedge designation remains an important consideration in the decision making process and is one of only two areas of land within the District to be given this specific designation. Notwithstanding the planning policy within the NPPF, the application proposals are contrary to Saved Policy BE3 from the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan. On balance it is considered that the adverse impact that the development would have on the purpose of the designated Green Wedge significantly and demonstrably outweighs the benefits of the development.'*

- 3.2 An appeal was subsequently dismissed in June 2013.

### 4 Summary of Principal Planning Issues

- 4.1 An appeal for non-determination has been submitted to the Planning Inspectorate.
- 4.2 As this appeal has been lodged the Council are not in a position to formally determine the application as it is a 'deemed refusal'. However, the case officer recommends that the Council's case, in summary, would be as follows:

### **Saved Local Plan Policies:**

- 4.3 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.
- 4.4 The application site lies outside the existing development limits of Sutton, therefore, Saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic and inappropriate 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.
- 4.5 The site is within an area defined in the 2002 Landscape Appraisal of the District (Outside the National Park) as 'Semi-enclosed Intermediate Landscape, Pasture with Wooded Gills and Woodland'. The Appraisal identifies that with a setting confined mainly to valley sides these areas are highly visible from large areas of the surrounding landscape.
- 4.6 With respect to Policy ENV1, this proposal cannot be considered small scale and, therefore the proposal fails to accord with Saved Local Plan Policy ENV1. However, the NPPF's presumption in favour of sustainable development means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries dates back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.
- 4.7 Saved Local Plan Policy ENV2 seeks to ensure that any development considered to be acceptable in principle outside development limits (in compliance with Policy ENV1) is compatible with the character of the area; 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.
- 4.8 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Hence where there is any conflict with the Local Plan the Local Plan policies carry limited or no weight and the application should be assessed against the Framework
- 4.9 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 4.10 Saved Policy BE3 identifies the site as part of a 'green wedge' which serves to resist any development that would compromise the gap between settlements, in this case Sutton and Glusburn. This policy formed the basis of the Council's previous reason for refusal.
- 4.11 The Conclusion of the planning inspector was that Policy BE3 remained relevant to the supply of housing in the District but that it ultimately could not be considered to be up to date. Notwithstanding, the inspector dismissed the appeal coming to the following conclusion:

*'The proposed development would compromise the gap between Sutton in Craven and Glusburn and would constitute large scale development beyond the settlement boundary. It would be contrary to Policies BE3 and ENV1 of the Local Plan. Given the lack of a five year supply of deliverable housing sites these policies, which are relevant to the supply of housing in the District, cannot be considered up to date however. In terms of the presumption in favour of sustainable development, I consider that on balance, the adverse impacts in relation to the individual character and identity of the settlements, their overall character and appearance and that of the area generally are sufficient to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.*

### **Housing Land Supply:**

- 4.12 It can be seen from the Council's previous decision (paragraph 2.6) that the issue of housing land supply was not considered to be grounds for refusal of planning permission. Notwithstanding, the main thrust of the NPPF is an overarching presumption in favour of sustainable development. The Framework 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.
- 4.13 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements. The need therefore arises to assess whether or not there have been any changes in respect of this issue that might give cause for the Council to revise its decision to refuse planning permission.
- 4.14 At the time of the previous application (2011) the Council could not demonstrate a deliverable 5 year supply of housing land. Notwithstanding, the conclusion drawn was that the lack of a deliverable 5 year supply of housing land was not grounds to refuse planning permission. This view was supported by the planning inspector who acknowledged that *'the proposed development would make a significant contribution to the overall supply of new housing in the District, a factor to be given substantial weight given the lack of a five year supply of deliverable housing sites'.*
- 4.15 At the time of compiling this report the Council's position on housing land supply has changed. Very recently the Council's Planning Policy team published the November 2016 'Five Year Housing Land Supply Methodology and Report', which is of relevance with respect to making decisions on planning applications for new housing development. The report sets out the latest position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply. However, this position may change as new information becomes available. The stated existence of the Five Year Housing Land Supply is not considered to be a reason by itself to justify dismissing the appeal. It is however a material consideration in the overall planning judgement that can be given some weight.
- 4.16 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the Framework taken as a whole. Whilst emphasising the economic and social benefits of development the NPPF makes it clear that the planning system also has an environmental role. Paragraph 7 of the NPPF emphasises the need to protect and enhance the natural and built environment. Paragraph 17 sets out the core principles including the need to take into account the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
- 4.17 The application site is open pasture that forms an important gap between the settlements of Sutton and Glusburn, a point acknowledged by the planning inspector when reaching his decision on the 2011 planning appeal. It is considered that whilst the reduction in the scale of the proposed development is to be welcomed the overall visual impact and loss of the important

open space would ultimately be harmful and would outweigh any benefits that might accrue such as the contribution to the Council's housing land supply. With regards to the question of housing land supply it is the case that the Council's latest Housing Position Statement has not been subject to any form of examination in public and will be subject to review and could alter as a result. Accordingly, it is not considered that the evidence base is robust enough for the Council to use housing land supply as grounds to refuse planning permission.

**Conclusion:**

- 4.18 In summary, the decision of the Council would rest on whether or not the amendments to the scheme are sufficient to overcome the previous refusal of planning permission. Having regard to the inspector's decision it is officer's opinion that permission should not have been granted and that the reason to refuse, modelled on the planning inspector's decision would be:

*The proposed development would compromise the gap between Sutton in Craven and Glusburn and would constitute large scale development beyond the settlement boundary. It would be contrary to Policies BE3 and ENV1 of the Local Plan. However, in terms of the presumption in favour of sustainable development, on balance, the adverse impacts in relation to the individual character and identity of the settlements, their overall character and appearance and that of the area generally are sufficient to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.*

5 Recommendation

- 5.1 That Members agree that the above report sets out the decision that would have been taken by the Local Planning Authority had the appeal not been made.

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

**GLUSBURN  
32/2016/17488**

*PROPOSED DEVELOPMENT OF THREE NEW DETACHED, TRADITIONAL  
STONE BUILT DWELLINGS (RESUBMISSION OF REFUSED APPLICATION  
REFERENCED 32/2015/16016)*

*3 WHITE ABBEY, GREEN LANE, GLUSBURN.*

APPLICANT NAME: MR M STEAD  
TARGET DECISION DATE: 14/12/2016  
CASE OFFICER: Mark Moore

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**This application has been referred to Planning Committee by Councillor Baxandall as he considers that the amendments to the scheme overcomes previous reasons for refusal.**

1. Site Description

- 1.1 The application site is approximately 0.2 ha in area and lies adjacent to the western side of Green Lane in Glusburn.
- 1.2 The site forms part of an agricultural field that is elevated approximately 1.2 m. above Green Lane and set behind a dry-stone retaining wall. As the site only forms part of the field there is no physical western boundary. The site frontage extends to approximately 75 m.
- 1.3 There are residential properties to the south of the site that are within the development limits. The site itself and the detached property (Yew Cottage) to the north of the site are outside the identified development limit and therefore lie within an area of open countryside as defined in the adopted Local Plan.

2. Proposal

- 2.1 It is proposed to construct three dormer bungalows on the site comprised of one 4 bed and two 3 bed properties. The proposed bungalows would be constructed in stone with blue slate roofs.
- 2.2 The dwellings would be served from a single access that would be located centrally within the site.
- 2.3 This application is a revised re-submission of planning application ref: 32/2015/16016 that was refused planning permission in May 2016 for the following reason:

*'The proposed construction of three dwellings in this semi-rural location would be visually intrusive due to the sites prominent and elevated position and lack of any natural screening resulting in views of the site from Green Lane. In the absence of any exceptional justification for the need of housing in the open countryside the proposal is considered contrary to the requirements of Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the objectives of the National Planning Policy Framework'.*

- 2.4 In order to attempt to overcome the above reason for refusal the current application differs in the following ways:
  - The floor levels of the proposed bungalows have been lowered; house 1 (the northernmost) by 1m, house 2 by 2m and house 3 (the southernmost) by 3.5m.
  - The inclusion of landscaping to the site frontage.
  - Additional supporting information. This comprises a letter from an occupational therapist at Airedale NHS Trust in which the personal circumstances of the intended occupier of house 1, the northernmost property, are set out. In summary, the person for whom the property would be built has severe disabilities and presently lives in accommodation that is difficult for him to access and limits his ability to spend time with his family. House 1 includes accessible ground floor rooms including a bedroom and wet room that accesses into an attached garage

where a motability scooter could be kept. It is understood that this person is directly related to the applicant.

### 3 Planning History

3.1 32/2015/16016: Proposed development of three new traditional, stone built dwellings. Refused May 2016 (see para 2.3 above).

### 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.

H12: Affordable Housing for Local People on Exception Sites.

T2: Road Hierarchy.

#### 4.2 **The National Planning Policy Framework**

#### 4.3 **National Planning Practice Guidance.**

### 5 Parish/Town Council Comments

5.1 **Glusburn and Crosshills Parish Council:** The Parish Council objects to this application:

- The land in question is green pasture land.
- This land should be left as transitional area between the core housing area and the country side.
- Drainage outflow will be into an already inadequate drain, this is also going to be expected to take the outflow from the new build in Green Lane.
- The build density on the site is too tight.
- The Scale on the plans appears to be inconsistent with the Ordnance Survey Land Registry document.
- Another new exit onto Green Lane.
- There are going to be huge problems along Green Lane.

### 6 Consultations

6.1 **NYCC Highways:** No objections subject to the imposition of standard highway conditions.

### 7 Representations

7.1 One representation received on behalf of a resident of 35 Green Lane commenting as follows:

- Excavations needed for the development will undermine garden wall and possibly cause landslip which could endanger the house. Are there safeguards –possibly planning conditions– that could be put in place to prevent this?

### 8 Summary of Principal Planning Issues

8.1 The following report examines the principle of development, visual impact, impact on amenity, highway safety and drainage. The amendments to the plans are dealt with where appropriate.

### 9 Analysis

#### Principle of development:

9.1 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.

9.2 The application site lies outside but adjacent to the existing development limits of Glusburn and therefore is located within an area of open countryside where saved Local Plan Policy ENV1 is



applicable. Policy ENV1 seeks to protect the character and quality of the open countryside in particular by limiting inappropriate or sporadic development. However, the policy does set out some exceptions stating that small scale development would be permitted in the open countryside where it can be demonstrated that it; clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry, or; is essential to the needs of the rural community.

- 9.3 This policy is broadly in accordance with the NPPF which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances.
- 9.4 In this instance, it is accepted that the proposal would provide some economic benefits. However, the development of this agricultural field located outside the settlement limits would not maintain or enhance the landscape character. In addition, no evidence has been provided that the dwellings are essential for the efficient operation of agriculture or forestry or would be essential to the needs of the rural community. As such the proposal fails to fall within any of the exceptions set out in Saved Policy ENV1 and therefore conflicts with the Saved Local Plan Policy.
- 9.5 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.
- 9.6 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that:
- 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'.*
- Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.7 The NPPF states that there are three dimensions to sustainable development economic social and environmental referred to in the NPPF as roles the planning system should perform (para 7). This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.8 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.9 Very recently the Council's Planning Policy team published the November 2016 'Five Year Housing Land Supply Methodology and Report' and this is of some relevance with respect to making decisions on planning applications for new housing development, as is the case here.
- 9.10 The report sets out the most recent position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply. However, whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can demonstrate a 5 year land supply at this stage this position may change as new information becomes available. Members may recall that in May 2015 the latest information indicated that a 5 year supply could be demonstrated, only for the position to change in December 2015 when later information indicated that a 5 year land supply could not be demonstrated. Furthermore the report and the assessment methodology for the housing requirement that is used has not yet been subjected to full independent examination and may be subject to legal challenge.

- 9.11 In Officers opinion, the stated existence of a deliverable Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. Specifically it is only one factor in the overall planning balance that would need to be taken into consideration in the determination of this application. Nonetheless, the question of housing land supply remains a material consideration in the planning judgement that can be given some weight in the overall decision making process.
- 9.12 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental each of which need to be assessed jointly and simultaneously. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a nearby village.
- 9.14 Local Saved Policy H12 is also of some relevance as the policy is supportive of small scale residential schemes, on site which would not otherwise be released for housing subject to meet a set criterion, including that any proposal would provide 100% affordable accommodation. In this instance, the proposed dwellings would deliver market/family accommodation including one specifically designed to meet the needs of a disabled person. As such the proposal fails to meet the requirements of Saved Local Plan Policy H12 as it is not proposing 100% affordable accommodation.
- 9.15 With regards to the three dimensions of sustainable development it is accepted that the proposal would provide some economic benefits during the construction stage and from potential future occupiers of these dwellings as they access facilities and services. Whilst it is accepted that the provision of housing would help towards supporting the local community the lack of providing affordable housing upon this site, fails to make a better contribution to the social dimension of sustainable development.
- 9.16 With regards to the environmental dimension of sustainable development paragraph 17 of the NPPF states that plan making and decision taking:
- ‘should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside whilst actively managing patterns of growth’.*
- 9.18 In terms of the principle of development the current application differs from the previous submission in only one way i.e. that a supporting letter has been submitted that states there is a specific need for the proposed bungalow which is to be adapted to meet the needs of a disabled person. Notwithstanding this it is the case that personal circumstances should not inform planning decisions and in this instance the application seeks approval for two additional properties for which no such justification exists. Taken overall, it is not considered that the additional information is sufficient to overcome the Councils previous reason for refusal and that consequently the proposal remains unacceptable in principle.
- 9.19 For reasons outlined above it is considered that the proposed development is contrary to Saved Local Plan Policy ENV1 and the aims and to the objectives of the NPPF and is therefore not considered to be acceptable in principle.

Visual impact of the development:

- 9.19 Section 7 of the NPPF sets out the importance of good design. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The Framework also states that development should respond to local character and history and reflect the identity of local surroundings and materials. Whilst the Framework advises that local planning authorities should consider using design codes it also advises against imposing architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through requirements to conform to certain development forms or styles.
- 9.20 Section 11 of the NPPF also sets out guidance to ensure that the planning system contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes. The site was designated in the Local Plan as a special landscape area although the specific policy protection under that policy (ENV4) was not ‘saved. Notwithstanding, that

does not diminish the quality of the landscape and policy ENV2 still requires an assessment to be made on the impact of the development on the landscape.

- 9.21 The proposal is seeking to construct three detached dwellings including off-street parking and garaging. It is acknowledged that the applicant has strived to achieve a well-designed development and in particular the proposed revisions which comprise reducing the height of the individual properties and incorporation of landscaping across the site frontage are potentially improvements on the original proposals. However, no specific details of the proposed landscaping have been submitted for consideration and it is unclear how the grading of the site would actually be accommodated i.e. site sections have been provided but the individual house plans detail level sites and it is clear the properties would need to be built on plinths of some kind.
- 9.22 It is accepted that the details referred to above could be covered by planning conditions if necessary but the issue here is whether or not the revised details have overcome the reason for refusal of the previous application. It is considered that the loss of openness and the continuity of development on this site would diminish the contrast between the built-up part of the village and the open rural space that forms an important part of its character and transitional nature. Furthermore, due to the open views of the site the proposed development of this site would form a noticeable built intrusion into the open rural countryside when viewed from Green Lane.
- 9.23 In conclusion, it is considered that the proposed development would be visually intrusive and fails to meet the requirements of both Saved Policy ENV2 of the Local Plan and the aims and objectives of the NPPF which seeks to ensure development contributes to and enhances the natural environment.

#### Highway issues:

- 9.24 Saved Policy T2 is permissive of development proposal that are appropriate to the highway network where, amongst other things, it does not generate traffic in excess of the highway network or any new or greater use of an access onto a primary, district or local distributor road, is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.25 Although local residents have raised concerns about traffic /highway issues the Highway Authority has been consulted on this development proposal and has raised no objections to the revised plans subject to conditions. Accordingly, it is not considered that the application is unacceptable in highway safety terms.

#### Drainage:

- 9.26 Local concern has been expressed about drainage and flooding but taking into account the advice from the County Council (set out in paragraph 6.2 of the report for planning application ref: 32/2015/16016) and the fact that this is an application for only three dwellings it is not considered that there would be any justification to refuse planning permission on these grounds.

#### Conclusions:

- 9.27 In conclusion, whilst it is accepted that the proposal would provide economic and some limited social benefits, the NPPF is clear in paragraph 8 that the 3 roles of sustainability should not be taken in isolation, because they are mutually dependent. Therefore, in the absence of any exceptional circumstances for the construction of the proposed three dwellings in the open countryside combined with the fact that the proposal, through the consolidation of inappropriate ribbon development, conflicts with the environmental role as it fails to contribute or enhance the area. The revisions to the proposal have been considered carefully but notwithstanding the proposed amendments it is considered that the proposal would not result in sustainable development and therefore cannot be granted planning permission.

## 10. Recommendation

- 10.1 That planning permission is refused for the following reason:

### Reason for Refusal

1. The proposed construction of three dwellings in this location outside of development limits would be visually intrusive as the site is a prominent transitional location on the edge of the settlement and would be subject to views from Green Lane which would substantially alter its rural character. This, combined with the absence of any exceptional planning justification for the need of housing in the open countryside, means that the proposal is considered contrary to the requirements of Saved Policy ENV1 of the Craven ( District (outside the Yorkshire Dales National Park) Local Plan and the objectives of the National Planning Policy Framework.

### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form.

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

**EMBSAY W EASTBY  
26/2016/17630**

**NON-MATERIAL AMENDMENT TO PLANNING CONDITION 5 (RELATING  
TO AFFORDABLE HOUSING) OF PLANNING APPEAL REFERENCE  
APP/C2708/W/16/3144209 (CDC REF 26/2015/16037) FOR 9 DWELLINGS**

**LAND TO THE EAST OF LAUREL CROFT, EMBSAY.**

**APPLICANT NAME: MR M, J & R BROOKSBANK**

**TARGET DECISION DATE: 06/01/2017**

**CASE OFFICER: Mark Moore**

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**This application is referred to the Committee as it relates to an application for housing that was previously determined at Planning Committee. The proposal seeks a variation of the wording of a planning condition attached to the planning permission.**

1. Site Description

- 1.1 The application site comprises an approximately 0.21ha area of land located on the eastern side of Laurel Croft, Embsay.
- 1.2 The site falls in level from south to north and adjoins Embsay Village Hall to the north. To the east the site is bounded by a distinctive double row of planting that runs through the centre of a larger, enclosed area of undeveloped land that partially fronts onto Main Street.
- 1.3 Public views of the site are limited to the views from the junction of Laurel Croft onto Main Street and from Laurel Croft which is a cul-de-sac that has sheltered housing located on its western side.
- 1.4 The site is entirely grassed over and partially enclosed by dry stone walling and the boundaries are defined by stone walling.
- 1.5 The site is located within Development Limits and the Embsay Conservation Area. The boundary with the Yorkshire Dales National Park lies on the opposite side of Main Street to the north of the site.

**Officer note:** The application site forms part of a larger area defined as an important open space under Policy BE1 of the Local Plan. However, this is not a saved policy.

- 1.6 A Grade II listed war memorial is located within a small publicly accessible area that lies to the east of the village hall facing onto Main Street.
- 1.7 To the east (rear) of the site there is a double row of trees that line either side of a disused (and overgrown) access/driveway. Although not individually protected the trees are protected by virtue of their location with the Embsay conservation area.
- 1.8 The site lies within the outer consultation zone (400m) of the Nether Kellet gas pipeline.

**Officer note:** The planning permission to which this application relates is for the construction of 9 dwellings. The application was refused at planning committee in September 2015 and was subsequently granted on appeal in November 2016.

2. Proposal

- 2.1 To amend condition 5 of planning permission ref: 26/2015/16037.
- 2.2 Condition 5 reads as follows:

*'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 and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;*
- (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;*
- (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'.*

- 2.3 The amendment to the condition that is now sought is the variation of clause (i) to read as follows:

*'the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units, unless otherwise agreed with the local planning authority following an assessment of financial viability'.*

- 2.4 It is argued by the developer that the variation sought would be consistent with the Council's most recent published guidance 'Negotiating Affordable Housing Contributions' (August 2016). The crucial difference with the proposed variation of the wording of condition 5 is that it would allow for the provision of 40% affordable housing on the site or a lesser contribution if it is demonstrated that 40% would not be financially viable. The wording of the condition as it currently appears would not allow for a reduction in the affordable housing contribution and would not be consistent with the Council's current guidance.

### 3. Planning History

- 3.1 26/2005/5348: Tree Works – Clean through two parallel hedge lines of principally Beech, to remove dead/stunted trees, light crown lift to 3 metres & clear away from overhead telephone lines. Removal of no more than 25% of the trees, and no reduction of height of the trees retained. Approved June 2005.
- 3.2 26/2014/14631: Construction of 21 dwellings and new access. Refused September 2014 for the following reasons:
  - 1. *The proposed development would lead to an increase in the number of vehicles using the junction of Laurel Croft with Main Street where clear visibility of 60m cannot be achieved along the public highway (Main Street) in a westerly direction from a point 2m from the carriageway edge measured down the centre line of Laurel Croft and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*

2. *S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*
- 3.3 26/2014/15324: Construction of 14 no. dwellings and new access (resubmission of refused application 26/2014/14631). Refused February 2015 for the following reasons:
  1. *The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This highway safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*
  2. *S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*
- 3.4 26/2015/16037: Outline application with some matters reserved for the erection of 9 no. dwellings. Refused September 2015 for the following reasons:
  1. *The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2m metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*
  2. *S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*

This application was subsequently granted planning permission in November 2016 following an appeal

#### 4 Planning Policy Background

##### 4.1 **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: -

H4: Residential Development within the Development Limits of Villages.

ENV10: Protection of Trees & Woodland.

T2: Road Hierarchy.

Craven District Council : 'Negotiating Affordable Housing Contributions' .(August 2016).

##### 4.2 **National Planning Policy Framework (NPPF)**

#### 4.3 **National Planning Policy Guidance (nPPG)**

#### 5 Parish/Town Council Comments

**5.1 Embsay Parish Council:** Due to the nature of the application the Parish Council were not consulted.

#### 6 Consultations

**6.1 CDC Strategic Housing:** Strategic Housing has no objection to the proposed variation to the wording of the affordable housing condition. The condition requires a scheme for affordable housing which will include 40% affordable housing subject to viability or where this is not viable, such lesser provision to be determined following submission of a financial viability appraisal. This is in accordance with national and local planning guidance.

#### 7 Representations

7.1 None.

#### 8 Summary of Principal Planning Issues

8.1 Whether the proposed amendment to the wording of condition 5 of planning permission ref: 26/2015/16037 is acceptable or not.

#### 9 Analysis

9.1 It is clear that the route by which the planning permission was granted, i.e. on appeal in November 2016 shortly after publication of the Council's (revised) guidance 'Negotiating Affordable Housing Contributions' in August 2016, that the wording of the extant planning condition is not consistent with the most recent version contained in the published guidance.

9.2 The guidance sets out the Council's interim approach to negotiating affordable housing contributions and, whilst not a development plan policy, the latest version is an amendment to the original document that was adopted for development control purposes by the planning committee on 29<sup>th</sup> May 2012.

9.3 Within the revised interim guidance there is a recommendation on page 12 for a model planning condition relating to affordable housing contributions. That condition is as follows:

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

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than X% 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).

9.4 The fundamental difference between the condition as it exists on the planning permission and the latest recommended wording above is that the most up to date version allows for a



reduction in the provision of affordable housing if it can be satisfactorily demonstrated that 40% would not be financially viable. This is reflected in the wording of item (i).above.

- 9.5 It is considered that the request for the amended wording of condition 5 is entirely reasonable as it is consistent with the Council's own guidance. The variation whilst allowing for a reduction in the affordable housing contribution on the application site does not mean that such a reduction would be allowed as it would still be necessary for the applicant to submit a Financial Viability Appraisal which would then need to be independently assessed.

## 10 Recommendation

- 10.1 That the proposed non-material amendment comprising variation of the wording of condition 5 of planning permission ref: 26/2015/16037 be allowed and shall read as follows:

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

- i the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than X% 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 and the 2015 North Yorkshire Strategic Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

### **Informative:**

This non-material amendment relates to variation of the wording of condition 5 of planning permission ref: 26/2015/16037 only. The conditions attached to that planning permission as set out in the appeal decision ref: APP/C2708/W/16/3144209 are still applicable and must be complied with.

### **Statement of Positive Engagement:** -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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

*HELLFLD & LNG P  
42/2016/17564*

*PROPOSED AMENDED LAYOUT FOR THE 53 STATIC CARAVANS ON  
PART OF PHASE II GALLABER CARAVAN PARK ALTERATING THE  
PREVIOUSLY APPROVED LAYOUT UNDER REFERENCES 52/2001/1221 &  
52/2002/2318 TO 51 STATIC CARAVANS*

*GALLABER PARK, GALLABER, LONG PRESTON.*

APPLICANT NAME: THORNLEY LEISURE

TARGET DECISION DATE: 14/02/2017

CASE OFFICER: Mark Moore

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**This application is referred as it seeks alterations to a site that was originally subject to a planning permission determined by the Planning Committee.**

1. Site Description

- 1.1 The application site comprises the northernmost part of Gallaber Park Caravan site which is a touring/static caravan park situated to the west of Hellfield between the A65 and A682 Long Preston to Gisburn Road.
- 1.2 The site lies within the Long Preston conservation area and is also within an area identified as a Tourism Development Opportunity Site under saved Policy EMP11 of the adopted Local Plan.

2. Proposal

- 2.1 Permission is sought to amend the layout of the northernmost part of the site which has extant planning permission under planning permission refs: 52/2001/1221 and 52/2002/2318. The proposed amendment is very specific in that it seeks approval for siting of 51 static caravans.
- 2.2 The site forms part of an area of the caravan park that was identified as phase II and which in total had approval for the siting of 220 caravan pitches under the original planning permissions granted in 1996 (Ref: 5/52/131) and 2000 (Ref: 52/2000/170).
- 2.3 In 2001 permission was granted for details of the proposed peripheral landscaping (Ref: 52/2001/1221). It was intended at that time to submit a further application for details of the internal road, pitch layout and internal landscaping once the peripheral landscaping had become established.
- 2.4 The later 2002 application (Ref: 52/2002/2318) granted planning permission for an amendment to the 2001 permission comprised of a new toilet/shower block, machinery store and details of the layout of the touring section of the park. In addition permission was granted to vary planning conditions attached to the 2001 approval to extend the occupancy period of caravans on the site.  
**Officer note:** Subsequent officer reports and a Statement of Common Ground and appeal decision (Ref: APP/C2708/A/10/2121326) all confirm that the application site has planning permission for siting of 53 static caravans.
- 2.5 The current planning application seeks to vary the layout of the northernmost part of the park which would allow for two points of vehicle entry into the northern site as opposed to a single entry point under previous permissions and to reduce the overall number of static caravans from 53 to 51. The proposed additional access point will require removal of a tree from within the site.

- 2.6 In a supporting statement the applicant's agent comments that the additional site entrance (from the existing caravan park) will improve traffic flow and increase safety. The reconfiguration will also allow for individual parking spaces thereby taking vehicles off the shared access roads.
- 2.7 The proposed revised layout includes details of landscaping within the site. There is no intention to undertake any works to the existing bunding and landscaping that has been undertaken.

**Officer note:** There has been a history of enforcement complaints into the implementation of landscaping across the Gallaber Park site. At the time of compiling this report there are no outstanding enforcement investigations into this particular matter.

### 3 Planning History

- 3.1 The following is the planning history for the entire caravan park.
- 3.2 5/52/131/A: (land to the north of the application site): Change of use of caravan park comprising touring and static vans, at Gallaber Farm, Hellifield - conditional planning permission granted 18<sup>th</sup> March 1996.
- 3.3 52/2000/170 (land to the north of the application site): Use of land as a holiday caravan park and construction of a new access granted August 2000.
- 3.4 52/2001/1221: Planning permission for phase 2 of caravan site granted September 2001.
- 3.5 52/2001/1739: Change of use of land to caravan storage compound and general purpose store building refused February 2002.
- 3.6 52/2002/2024: Change of use of land to Recreation, Sports and Amenity Area Ancillary to Gallaber Caravan Site. Granted May 2002.
- 3.7 52/2002/2317: Amendments to approved caravan park (ref. 52/2000/170) to re-site/redesign the proposed reception building and incorporate site managers accommodation and parking spaces. Approved September 2002.
- 3.8 52/2002/2318: Amendments to Phase II of caravan park (ref. 52/2001/1221) to erect new toilet/shower block building incorporating a storage area for machinery used to maintain the site; and to identify the layout of the touring caravan section of the park. Granted September 2002.
- 3.9 52/2006/6717: Amendment to approved Caravan Park Permission (Ref 52/2002/2317) to allow one static caravan on site to be the permanent residence for a worker for 12 months of the year (Variation of Condition No. 4). Approved November 2006.
- 3.10 52/2008/8291: Extension of caravan park and alterations to existing approved site layout. Approved March 2008.
- 3.11 52/2009/9332: Extension of caravan park and alterations to site layout. Re submission of 52/2008/8291. Refused July 2009 and subsequently dismissed on appeal November 2010.
- 3.12 52/2016/17132: Application for variation of condition 3 of planning permission Ref: 52/2002/2318 dated 19 September 2002 to allow for touring caravans to be on site between 1st March and 14th January in the following year. Approved November 2016.

### 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.

T2: Road Hierarchy

EMP11: Tourist Development Opportunity Sites.

EMP16: Static Caravans and Chalets.

EMP17: Camping and Touring Caravan Sites.

## 4.2 The National Planning Policy Framework

### 4.3 National Planning Practice Guidance.

#### 5 Parish/Town Council Comments

5.1 Both Hellifield and Long Preston Parish Councils were consulted on 29<sup>th</sup> November 2016. No comments have been received in response to those consultations at the time of compiling this report.

#### 6 Consultations

6.1 **CDC Environmental Health:** No objections but recommend that the times of any construction works are limited in order to avoid causing a nuisance to the residents of nearby properties.

6.2 **CDC Tree Officer:** It is proposed to remove one small tree to allow the construction of an access track on the site. The tree is small and the site is very well screened with bunding and extensive tree planting; consequently, the loss of this small tree is not significant. Mitigating replacement planting is proposed on drawing EA5309-01 which should be required to be implemented in the planning permission.  
No objection.

6.2 **NYCC Highways:** No objections.

6.3 **NYCC SuDS Officer:** No objections.

6.4 **Historic England:** The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

#### 7 Representations

7.1 There are 9 responses (including comments from the Campaign to Protect Rural England and Save our Craven Countryside) that raise objections to the proposal. The comments are summarised as follows:

- At the previous planning appeal the inspector highlighted that the expansion of Gallaber Park would adversely impact upon the Long Preston conservation area and the listed Bendgate House.
- Area is very visible and mobile homes would have detrimental visual impact.
- Touring caravans can now remain on site for longer periods and this has an adverse impact on the area as the site is not well screened and for 6 months of the year there are no leaves on the trees.
- People of the area should not have their living rights taken away by this ever moving Trojan horse disguised as a Tourist Development Opportunity site.
- Site is large enough and there is no need for it to expand further.
- There is another application for a holiday park on opposite side of A65. Area cannot cope with any more holiday homes.
- No EIA has been undertaken and should have been when site was first approved.

- Changes to screening have been agreed by the LPA without consultation with interested and/or affected parties.

**Officer note:** This is an application to amend the site layout for part of the site that has extant planning permission. There is no requirement for either screening or EIA and therefore the above comments are of no relevance.

- Historic England has not been consulted on the impacts on the conservation area and nearby listed building.

**Officer note:** Historic England has been consulted and has raised no objections to the proposal.

- Failure to implement saved Policy EMP11 restricting tourism development opportunities to Class D1 (non-residential use).

**Officer note:** Saved Local Plan Policy EMP11 is of no relevance to the consideration of this application and does not in any case limit development within the identified Tourism Development Opportunities areas to only one use class.

- Draft policy ENV2 Heritage in the emerging Local Plan requires that development should not adversely affect designated heritage assets or the character and appearance of a conservation area.
- Site is not well screened as required under Saved Local Plan Policy EMP16 'Static Caravans and Chalets' nor is it in context with its surroundings nor does it have adequate landscaping.
- Site does not have access to footpaths contrary to EMP16.
- Existing park already has adverse impacts on residents of Bendgate House from noise and light pollution contrary to EMP16.
- The local road network cannot accommodate the traffic generated by the development and there are only limited bus and train services contrary to EMP16.
- Further expansion of Gallaber Park will adversely impact on local wildlife and SSSI's.
- For reasons set out above the proposal will be contrary to NPPF policy and guidance in that it affects the intrinsic character and beauty of the countryside, will not conserve heritage assets, would harm the setting of the YDNPA.
- Hedgerows, trees and dry-stone walls have been removed from the site and there should be an investigation into this.
- Location of holiday cabins close to ponds represents a health and safety issue.

For the purposes of this report the above is a summary of the third party representations only. The comments can be read in full on the Council's website.

## 8 Summary of Principal Planning Issues

- 8.1 The effects of the proposal to alter the layout and reduce the number of caravans at the northernmost part of the site.

## 9 Analysis

- 9.1 The application relates to the northernmost part of the Gallaber Park site which has extant planning permissions. Although not presently developed the site has permission for the siting of 53 static caravans.
- 9.2 The application seeks to revise the layout by re-configuring the internal accesses to create two points of entry into the northern part of the site. This revision would include a

general re-arrangement of the caravan plots in the undeveloped part of the site such that there would be a reduction in the overall number from 53 static caravans to 51. In terms of the layout the revision would reduce the number of caravans at the western end of the site but would not be a significant departure from the approved scheme.

- 9.3 The proposals include landscaping throughout the site which has been considered by the Council's Tree Officer who has no objections and considers the proposed tree removal to be acceptable.
- 9.4 The location of the site within the Long Preston Conservation Area and in proximity to the Grade II listed Bendgate House are material considerations as are the location of the site in open countryside. However, given the previous decision of the Council to grant planning permission for the site it is only the effects of the proposed changes to that approved scheme that can now be taken into consideration.
- 9.5 The proposed general layout would not differ to the previously approved scheme to any significant extent and arguably is preferable in planning terms due to the reduction in the overall number of static caravans.
- 9.6 It is not considered that the proposed revisions raise any planning issues or adverse impacts that would warrant refusal of planning permission.

**Officer note:** It is clear that a number of the objections that have been raised by third parties as summarised in paragraph 7.1 above are based upon a misunderstanding of the application which is for an amendment to the layout and a reduction in the overall number of static caravans. Moreover the proposal does not seek an expansion of the site. It is the case that the site has extant planning permission and the principle of the establishment of the caravan park is not a matter for consideration as part of this application. For these reasons many of the comments of the objectors, particularly those that relate to the Council's previous decision to grant permission for the caravan park, are not relevant to the determination of this planning application.

## 10 Recommendation

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

### Conditions

1. The development shall not be carried out other than wholly in accordance with the following :
- Drawing no: EA 5309-01 received by the local planning authority on 15<sup>th</sup> November 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.

2. The external surfaces of all static caravans on the site shall be painted in accordance with a range of colours which have previously been approved in writing by Craven District Council. The caravans shall be retained in those approved colours thereafter.

Reason: In the interests of visual amenity.

3. No static caravan on the site shall be occupied at any time as a place of permanent residence, or occupied by any person or group of persons during the period from the 14<sup>th</sup> January to the 1<sup>st</sup> March in any year.

Reason: The site is in a location where the residential use of caravans would not normally be permitted and the permission hereby granted is therefore restricted to allow short-term holiday use only.

4. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with Craven District Council.
5. If within a period of 5 years from the date of the planting of any tree, shrub or hedgerow (hereinafter called a "tree") that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of Craven District Council, seriously damaged or defective, another tree of the same species and size as that originally planted at the same place, unless Craven District Council gives its written consent to any variation.

Reason: To ensure effective landscape works are carried out and maintained in order to mitigate the impact of the development hereby permitted on the character and appearance of the rural locality.

6. The operating times for any construction works associated with the development shall be limited to:
  - 8:00am to 6:00pm Monday to Friday
  - 8:00am to 1:00pm Saturday
  - No Sunday or Bank Holiday working.

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

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

Discharge of Condition(s)

1. With regard to Condition Nos. 2 and 4 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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

GARGRAVE&  
MALHAM  
30/2016/17586

DEMOLITION OF EXISTING GARAGE AND STABLES AND  
CONSTRUCTION OF 2 NO. 2 BEDROOM COTTAGES AND CAR SPACES

ADJACENT 27 HIGH STREET, GARGRAVE.

APPLICANT NAME: MR CHRIS WILD  
TARGET DECISION DATE: 31/01/2017  
CASE OFFICER: Andrea Muscroft

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**The application is referred to Planning Committee by Councillor Sutcliffe due to the level of public interest.**

1. Site Description

- 1.1 The application relates to the rear amenity/garden area associated with No. 27 High Street, Gargrave. Currently on there is a large detached garage and separate stable block. The site boundaries comprise of timber/metal fencing along the south west and south east boundaries and a stone wall along the north east boundary separating the site from the Co-op that lies beyond.
- 1.2 The application site is located within the development limits and conservation area of Gargrave.

2 Proposal

- 2.1 The proposal is seeking consent for the demolition of existing garage and stables and the construction of 2no. two bedroom cottages with associated off street car parking. The accommodation is proposed for family members as ancillary accommodation and would remain as one planning unit.
- 2.2 The proposal would also include the construction of a shed to the far left hand corner of the site.
- 2.3 The proposed dwellings would measure approximately 15m x 6.4m with a maximum height of 6.5m falling to 4.8m at the eaves.
- 2.4 The proposed materials comprise of coursed stone at ground level with off white render above at first floor level. Windows and doors surrounds would comprise of sawn stone surrounds with painted timber frames and doors. The roof would be blue slate with photo voltaic panels.

3 Planning History

- 3.1 5/30/334 Upvc Conservatory, Refused 19 October 1992.
- 3.2 5/30/334/A Sun lounge extension, Unconditional approval 21 December 1992.
- 3.3 30/2000/0181 – Dining Room – Approved April 2000.

4 Planning Policy Background

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



## 5 Parish/Town Council Comments

### 5.1 **Gargrave Parish Council:** Object to the proposal on the following grounds.

- Inappropriate over development of the site.
- Proposed external materials would detract and downgrade the quality of the area.
- Concern over highway safety given the interest in traffic using this entrance.

## 6 Consultations

### 6.1 **CDC Contamination Land Team:** No known contaminated land implications regarding this site.

### 6.2 **CDC Environmental Protection Team:** No objection.

### 6.3 **NYCC Foot Path Officer:** No objection but have recommended an informative to advise the applicant/developer of the site to contact NYCC Access and Public Rights team to obtain up-to-date information or discuss any proposals for altering the route.

### 6.4 **NYCC Heritage Services:** No objections subject to the use of conditions to secure archaeological monitoring during the ground disturbing works.

### 6.5 **NYCC Highways Authority:** No objections subject to the use of appropriate conditions.

## 7 Representations

### 7.1 The proposal was published in the Craven Herald on the 22<sup>nd</sup> December 2016 and a Site Notice was posted adjacent to the site on the 23<sup>rd</sup> December 2016. Notification letters were also circulated to neighbouring properties as a consequence of the publicity the Council have received two letters of representations. Comments summarised below:

#### 7.2 **Visual impact.**

- Concern over the potential impact on the character and appearance of the conservation area.
- Proposed design and use of materials are not in keeping with the character of the conservation area.

#### 7.3 **Impact on listed buildings.**

- Proposal would detract from the adjacent Grade II listed buildings.

#### 7.4 **Amenity issues**

- Concern over the potential overlooking and loss of natural light.

#### 7.5 **Other issues**

- Proposal would devalue my property.

## 8 Summary of Principal Planning Issues

### 8.1 **Principle of development.**

### 8.2 **Visual impact of development.**

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

### 8.4 **Highway issues.**

### 8.5 **Other issues.**

## 9 Analysis

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

- 9.2 The application site lies within the development limits of Gargrave and therefore Saved Policy H3 applies. Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises subject to meeting a set criteria. These include that new development will not result in the loss or damage to spaces identified as important to the settlement character; would not result in the loss of land of recreation or amenity value such as parks, playing fields, playgrounds, informal open space or allotments. These are general planning considerations, broadly in line with the NPPF.
- 9.3 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.4 The NPPF states that there are three dimensions to sustainable development economic social and environmental referred to in the NPPF as roles the planning system should perform (para 7). This guidance reaffirms that it is the Governments clear expectations that LPA's 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.
- 9.5 One key objective of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.6 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council's five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.7 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a village nearby.
- 9.8 In this instance the proposal would comprise of a small scale form of development within the development limits of Gargrave with good connections to services and facilities including existing public transport links to the nearby centres of Skipton Settle and Ingleton. Consequently it is considered that the proposal accords with the aims of both national and local planning policies in terms of being located within a sustainable location.

- 9.9 The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental. It is recognised that the proposed development of this site would provide some economic benefits associated with new housing development including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.10 Turning to the environmental dimension of sustainable development it is acknowledged that the site would result in the development of the rear garden and amenity area associated with No. 27 High Street. This form of development in this location is preferable to new residential development in open countryside. Gardens would not constitute the use of previously developed land as prescribed by the NPPF and therefore; the site would not be a priority for development. However, the NPPF does not preclude the development of such land subject to other policy considerations including Policy H3 of the Craven District Local Plan which requires that development does not result in any loss of or damage to spaces identified as important to the settlement character. In this instance, whilst the site is not neglected, derelict or under used parcel of land, it is considered that the positive contribution that the dwelling would make to the local housing outweigh any adverse impacts in terms of loss of garden area and is therefore considered acceptable.
- 9.11 In conclusion, the application site is within recognised development limits of Gargrave, as defined by the 1999 Local Plan. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.
- 9.12 Visual impact of development and impact on the surrounding conservation area and adjacent heritage assets.**
- 9.13 Local Policy H3 also states that development should not damage the character and amenity of existing residential area.
- 9.14 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.15 Paragraph 132 of the NPPF advises LPA's that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 133 expands on this stating that were proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, LPA's should refuse consent. However, paragraph 134 also states that where a development would lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal.
- 9.16 The site currently comprises of a large stable block with separate garage unit enclosed by a stone boundary wall along the northeast boundary and timber fencing along the southeast and southwest boundaries. Located to the southwest, south and south east are residential dwellings with further residential dwellings to the north beyond the Co-op and the High Street.

- 9.17 The proposal seeks to demolish these buildings on site and construct a single pair of semi-detached dwellings. The proposed dwellings would be two storey thus reflecting the scale of the majority of buildings within the surrounding area. Similarly, the basic form of the dwellings with their relatively narrow gable width and low
- 9.18 Turning to the detailing of the proposed dwellings, it is acknowledged that the majority of dwellings within the surrounding area reflect a strong tradition of simple but robust dwellings, constructed from local materials. Although, there are a number of more individual buildings situated within close proximity to the application site, it is this mixture which makes a positive contribution to the character and appearance of the designated conservation area.
- 9.19 In this instance, the proposed dwellings would reflect the basic form and scale of the adjacent dwellings in terms of their length, height and depth and also roof form. Similarly, the eaves have been lowered resulting in rooms at first floor being partly within the roof space a feature common within the surrounding area. Notwithstanding this, the proposed detailing of the dwellings is one of a more modern design approach that is similar to newer development within the village of Gargrave.
- 9.20 Whilst the proposed dwellings would not be totally constructed from the same palette of materials used traditionally in the area, the proposed materials are considered to be of high quality and would not result in any visual harm. Furthermore, whilst the proposal would include the use of off white render it was noted that there are a number of buildings within the immediate area which have been painted (differing shades of off white) notably a property directly to the southeast of the site (No. 25 South Street) and the rear elevations of properties to the southwest of the site that front onto the High Street. As such, given the proposals location, screened from public views by existing buildings it is not considered that the use of these materials would not result in any visual harm to the existing street scene or the wider conservation area of Gargrave.
- 9.21 Located to the southwest of the site is a Grade II listed building (18 & 25 South Street). It is acknowledged that the proposed dwellings would fall within the setting of this listed building. However, it is not considered that the proposed dwellings would negatively impact on the setting of this listed building or result in any unacceptable harm to the significance of this building.
- 9.22 In conclusion, it is considered that the proposal to develop this parcel of land for residential development would be achieved without any unacceptable visual harm to the existing character of the area or the designated conservation area. It is therefore considered that the proposal meets the aims of Saved Policy H3 of the Local Plan and the aims and objectives of the NPPF.
- 9.23 Impact of development on the amenity of neighbouring properties.**
- 9.24 One of the core planning principles of the NPPF is that all developments should provide a good standard of amenity for all existing and future occupants of land and buildings.
- 9.25 The nearest dwellings outside of the ownership of the applicant is a building identified is St Andrews Court (No's 1-4) a building that has been divided into apartments. This building is located to the southwest of the application site at a separation distance of approx. 7m. Notwithstanding this separation distance, it is considered that due to the orientation between the proposed development and the existing building that the occupiers of this building would not experience any unacceptable loss of privacy. Similarly, the proposal would not result in any unacceptable loss of natural light or appear overtly dominant when viewed from the habitable rooms of this building.

- 9.26 The next nearest dwellings to the application site are located to the southeast (No. 18 & 25 South Street a Grade II listed building) at a separation distance of approximately 12m >13m. It is acknowledged that at ground floor level the proposal would introduce windows and doors to serve the living room areas and kitchen area for one of the dwellings. However, whilst there exists a 2m timber fence along the rear boundary of these properties the proposal also seeks to construct a 2m high gap board fence along the southeast boundary to the application site. As such it is considered that the introduction of window/door openings at ground floor level would not result in any unacceptable loss of privacy. At first floor level the proposal would see the introduction of two windows to serve the family bathrooms. These windows would be obscured glazed and as such would not result in any unacceptable loss of privacy to the habitable rooms or private amenity areas of these properties. With regards to overshadowing the proposed dwellings would be located to the north of these dwellings. It is acknowledged that these properties already experience some level of overshadowing as a consequence of St Andrews Court (No's 1 – 4). However, in this instance due to the proposed dwellings located to the north it is considered that there would not be any unacceptable overshadowing sufficient to withhold consent. Similarly, given the scale of the dwellings they would not appear overtly dominant or overbearing when viewed from the habitable rooms or private amenity areas of these dwellings.
- 9.27 The next nearest dwelling is located to the west of the site (No. 31 High Street) at a separation distance of approximately 15m. However, due to the separation distance, combined with the orientation of this dwelling and the application site it is not considered that the proposal would have a negative impact on the privacy or amenity of the occupants of this dwelling.
- 9.28 It is acknowledged that the proposal would see the introduction of windows to the side gables that front towards the Co-op and the amenity areas of adjacent dwellings to the east. However, it is noted that mutual overlooking does already take place from windows to the rear of these properties. Therefore it is considered that the proposal would not result in an unacceptable loss of privacy.
- 9.29 The submitted drawings show that the proposed dwellings would provide sufficient residential accommodation to meet the needs of any future occupiers of these dwellings. The dwellings would be in close proximity (approximately 10 m.) to the existing property and would have shared amenity space. In Officer's opinion that arrangement is only acceptable if the dwellings remain as one planning unit and could be conditioned accordingly.
- 9.30 It is therefore considered that the proposal would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It therefore meets the aims and objectives of the NPPF that seeks to ensure a high quality of amenity for all existing and future occupiers of development.
- 9.31 **Highway issues.**
- 9.32 Saved Local Policy T2 is permissive of development subject to the proposal being appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.

- 9.33 Section 4 of the NPPF contains guidance on transport and land use planning, including promoting sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF also advises that ‘development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe’.
- 9.34 The proposal would utilise the existing vehicle access that serves No. 27 and provide 3 off street parking spaces. It is acknowledged that as a consequence of the development there would be a reduction in the level of off street parking than currently experienced. However, the proposal would still provide a level of street parking to serve the existing and proposed dwellings. As such it is considered that the proposal is not contrary to the requirements of Saved Policy T2. NYCC Highways have been consulted and have raised no objection to the proposal on the grounds of highway safety.
- 9.35 In conclusion, it is considered that the proposed development would not have a negative impact on highway safety and therefore is considered acceptable.

9.36 **Other issues.**

- 9.37 Comments expressed in relation to the proposal resulting in a loss of value to their property are noted. However, this is not a material planning consideration.

**9.38 Conclusion**

- 9.39 Paragraph 14 of the NPPF advises that LPA’s should be ‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*

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

10 Recommendation

- 10.1 To grant consent subject to the following conditions.

Conditions

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

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

2. The approved plans comprise Plan Number

- 2682 received on the 24<sup>th</sup> November 2016
- Plan showing the tree protection measures received by the Local Planning Authority on the 6<sup>th</sup> December 2016.

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

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

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

3. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials, colour and finish to be used on the external elevations shall be 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 interest of the visual amenity of the area.

4. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
  1. The programme and methodology of site investigation and recording.
  2. The programme for post investigation assessment.
  3. Provision to be made for analysis of the site investigation and recording.
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  5. Provision to be made for archive deposition of the analysis and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
5. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition **4**
6. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **4** and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason for conditions 4 – 6:** In order to provide a reasonable opportunity to record the history of the site.

7. The occupancy of the dwellings hereby approved shall be limited to ancillary accommodation only and not independently let or sold off from No. 27 High Street, Gargrave.

**Reason:** To safeguard residential amenity.

8. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, fencing shall be erected in accordance with BS5837:2012 'Trees in Relation to Construction' around the beech tree located in the far right hand corner of the application site identified on plan received on the 6<sup>th</sup> December 2016. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

**Reason:** To ensure the protection of the trees during the carrying out of the development.

9. The external finish of the solar panels shall be dark grey or black, with no silver or light coloured edging or detailing which would contrast with the roof.

**Reason:** In the interests of the amenities of the area, which forms part of Gargrave Conservation Area.

10. The solar panels and associated infrastructure hereby permitted shall be removed from the application site within 3 months of becoming redundant to its designated use and the roof re-instated.

**Reason:** In the interests of the amenities of the area, which forms part of Gargrave Conservation Area.

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

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

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

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

12. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 2682 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**Reason:** To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

**Reason:** The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby properties.

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

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

#### **Informative**

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



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

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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

**Informative:** The fencing erected in accordance with BS5837:2012 'Trees in Relation to Construction' should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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

*AIRE VAL W LOTH  
21/2016/16967*

*OUTLINE APPROVAL FOR CONSTRUCTION OF 15 NO HOUSES AND NEW  
ACCESS PREVIOUS APPLICATION REFERENCED (21/2014/14241)*

*LAND OFF MEADOW LANE, CONONLEY.*

APPLICANT NAME: ENOCH HARRISON AND SONS LTD

TARGET DECISION DATE: 22/07/2016

CASE OFFICER: Andrea Muscroft

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**The application is referred to Planning Committee as a previous application ref: 21/2014/14241 was considered by Planning Committee in June 2014.**

1. Site Description

- 1.1 The application site is a roughly rectangular plot of land extending to 0.643 ha. Lying immediately to the east of Meadow Close, Cononley, a cul-de-sac of detached dwellings.
- 1.2 The Skipton to Leeds railway line forms the north eastern boundary to the site. The site is predominantly grassland pasture with further residential properties to the south east. The boundaries to the site are predominantly formed by drystone walls. Part of the southern area of the site is currently used for caravan storage.
- 1.3 The site immediately abuts the conservation area along the Meadow Lane frontage to the site and is immediately outside the development limit of the settlement. To the southeast of the site on the southern side of Meadow Lane are some stone barns including one that is a Grade II Listed building. It is understood the site formed part of Pear Tree Farm on the south side of Meadow Lane.

2 Proposal

- 2.1 This is an outline application for 15no. Dwellings with access, layout and scale to be considered at this stage, reserving appearance and landscaping for subsequent approval.
- 2.2 **Officers Note:** This proposal is a resubmission of a previously permitted application ref: 21/2014/14241 which was never implemented and has now expired.
- 2.3 The submitted plans show development off a new cul-de-sac from Meadow Lane. The scheme provides for a total of 15no. Properties including 6no. affordable dwellings.
- 2.4 The scheme provides for a mix of houses as follows:-
- 1no. one bed (all affordable)
  - 3no. two bed (all affordable)
  - 7no. three bed (2 affordable)
  - 4no. four bed (all open market)
- 2.5 The current proposal modifies the parking arrangements relating to plots 3, 6 & 9. In addition, the current proposal has modified the location of the affordable housing.
- 2.6 The application includes a planning statement, design and access statement, heritage statement and affordable housing pro-forma.

### 3 Planning History

- 3.1 21/2014/14241 - Construction Of 15 No. Houses And New Access, Re-Siting Of Garages And Parking To Adjacent Barn Conversions – Approved June 2014 (Not implemented)

### 4 Planning Policy Background

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

4.2 The National Planning Policy Framework – NPPF.

4.3 Planning Policy Guidance – PPG.

#### 4.4 Other relevant documents

4.5 CDC Negotiating Affordable Housing Contributions August 2016

### 5 Parish/Town Council Comments

- 5.1 **Cononley Parish Council:** Object to the proposal for the following reasons.

The additional traffic which the development would produce would lead to 'car carnage' at certain times of the day due to the unavoidable bottleneck adjacent to the development. This is a main route to and from the school (100 yards past the proposed development) where a single carriage road mixes cars with pedestrians with no footpath and no refuge. There is a severe risk to safety of pedestrians, especially children accessing school on foot.

In addition, subsequent to the approval of the previous outline planning application for this site, a number of other planning applications have been approved or are pending which will adversely affect this section of highway and its surrounding junctions:

- i) Planning Application: 21/2014/14583 (Approved)

Site: Land Rear Church, Main Street, Cononley, Keighley BD20 8LS

Description: Erection of 4 no. dwellings

- ii) Planning Application: 21/2015/15559 (Approved)

Site: Land Rear of Former Methodist Chapel, Main Street, Cononley, Keighley BD20 8LS

Description: Erection of 4 no. dwellings

- iii) Planning Application: 21/2015/15985 (Approved)

Site: Off Meadow Lane/Moorfoot Lane, Cononley BD23 8LL

Description: Outline application for construction of 4 no. houses and garages (included condition for footpath between Moorfoot and Meadow Lane across proposed site)

- iv) Planning Application: 21/2016/16856 (Decision not yet taken)

Site: Land adjacent Pear Tree Farm, Meadow Lane, Cononley BD20 8LL

Description: Construction of 2 no. linked houses

- v) Planning Application: 21/2012/12754 (Approved)

Site: 62, Main Street, Cononley BD20 8LL

Description: Conversion of Barns to Residential Use & Construction of 3 No. Garages & 5 No. Parking Spaces.

All the above applications (17 houses plus the 15 in this application, resulting in 32 houses in this traffic black spot) will use the narrow section of Meadow Lane and the already dangerous junction of Moorfoot Lane, Main Street and Meadow Lane. Therefore, the situation in regards to traffic in the immediate vicinity to the planning application site has significantly altered in the last three years and should be reassessed as part of this application.

The mix of housing proposed in this subsequent application for the site has seen a decrease in the number of both smaller and affordable homes. The Parish Council recognises the demand and need for more affordable homes and therefore objects to the change in housing mix.

The inclusion of a footpath between Moorfoot Lane and Meadow Lane across both the planning application site in question and as a condition for planning application 21/2015/15985 has been omitted from the plan.

The additional traffic which the development would produce would exacerbate the existing parking issues and with no footpath would result in a severe risk to safety for pedestrians.

The proposed development would be situated in Cononley Conservation Area.

The proposed development conflicts with the Parish's draft neighbourhood plan as it would result in the loss of an open green space.

The proposal fails to provide proportions in regards to height, proximity to and impact on other buildings in the immediate area.

## 6 Consultations

- 6.1 **CDC Contaminated Land Officer:** No known contaminated land implications associated with this application.
- 6.2 **CDC Environmental Protection Team:** No objection but recommends the use of appropriate conditions. Furthermore, the agent/developer is advised that a noise and vibration assessment should be carried out (this reflects the advice from Network Rail) and that drainage should incorporate a sustainable drainage system (SuDS).
- 6.3 **CDC Strategic Housing:** Following the submission of the revised layout which takes account of comments made previously by Strategic Housing regarding the layout and size of affordable homes. The home provided are acceptable to Strategic Housing and we have no objections to the application.
- 6.4 **CDC Sports Development Officer:** Subject to confirming the proposed on site provision and providing an off-site contribution, to improve the quality of identified local deficiency, the Sports Development officer is supportive of the proposal. However, in order to control these elements it is recommended that an appropriate condition it attached.
- 6.5 **Environment Agency:** No objection.
- 6.6 **Network Rail:** No objection in principle to the development but recommends conditions and provides other information with respect to protecting railway infrastructure. Matters are raised in respect of drainage, boundary fencing, method statement (for construction in proximity to the railway line), soundproofing of the dwellings, lighting (to prevent train drivers being dazzled) and landscaping.

**Officer Note:** Where appropriate conditions are recommended to address the issues raised by Network Rail. In addition, an informative is recommended to highlight to the applicant, or any alternative developer of the site, the comments made by Network Rail.

- 6.7 **NYCC Highways:** No objections subject to the use of appropriate conditions.
- 6.8 **Yorkshire Water:** No comment but advises the applicant or any developer of the site that the local public sewer network does not have capacity to accept any discharge of surface water from the site. A water supply can be provided under the terms of the Water Industry Act, 1991.

## 7 Representations

- 7.1 Five letters of representations have been received. Comments have been summarised below:

### 7.2 **Visual impact**

- Proposed dwellings do not reflect the character of the adjacent dwellings.
- Concern over the significant changes to the previously approved layout.
- Concern over the loss of green space.
- Concern over the erosion of the character and appearance of the village.
- Concern over the potential visual impact on the conservation area.

### 7.3 **Amenity issues**

- Concern that the row of terrace dwellings that would run parallel to Meadow Close and bungalows would result in a reduction in the level of light these properties receive.

### 7.4 **Highway issues**

- The proposed development would significantly increase the amount of vehicle movements along this stretch of road and put pressure on surrounding road network.
- Concerns over the potential negative impact on pedestrians safety.

### 7.5 **Drainage issues**

- Concern that the proposed development would exacerbate the existing surface water drainage issues in this part of the village.

### 7.6 **Other issues**

- Reduction in the provision of affordable units on the site.
- Inaccuracies in the description of the site.

## 8 Summary of Principal Planning Issues

8.1 Principle of development

8.2 Affordable Housing Provision.

8.3 Open Space Provision.

8.4 Visual impact on the development on the character and appearance of the surrounding area.

8.5 Impact of development on the amenity of neighbouring properties.

8.6 Highway Issues.

8.7 Drainage and Flood Risk.

8.8 Others

## 9 Analysis

### 9.1 **Principle of development**

- 9.2 In terms of principle, this is a resubmission of a scheme allowed at Planning Committee June 2014. Whilst the application has lapsed and therefore does not constitute a fall-back position, the assessment of the application would be identical unless there has been a material change in circumstances since the original application was considered. The site conditions since 2014 have not changed.
- 9.3 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.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new 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 objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council's five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.8 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets. In this case, the site falls outside any area of special environmental protection and is in a

location on the edge of the existing built up area of Cononley. However, the outline proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively and efficiently.

- 9.9 As such, it is held that the proposal is in line with the objectives of the NPPF in that it has economic benefits, reflects the general need and demand for housing in the area, and the development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives in the new local plan. Therefore, having regard to the advice in the Framework, taken overall the proposal is considered to be a sustainable form of development.
- 9.10 The application site lies outside of the existing development limits of Cononley, therefore Saved 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 to the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposals 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.
- 9.11 This proposal is for the development of some 0.6 hectares which cannot be considered small scale and, therefore, fails to accord with Saved Local Plan Policy ENV1. However, the NPPF's presumption in favour of sustainable development, and the need to demonstrate an NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can be now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.
- 9.12 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF, and if the proposed residential development is held to be 'sustainable development' for the purposes of the NPPF then the application proposals are capable of being assessed against Policy ENV2.
- 9.13 With regards to the Cononley Neighbourhood Plan, the Council has received notification of the intention of the local community to develop their own Neighbourhood Plan. However, at the present time it is at the pre-draft submission stage and as such has very limited weight in the determination of this application.
- 9.14 In conclusion, the application site is not located within the recognised development limits of Cononley, as defined in the 1999 Local Plan, but is located immediately adjacent to residential development in the village. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development.
- 9.15 Affordable Housing Provision.**
- 9.16 Craven District Council's Negotiating Affordable Housing Contributions (August 2016) states 40% affordable housing should be provided on site of 10 dwellings or more.
- 9.17 The application is seeking outline approval only but the submitted details agree to provide 40% affordable housing. Therefore, agreement to provide the required

contribution to affordable housing has been established in principle, but the precise details will need to be clarified later. It would therefore be appropriate to attach a condition.

**9.18 Open Space Provision.**

9.19 The NPPF, section 8 seeks to promote healthy communities and in particular paragraph 73 which advises the access to high quality open spaces for sport and recreation can make an important contribution to the health and well-being of communities.

9.20 Saved Policy SRC2 requires development for 10 dwellings or more to make contribution to public open space.

9.21 Details submitted indicate that the application layout that there will be no on-site provision. Therefore, it is envisaged that a commuted sum to improve existing provision elsewhere is very likely to be an acceptable way forward. The application site is unlikely to be physically large enough to make a meaningful provision of land for sporting use and with respect to children's play space there is already a park in the vicinity. An appropriate condition is recommended to address this matter.

**9.22 Visual impact on the development on the character and appearance of the surrounding area.**

9.23 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.

9.24 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.

9.25 The application site lies immediately adjacent to the conservation area and a listed building, with residential development to the west, south and part of the eastern boundary. It is included in the special landscape area although that policy was not "saved". However, paragraph 56 of the NPPF requires that "good design should contribute positively to making places better for people".

9.26 The application proposal is in outline form but details of the access and layout submitted for approval are included in the Design & Access Statement. The application demonstrates that the site is capable of development to a satisfactory layout. It is understood that access from Meadow Close is precluded by a ransom strip, hence a new access direct from Meadow Lane is proposed. The submitted layout of 15 houses would equate to a density of 25 dwellings per ha, which is a relatively low density development reflecting the character of existing built development in this part of the village.

9.27 In conclusion, the application has demonstrated that the impact on the character and appearance of the area would not be significant and would be limited to the immediate surroundings, not extending into the wider rural landscape to any significant degree.



Taking into account the limited frontage with the conservation area it is not considered that it would have an adverse impact on the heritage asset. Furthermore, it is considered that a reserved matters submission could be made acceptable with respect to the impact on the setting of the adjacent listed building.

**9.28 Impact of development on the amenity of neighbouring properties.**

9.29 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.30 Issues of noise and vibration have been raised by Network Rail and Environmental Health. Network Rail and the Environmental Health Officer advise that the issues should be addressed by appropriate noise and vibration assessments to ensure that consideration given to the relevant British Standards which can be addressed by conditions.

9.31 With respect to residential amenity, the outline proposal indicates a layout that is capable of being undertaken without unacceptably impacting on the amenities of existing residents, and also provides sufficient spacing between the new dwellings themselves.

**9.32 Highway Issues.**

9.33 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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

9.35 There are representations from local residents concerning traffic safety issues stemming from traffic generation, road and junction geometry local road conditions/vehicle speeds and pedestrian safety. However, there is no technical evidence to support these concerns; on the basis of the submitted proposals the County Highway Authority has indicated that it recommends conditional approval of the planning application. In the absence of any technical highway constraints, the proposals accord with NPPF advice and saved Local Plan Policy T2.

**9.36 Drainage and Flood Risk.**

9.37 Local residents have expressed concern about the ability of the site to be drained both with respect to surface water and foul drainage. The site is not identified as being within a flood plain. No objections to the proposal have been made by the Council’s Environmental Health team or the Environment Agency with respect to surface water drainage. Similarly, Yorkshire Water have no objection on the basis that surface water will be disposed to a ‘soakaway’ as per planning approval 21/2014/14241 as the local public sewer network does not have capacity to accept any discharge of surface water from the site. Ultimately the application is at this stage submitted in outline form only and satisfactory drainage of the site will be possible. Drainage of the site can therefore be appropriately addressed by planning conditions requiring further details to be provided and approved to ensure proper drainage of the site. With respect to foul drainage Yorkshire Water have been consulted and have raised no objections.

### 9.38 Others

9.39 The application as submitted asks for details of scale to be taken into account. However there is insufficient information on this aspect of the proposal and therefore it is recommended that this is treated as a reserved matter.

### 9.40 Conclusion.

9.41 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this Framework indicate development should be restricted.

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

## 10 Recommendation

10.1 To grant consent subject to the following conditions.

### Conditions

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-

- (a) appearance;
- (b) scale and
- (c) landscaping;

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

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

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

2. The approved plans comprise of the following:

- Location Plan received by Craven District Council on the 27<sup>th</sup> May 2016
- 2487-1H – Proposed site entrance received by Craven District Council on the 12<sup>th</sup> January 2017.
- 2485-4 Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12 received by Craven District Council on the 19<sup>th</sup> May 2017.
- 2487-5 Plots 10, 13 & 14 received by Craven District Council on the 19<sup>th</sup> May 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 terms of the permission and for the avoidance of doubt.

3. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

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

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

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

**Reason:** To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating Affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

5. No development shall take place until both the: (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 and NPPF 73 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. And (ii) Alternative arrangements for the provision of open space, recreation and sports facilities have been secured and approved in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy

Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

6. A detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The scheme should also have regard to the advice of Network Rail to minimise any potential impact on the rail network.

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

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

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

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

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

9. 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.

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.

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.

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

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

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

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

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

- 11 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.

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 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.

**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.

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of **35** metres **northwesterly** measured along both channel lines of the major road **Meadow Lane** from a point measured **2** metres down the centre line of the access road. The eye height will be **1.05** metres and the object height shall be **1.05** metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of **35** metres **southeasterly** measured along centre line of the major road **Meadow Lane** from a point measured **2** metres down the centre line of the access road. The eye height will be **1.05** metres and the object height shall be **1.05** metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of **2 metres x 2 metres** measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be **1.05** metre and the object height shall be **0.6** metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason** (for 13 to 15): In the interests of highway safety.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the 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 to link to Meadow Lane/Meadow Close junction including provision of tactile paving

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

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

**Footway to link to Meadow Lane/Meadow Close junction including provision of tactile paving**

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

18. Notwithstanding the provision of any Town and Country Planning General Permitted or special Development Order for the time being in force, the parking spaces, turning areas and access shown on the approved plan 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.

19. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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

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

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

21. Prior to the commencement of development a site specific noise and vibration assessment shall be carried out and submitted for the written approval of the Local Planning Authority and shall include mitigation measures to reduce the impact of the adjacent railway. Thereafter, the development shall incorporate the identified mitigation measures.

**Reason:** In the interests of the amenities of the occupiers of the dwellings.

22. Prior to the importation of topsoil i.e. for the landscaping of the gardens, details of the supplier and confirmation on the source(s) of any soil material should be supplied to the Local Planning Authority for approval.

The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2007 - Specification for Topsoil and requirements for use.

**Reason:** To ensure that no contaminated materials are brought onto the site.

**Informative:**

Operating times for construction should be limited to:

- 8:00am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday
- No Sunday or Bank Holiday working.

Surface Water Drainage now the responsibility of the LLFA.

Changes to the [Planning Practice Guidance \(Flood Risk\)](#) and the [new DMPO](#) which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development, and explain that the expert advice on surface water proposals should come from the LLFA.

The LLFA is now the Statutory Consultee on these matters for major applications, and manage the regulation of works affecting all watercourses except for those designated 'main river' (this remains with the Environment Agency).

The Environment Agency still has a Strategic Overview role on flood risk and continues to be a statutory consultee in areas of flood zone 2 and 3. We will fulfil this role by advising on the interaction of drainage with flooding from rivers and sea, and continue to make comments as appropriate on local flooding issues from other sources. We will no longer provide detailed comments on the drainage proposals.

The applicants or any future developer's attention is drawn to the advice provided by Network Rail with respects to their requirements for developments that are undertaken adjacent to an operational railway line.

**Statement of Positive Engagement:** -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



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

*SKIPTON WEST  
63/2016/17515*

*OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT  
WITH ALL MATTERS RESERVED*

*R N WOOLER AND CO, CARLETON ROAD, SKIPTON.*

APPLICANT NAME: R N WOOLER & CO. LTD

TARGET DECISION DATE: 23/01/2017

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site is located to the southwest of Skipton, to the west of Carleton Road and to the north of Waltonwrays Cemetery. The site is roughly flat, with the exception of the bunds along the west, north and eastern boundaries and extends to approximately 1 hectare. Currently within the site is a large commercial building that lies to the south of the site with large vehicle turning and parking areas to the south east and north of the building.
- 1.2 Located to the east of the site beyond Carleton Road is an established residential development. To the south, west and north of the site are agricultural fields.
- 1.3 Vehicle access to the site is currently directly off Carleton Road via a private road.
- 1.4 The application site is located outside of the development limits of Skipton. The site has also been identified as being within Flood Zone 2 & 3 by the Environment Agency.

2 Proposal

- 2.1 The proposal is seeking outline consent for residential development with all matters reserved with the exception of the principle of development.
- 2.2 The appearance, scale, landscaping, layout and access of the development are all reserved matters.
- 2.3 The proposal is supported by the following documentation.
- Planning Statement
  - Ecological Appraisal & Bat Survey Report.
  - Site location plan.
  - Opportunities & Constraints Plan
  - Illustrative Wider Context Plan.
  - Development Framework Plan

3 Planning History

- 3.1 5/63/21/A – Establishment of out of town supermarket – Refused November 1974
- 3.2 5/63/21/B – Change of use of commercial vehicle depot to light industry and erection of further light industrial building – Approved December 1974
- 3.3 5/63/219/B – Extension to existing premises for storage purposes and replacement doors at ATS Ltd – Approved May 1988.

- 3.4 63/2010/10670 – Erection of 2m green mesh fence to perimeter of site – July 2010
- 3.5 63/2012/12460 – Change of use from manufacturing and retail of tyres, to offices and storage of electrical and photovoltaic materials – Returned invalid application.
- 3.6 63/2014/14741 – Change of use of premises to Plant Hire Business – Approved August 2014
- 3.7 63/2014/14772 – Change of use from tyre and garage workshop to offices and storage (retrospective) – Approved August 2014
- 3.8 63/2016/16838 – Extension of existing soil bund and associated landscaping – Approved December 2016
- 3.9 63/2016/17279 – Application to discharge condition 5 of original planning consent ref: 63/2014/14741 – Approved November 2016.
- 4 Planning Policy Background
- 4.1 Saved Policies ENV1, ENV2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF
- 4.3 Planning Practice Guidance - PPG
- 5 Parish/Town Council Comments
- 5.1 **Skipton Town Council:** No comments received at the time of compiling this report.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** Due to the historical use of the land there is the potential for the land to be contaminated. Therefore, it is recommended the use of a standard contaminated land condition.
- 6.2 **CDC Environmental Protection Team:** No observations at this time.
- 6.3 **CDC Strategic Housing:** As the application is at this stage only in outline stage it is not possible to confirm what percentage of affordable housing may or may not be required. The applicants do state within their planning report submission that ‘The proposed development would lead to the provision of new market housing that will help meet housing needs in the town of Skipton and Craven District as well as contributing to provision of affordable housing to meet need within Craven District and Skipton’ suggesting that the development may well exceed affordable housing thresholds and a contribution will be necessary. Therefore, it is recommended the use of a standard condition.
- 6.4 **Airedale Drainage:** Indicates that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. No objection to the proposal subject to the use of appropriate conditions.
- 6.5 **Environment Agency:** No comments received at the time of compiling this report.
- 6.6 **NYCC Highway Authority:** No objection subject to the use of appropriate conditions.
- 6.7 **Yorkshire Water:** No objection subject to the use of appropriate conditions. However, should the situation change then it would be necessary that they are re-consulted.
- 7 Representations
- 7.1 The proposal was advertised in the Craven Herald on the 8<sup>th</sup> December 2016 with a site notice posted on the 15<sup>th</sup> December 2016 adjacent to the site. In addition,

notification letters were distributed to neighbouring properties. As a consequence of the publicity no third party representations have been received.

## 8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Affordable Housing Provision
- 8.3 Visual impact of the development.
- 8.4 Impact of development on the amenity of neighbouring properties.
- 8.5 Highway Issues.
- 8.6 Flood Risk
- 8.7 Drainage
- 8.8 Other issues

## 9 Analysis

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

- 9.2 The application site lies outside of the existing development limits of Skipton therefore, saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development of small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development having a rural character and where a proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agricultural 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 ENV2 is compatible with the character of the area and does not have an unacceptable impact on the landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectations 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 assumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.

- 9.7 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council's five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.8 The application site is not identified as a preferred site to be brought forward for housing development by the Council's Draft Local Plan. Although, the emerging policy within the Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force. It is however, acknowledged that land to the north, west and south has recently been considered by Planning Committee and granted outline planning approval ref: 63/2015/15792 for a mixed use development.
- 9.9 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site lies outside of the recognised development limits for Skipton. However, the site does lie within close proximity to the recognised development limits with residential development to the east of the site and further residential dwellings to the far north of the site. The site is within walking distance of Skipton town centre where local facilities and services are available. In addition, the town is served by public transport connecting the village with neighbouring villages and towns.
- 9.10 The proposal would also result in the effective re-use of land that has previously been developed (brownfield land), and which is not of high environmental value which is preferable to the development of green field sites.
- 9.11 In conclusion, the application is not within recognised development limits of Skipton, as defined by the 1999 Local Plan, but is located within close proximity to the existing built up area of Skipton. As such the site is considered to be suitable for residential development that 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, it is considered that the proposed development accords with the aims and objectives of the NPPF. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.
- 9.12 **Affordable Housing Provision.**
- 9.13 Craven District Council Negotiating Affordable Housing Contributions guide (2016) requires that on schemes of 10 or more units or more than 1000sqm of floor space that an affordable housing contribution of 40% will be sought. This will apply to this site if any of the conditions noted are exceeded at reserved matters stages. Although, the application is only an outline and it is not possible to confirm what percentage of affordable housing may or may not be required the applicants state that the '*proposed development would lead to the provision of new market housing that will help meet housing needs in the town of Skipton as well as contributing to provision of affordable housing to meet need within Craven District and Skipton*'. This suggests that the proposed development may exceed affordable housing thresholds and a contribution will be necessary.
- 9.14 It is therefore considered that in terms of the provision of affordable housing that there are no objections to the proposed scheme. If permitted, a condition can be used to control the level and means of provision.

- 9.15 Visual impact of the development.**
- 9.16 Saved Policy ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features are protected and that development relates well to the setting.
- 9.17 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.18 Although the proposal is only seeking approval for the principle of development it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.19 The application site lies to the west of Burnside Crescent a large suburban residential estate and more recently constructed dwellings along Willow Way. There are further residential dwellings to the northeast of the site. To the west and south of the site lie agricultural fields, free from development although planning permission has been granted for residential and commercial development between the site and the western by-pass (ref 63/2015/15792)
- 9.20 In this instance, only an indicative plan has been submitted and therefore is not a detailed layout for consideration. Notwithstanding this lack of detail, the proposal envisages development outside of development limits, where the key consideration is to ensure that new development does not have an unacceptable impact on the landscape.
- 9.21 It is noted that the site is on land elevated and as such the site is prominent when viewed from Carleton Road. However, when viewed from the viewpoints to the north the site is partially screened by a bank of existing trees. Similarly, when travelling along the A629 Skipton bypass the site is partially screened by an existing bund along the western boundary. Details submitted indicate that the band of established trees and bunds along the western, northern and partially along the eastern boundaries would be retained, thus providing a visual buffer that would ensure that the development would not be intrinsically harmful to the rural character of the open countryside. Furthermore, the presence of the flood zone would physically constrain the level of development possible on the site.
- 9.22 Notwithstanding that no details have been provided with regards to housing density or appearance it is considered that it is possible to develop the site to a level that would not have an unacceptable visual impact.
- 9.23 Overall, it is considered that the proposal to develop the site for housing is acceptable and could be developed in a way that would not result in any unacceptable visual harm to the surrounding character and appearance of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development.
- 9.24 Impact of development on the amenity of neighbouring properties.**
- 9.25 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, "always seek to secure high quality

design and a good standard of amenity for all existing and future occupants of land and buildings.

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

9.27 **Highway Issues.**

9.28 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.

9.29 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'.*

9.30 In this instance the proposal is only seeking outline permission and thus it is not possible to comment on a detailed layout. Therefore, the only issue for consideration is whether an access can be provided that would safely accommodate the proposed residential development and whether any increase usage would compromise highway safety. NYCC Highways have been consulted and have raised no objections to the use of the existing vehicular access on receipt of full details for approval at the reserved matters stage.

9.31 It is considered that there are not sufficient grounds to refuse planning permission over matters relating to highway issues.

9.32 **Flood Risk.**

9.33 Paragraph 99 of the NPPF advises that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Paragraph 100 also advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

9.34 The existing northern bund boundary and a section of the far eastern corner of the site lie within Flood Zones 2 & 3 as identified by the Environment Agency. However, illustrative details provided show that these areas will be excluded from any proposed development. As such the proposed area of the site to be developed lies outside of the identified flood zones. Therefore, it is considered that the use of appropriate conditions would ensure that the redevelopment of the site is acceptable.

9.35 **Drainage.**

9.36 No details have been provided regarding the disposal of foul water. Notwithstanding this lack of information it is considered that the use of an appropriate condition can resolve this issue as part of the reserved matters application.

9.37 The application form indicates that surface water is to be disposed via a sustainable drainage system although no further details have been provided. Notwithstanding this, it is considered that the use of an appropriate condition can address this issue.

9.38 It is therefore recommended that appropriate conditions can be attached to ensure the implementation of a disposal of foul and surface water as part of a reserved matters application

**9.39 Conclusion.**

9.40 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

9.41 Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

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

10 Recommendation

10.1 To grant outline consent subject to the following conditions.

Conditions

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

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

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

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

2. The approved plans comprise drawing titled 'Location Plan' received on the 27<sup>th</sup> January 2017 & 'Development Plan' received by the Local Planning Authority on the 28<sup>th</sup> November 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

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

4. No development shall take place until a scheme of contribution towards the provision of affordable housing, when necessary with regards to the 'Planning Obligations' section of the Planning Practice Guidance (or any guidance or legislation revoking and

re-enacting that Guidance with or without modification), has been submitted to and approved in writing by the Local Planning Authority. The affordable housing contribution shall be provided in strict accordance with the approved scheme.

**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 (August 2016).

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

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

6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority. Reports shall be prepared in accordance with current best practice.

**Reason:** To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed.

7. Should further intrusive investigation be recommended in the Phase 1 report. Development shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority. The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.

**Reason:** To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed.

8. Should remediation be recommended in the Phase II Intrusive Site Investigation report, development shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the development shall be; suitable for use; and that identified contamination will not present significant environmental risks.

9. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

**Reason:** To enable the local planning authority to determine whether the site has been rendered; suitable for use; and that contamination has been dealt with so as not to present significant environmental risks.



10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

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

## **Informative**

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

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

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

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

12. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

**Reason:** To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

14. The existing sites bunds shall be retained or reduced below its present height above ground level.

**Reason:** To ensure that the site is protected from flooding.

### **Informative**

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

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

The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Where a soakaway is to be newly constructed the Board recommends that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain that the soil structure is suitable for a soakaway system. Should the testing prove to be successful the applicant should then submit a design for the soakaway, for approval by the Planning Authority, which would fully accommodate a 1:30 year storm event, with no overland run-off for a 1:100 year event plus a 20% allowance for climate change.

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

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

The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****63/2016/17637**

*APPLICATION FOR ADVERTISEMENT CONSENT FOR POSTER FRAME SIGNAGE. AMENDMENT TO AND RESUBMISSION OF PREVIOUS APPLICATION 63/2016/17003*

*HIGH STREET CAR PARK, SKIPTON; WALLER HILL STREET CAR PARK, SKIPTON CAVENDISH STREET CAR PARK, SKIPTON; COACH STREET CAR PARK, SKIPTON COMMUNITY CENTRE CAR PARK, INGLETON; WHITEFRIARS CAR PARK, SETTLE.*

APPLICANT NAME: COMMUNITY PARTNERS LTD

TARGET DECISION DATE: 01/02/2017

CASE OFFICER: Andrea Muscroft

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**This application has been referred to Planning Committee as the original application ref: 63/2016/17003 was considered by Planning Committee August 2016.**

**1. Site Description**

- 1.1 The application relates to a number of car parks located in Skipton.
- 1.2 These sites are with the development limits for Skipton and also lie within the designated conservation areas.

**2 Proposal**

- 2.1 The proposal is seeking advertisement consent for a total of 18 signs at a number of locations.

- 2.2 **Officers Note:** The application is a re-submission of a previous advertisement application for Poster Frame Signage, Aluminium Fascia Signs with vinyl graphics, and Lamppost banners which was refused on the following grounds:

*The proposed poster frame signs, aluminium fascia signs and hanging advertisement signs by reason of their prominent location and the cumulative effect of the numbers of signs would be detrimental to the character and appearance of the Conservation Areas and street scenes. As such these would be contrary to the aims and objectives to the National Planning Policy Framework (paragraph 67) and Section 72 of the (Listed Buildings and Conservation Areas) Act 1990.*

- 2.3 To address the reason for the refusal the revised proposal has omitted the Aluminium Fascia Signs and Lamppost Banners and is now only seeking consent for the Poster Frame Signage.

- 2.4 The locations and advertisements signs are detailed below:

**2.5 Cavendish Street Car Park, Skipton.**

- 1 no. Fascia sign measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

**2.6 Coach Street Car Park, Skipton.**

- 4 no. Fascia signs measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

**2.7 High Street Car Park, Skipton.**

- 5 no. Fascia signs measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

## 2.8 **Waller Hill Car Park, Skipton.**

- 3 no. Fascia signs measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

## 2.9 **Community Centre Car Park, Ingleton.**

- 2 no. Fascia sign measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

## 3.0 **Whitefriars Car Park, Settle.**

- 3 no. Fascia signs measuring 1.52m xx 1.02m comprising of a silver anodised poster frame with tamper resistant framed door, hinged and lockable with a clear polycarbonate front sheet and styrene back.

## 3 Planning History

3.1 63/792D – Erection of illuminated box sign – approved February 1982.

3.2 63/2016/17003 – Application for advertisement consent for Poster Frame Signage, Aluminium Fascia Signs with Vinyl Graphics, and Lamppost Banners – Refused 1<sup>st</sup> August 2016.

## 4 Planning Policy Background

4.1 The National Planning Policy Framework – NPPF.

4.2 Planning Practice Guidance – PPG.

## 5 Parish/Town Council Comments

5.1 **Ingleton Town Council:** No comments received at the time of compiling this report.

5.2 **Settle Town Council:** No comments received at the time of compiling this report.

5.3 **Skipton Town Council:** No comments received at the time of compiling this report.

## 6 Consultations

6.1 **NYCC Highways Authority:** No objections.

## 7 Representations

7.1 No third party representation received at the time of compiling this report.

## 8 Summary of Principal Planning Issues

8.1 The principle issues under consideration are visual amenity and highway safety.

## 9 Analysis

### 9.1 **Visual amenity.**

9.2 Paragraph 67 of the National Planning Policy Framework states that ‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’.

- 9.3 The proposed application sites are located within the designated conservation areas of Skipton and therefore section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. Section 72 imposes a statutory duty on a decision maker that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is therefore appropriate to consider the visual effect of the proposed advertisements on the designated conservation areas.
- 9.4 The proposal is seeking advertisement consent for non-illuminated Poster fascia signs. The signage would be used to advertise local businesses.
- 9.5 These proposed signs would be of silver anodised finish poster frame signs and positioned on the elevations of the public toilets with the exception of the proposed sign in Cavendish Street Car Park which would see one of the signs positioned adjacent to the Pay & Display machine located to the southeast corner.
- 9.6 The proposed fascia poster frames would be located within areas where there already exists a variety of retail and businesses which have a range of signage and advertisement on display.
- 9.7 The proposed frames would measure 1.5m x 1m are considered to be 'effective and simple in concept and operation' and would not have an unacceptable impact on the street scene or on the wider conservation area and would therefore satisfy the guidance in paragraph 67 of the NPPF.

#### **9.8 Highway safety.**

- 9.9 NYCC Highways have been consulted but at the time of compiling this report no comments had been received. Notwithstanding this, the Council is satisfied that the proposed signs would not have a detrimental impact on the highway safety

#### **10 Recommendation**

- 10.1 To grant consent subject to the following conditions.

##### Conditions

1. The consent hereby granted is valid for only 5 years
2. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority
3. Any device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority
4. Where any advertisement is required under these Regulations to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority
5. No advertisement is to be displayed without the permission of the owner of the site or any other such person with an interest in the site entitled to grant planning permission
6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, to render hazardous the use of any highway.

Reason for 1 - 6: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The approved plans comprise of :

- Aireville Park Location Plan received by Craven District Council on the 7<sup>th</sup> December 2016

- Cavendish Street Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.
- Coach Street Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.
- High Street Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.
- Waller Hill Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.
- Community Centre Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.
- Whitefriars Car Park received by Craven District Council on the 7<sup>th</sup> December 2016.

The development shall be completed in accordance with the approved plans

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

8. The advertisement hereby approved shall not be illuminated.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the area.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions.