

PLANNING COMMITTEE MEETING AGENDA

Monday, 13th March 2017

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

*SKIPTON WEST
63/2016/17465*

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

LAND AT CARLETON ROAD, SKIPTON.

APPLICANT NAME: CANDELISA LTD
TARGET DECISION DATE: 16/03/2017
CASE OFFICER: Andrea Muscroft

The application is referred to the Planning Committee as the proposal is a departure from the Local Plan.

1. Site Description

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

2. Proposal

- 2.1 The proposal is seeking planning approval for the construction of 67 houses with associated off street parking, access roads, and a cycle circuit track.
- 2.2 Vehicle access will be via a new road bridge from Carleton Road, which leads to the A6131 Keighley Road.
- 2.3 Officer Note: The previously approved vehicle access to Burnside Crescent has been reduced to a pedestrian and cycle access only.

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

4. Planning Policy Background

4.1 Saved Policies ENV1, ENV2, SRC2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Policy Framework – NPPF.

4.3 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** Object to the proposal as concerns are expressed over the potential impact on the existing infrastructure which is believed would be unable to cope with this development.

6. Consultations

6.1 **CDC Contamination Land Officer:** No known contaminated land implications regarding this proposed development.

6.2 **CDC Environment Protection:** No comments received at the time of compiling this report.

6.3 **CDC Sports Development Officer:** The SDO find this application acceptable in relation to SRC2 subject to further detailed proposals around an off-site contribution for the Burnside Recreation ground for play provision (£79,500) and further details around the scale, layout, design, specification and management and maintenance of a closed road cycle track up to max of £332,000.

6.4 As the works required to comply with Saved Local Plan Policy SRC2 are off-site and the onsite proposals details are lacking details, should the Council be mindful to grant planning permission the following recommendation is to be made:

6.5 That Members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the scale, layout design detail and management and maintenance in perpetuity of the on-site proposal and on-site Public open space contribution.

6.6 **CDC Strategic Housing:** The development is for 67 houses including 26 affordable homes. Craven District Council's *'Negotiating Affordable Housing Contributions – August 2016* requires that on schemes of 10 or more units or more than 1000sqm of floor space that an affordable housing contribution of 40% will be sought. The applicants propose to provide 26 homes which is in line with this policy.

6.5 Craven District Council also have in place a SHMA dated June 2015 which details the need for affordable housing across the district. It confirms that a total of 114 affordable homes are required to be provided each year. Emphasis is placed on the need for smaller 1 and 2 bed units and so a greater number of smaller homes will be sought on qualifying sites. It does however note the need for larger family homes and so a small percentage of 3 bed homes will also be required on sites.

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

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

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

- 6.7 **Airedale Drainage:** No objection to the development in principle but recommends the use of appropriate conditions.
- 6.8 **Environment Agency:** No comments received at the time of compiling this report.
- 6.9 **NYCC Highways:** No objection, subject to the use of appropriate conditions.
- 6.10 **NYCC Foot Path Officer:** No objection, but advise the applicant that no works are undertaken that would create an obstruction, either permanent or temporary, to the Public Right of Way without first contacting the Country Council's Access and Public Rights team located at Northallerton.
- 6.11 **NYCC Heritage Services:** The proposed development site is adjacent to an area which has been subject to a recent archaeological geophysical survey. The survey identified the presence of a settlement and field system of probable prehistoric or Roman date, approximately 300 metres to the west of the proposed application site. The survey found evidence for several enclosures, some with sub enclosures which may represent more than one phase of activity, and an area west of the enclosures of probable settlement with industrial activity. Therefore there is potential for groundworks associated with the proposed development to encounter archaeological remains from the prehistoric or Roman periods.
- 6.12 It is recommended, therefore, that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance.
- 6.13 **NYCC Suds Officer:** Requested further information, however, it is considered that the use of appropriate conditions could be imposed to deal with this issue.
- 6.14 **Yorkshire Water:** No objection, subject to the use of appropriate conditions.

7. Representations

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

7.3 **Neighbour amenity**

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

7.4 **Flooding**

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

7.5 **Highway**

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

7.6 **Drainage**

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

7.7 **Other issues.**

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

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

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

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Affordable Provision.

8.3 Open Space Provision.

8.4 Visual Impact

8.5 Impact of development on neighbouring properties.

8.6 Highway Issues.

8.7 Flood Risk.

8.8 Other issues

9. Analysis

9.1 **Principle of development**

9.2 The application site lies outside but adjacent to the existing development limits of Skipton and as such saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

9.3 Saved Policy ENV2 seeks to ensure that any development acceptable in principle under Saved Policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.

9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning and Compulsory Purchase Act 2004. Paragraph 2015 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that ‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the Framework.

9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

9.6 One key objective of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.

9.7 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council’s five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.

9.8 The site has not be identified as a preferred site to be brought forward for housing development by the Council’s emerging policy contained within the Council’s Pre-Publication Draft Local Plan. Notwithstanding this, the emerging policy within the Council’s Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council’s decision on this specific application

must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force.

- 9.9 The wider site has a history of a planning approval for the construction of 39 dwellings with associated access roads (63/2105/16300).
- 9.10 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is located outside of the development limits. However, the site does lie adjacent to the recognised development limits for Skipton with residential development to the north and east of the site. The site is within walking distance of the town centre where local facilities and services are available. In addition, the town is served by public transport connecting the town with neighbouring villages and towns. It is therefore considered that the site is a sustainable location suitable for residential development.
- 9.11 The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental. It is recognised that the proposed development of this site would provide some economic benefits associated with new housing development including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.12 Turning to the environmental dimension of sustainable development it is acknowledged that the site would result in the development of an open grassed area. However, the site has not been identified as being an important open space in the Adopted Local Plan. Therefore, whilst it is acknowledged that the loss of this open space would inevitably have an impact on the immediate surrounding area, it is considered that the impact is not so significant to justify refusal of the application.
- 9.13 In conclusion, it is acknowledged that the application site is not within recognised development limits of Skipton, as defined by the 1999 Local Plan. However it is located adjacent to the existing built up area of Skipton. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.
- 9.14 **Affordable Provision**
- 9.15 Craven District Council's Negotiating Affordable Housing Contributions (August 2016) states 40% affordable housing should be provided on site of 10 dwellings or more.
- 9.16 The proposal is seeking to provide 40% affordable units and as such is in line with the Council's affordable housing policy. It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.
- 9.17 **Open Space Provision**
- 9.18 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.
- 9.19 Saved Policy SRC2 requires development for 10 dwellings or more to make contribution to public open space. In this instance, under policy SRC2 this development of 67 units generates a total open space requirement of 4037m² of space, split across the 3 policy areas:
- Equipped area for children's play (466m²)
 - Informal area for children's play (776m²)

- Provision for youth and adults – playing fields/courts (2795m2)

- 9.20 This application must also consider the SRC2 requirements, previously approved application for 39 units in 63/2015/16300. This application requires the developer to make an off-site provision / contribution for formal play provision at the neighbouring Burnside Recreation ground of £39,000 (equivalent to 263m2). as well as an off-site planning gain contribution of £120,000 or alternative off-site scheme to meet the Youth and Adult provision for play and recreation (equivalent to 1580m2).
- 9.21 This application proposes two on-site POS spaces:
- 9.22 A central Meadow with single footpath running across it and some tree planting. Area of 2580m2 and this is flood risk zone land.
- 9.23 A 800 meter long close road cycle circuit that is 6 meters wide and borders the Southern part of the site. This has a total estimated area of land use of 40,000m2. But the actual land need for this is 8000m2 for the track and run off plus around 2000m2 for ancillary elements such as car park, viewing, giving a total of around 10,000m2. The land on which this is being proposed is flood risk, which is a viable use for such a facility subject to relevant flood risk mitigation/attenuation to meet relevant flood agencies / authorities.
- 9.24 The application has limited details of the exact design, technical specification, water management / flood risk attenuation/mitigation and no information about the proposed management and maintenance of this proposal. But the applicant has been informed that this would be required in order to fully comply with SRC2 and national standards for such facilities as set out by British Cycling.
- 9.25 Overall, this application is acceptable in relation to SRC2 subject to further detailed proposals around an off-site contribution for the Burnside Recreation ground for play provision (£79,500) and further details around the scale, layout, design, specification and management and maintenance of a closed road cycle track up to a max of £332,000.
- 9.26 Therefore there is no objection in respect of open space provision subject to the applicant entering into a S106 Planning Obligation to secure the scheme meets the requirements of Saved Local Plan Policy SRC2 as set out above.
- 9.27 **Visual Impact**
- 9.28 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.
- 9.29 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56 of the NPPF refers). It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.30 As set out above Saved Local Plan Policies ENV1 and ENV2 are of relevance to the consideration of this application.
- 9.31 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.

- 9.32 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits, in terms of visual amenity, derive primarily from the loss of an open area of grassland and the potential impact on the setting of the adjacent conservation area.
- 9.33 In coming to a view on the visual impact of the proposed development it is noted that the site is not prominent or visually intrusive in terms of public viewpoints from the north as it is located immediately to the rear of existing housing which largely screens the site from view. The principle views of the site are from the western side in particular from Carleton Road although it can also be clearly seen from the adjoining recreational land to the east and the A629 Skipton By-pass to the south. Notwithstanding, there is a band of established tree and shrub planting along the western and north-west site boundaries which effectively screens the site from view and is to be retained.
- 9.34 Taken overall, it is not considered that the general topography of the site, its location, and the significance of the land in the wider landscape setting of the town are such that a strong argument could be made to resist development on the grounds of visual impact.
- 9.35 In coming to the above view it is noted that the presence of the flood zone effectively prevents any further development to the south of the site and therefore the site is physically constrained as well as visually. The views across the site towards the existing housing are of no particular public benefit and it is considered that with the addition of suitable landscaping and boundary treatments the visual impact of the development would not be significant.
- 9.36 In terms of the design and materials of the housing it is considered that the proposals reflect the palette of materials that exist on the adjacent housing sites and would be complimentary to those properties. Similarly it is considered that the general layout and arrangement of the proposed development is acceptable in terms of its overall visual impact.
- 9.37 No details have been provided with regards to the proposed cycle track. Notwithstanding this lack of details it is considered that conditions could be imposed that would ensure that the proposed cycle track is developed in a way that it would be visually attractive and pleasing with limited visual impact.
- 9.38 In conclusion, it is considered that the overall design of the development and the layout that has been proposed is a good quality of design that would not erode the key characteristics of the site or the character and appearance of the rural open countryside to an unacceptable extent. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect
- 9.39 **Impact of development on neighbouring properties.**
- 9.40 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.
- 9.41 In this case the only neighbouring properties that could be impacted upon directly are those located at Burnside Crescent to the north of the site. The neighbouring

properties are orientated with their rear elevations towards the application site. The proposed arrangements for plots 1, 2 & 40 would be to have the gardens backing onto the existing rear garden areas of the dwellings on Burnside Crescent with a separation distance of approximately 23m. The remaining proposed dwellings would be located south beyond the previously approved dwellings (ref: 63/2015/16300).

- 9.42 In this case the proposed layout indicates that the development would lie sufficiently distant from and be orientated such that there would be no unacceptable loss of amenity to any of the existing and proposed neighbouring houses. Additionally it is considered that given the proposed separation distances overshadowing of existing properties would not occur to an extent that would constitute a significant amenity issue.
- 9.43 In terms of outlook it is understood that existing residents will lose their views across the open fields that currently exist. However, there is no right to a view and it is considered that the impact on the amenity of the residents of the neighbouring properties would not be sufficiently adverse to constitute grounds for refusal of planning permission.
- 9.44 In conclusion, it is considered that the proposal would not have an unacceptable impact on the amenity and privacy of existing neighbouring properties. Furthermore, the proposed layout would provide adequate spacing within the layout and previously approved dwellings to ensure that any future residents do not experience any unacceptable loss of privacy or amenity. The proposal is therefore considered to comply with the aims and objectives of the NPPF.
- 9.45 **Highway Issues.**
- 9.46 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'.*
- 9.47 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.
- 9.48 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, and pedestrian safety. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.
- 9.49 A number of objections to the proposed development relate to congestion and road safety issues. In planning terms such congestion and problems would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road or the comings and goings of construction traffic does not in itself mean that the road is impassable provided vehicles are not parked illegally and are not causing an obstruction. In that event the problem would be an

infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.

9.50 **Flood Risk & Drainage issues.**

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

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

9.53 **Other issues**

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

9.55 **Officer note:** It is proposed to attach an informative to remind the developer of the need to ensure that wildlife is considered throughout the development and to be aware of protected species. Notwithstanding that the submitted plans and supporting Design and Access Statement indicate that the existing trees and shrubs are to be retained it is proposed to also attach a planning condition that would require prior approval of landscaping.

9.56 Similarly, comments regarding other services and local facilities that might be adversely impacted upon are noted but fall outside of the scope of matters on which a refusal of planning permission might be based.

9.57 This application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Councils housing supply and are as set out in the report. However, that benefit has to be balanced against the adverse impacts, which in particular comprises the development of a green field site adjacent to the conservation area.

9.58 **Conclusion**

9.59 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.'

9.60 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in some instances with the NPPF (as supplemented by the PPG) and limited weight can therefore be

attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.

9.61 As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. This scheme will provide new dwellings including affordable units. The development will have some impact on the character and appearance of the open rural countryside, but the landscape buffers and adjacent recreational land will help to acceptably mitigate any adverse impact.

9.62 It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is acceptable.

10. Recommendation

10.1 **That Members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject conditions listed below and to the applicant first entering into a S106 Planning Obligation to secure a contribution towards open space provision.**

Conditions

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

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

2. The development shall not be carried out other than wholly in accordance with the drawing no's and documents:

126/001A Location Plan received by Craven District Council on the 25th October 2016

126/100A Site Plan received by Craven District Council on the 19th January 2017

126/101A Site Plan received by Craven District Council on the 19th January 2017

126/102A Site Plan received by Craven District Council on the 19th January 2017

126/110 House Type A Floor Plan received by Craven District Council on the 14th October 2016

126/111 House Type A Elevations received by Craven District Council on the 14th October 2016

126/112 House Type B Floor Plan received by Craven District Council on the 14th October 2016

126/113 House Type B Elevations received by Craven District Council on the 14th October 2016

126/114 House Type C Floor Plan received by Craven District Council on the 14th October 2016

126/115 House Type C Elevations received by Craven District Council on the 14th October 2016

126/116A House Type D Floor Plan received by Craven District Council on the 15th December 2016

126/117 House Type D Elevations received by Craven District Council on the 14th October 2016

126/118 House Type E Floor Plan received by Craven District Council on the 14th October 2016

126/119 House Type E Elevations received by Craven District Council on the 14th October 2016

126/121 House Type F Floor Plan received by Craven District Council on the 14th October 2016

126/120 House Type F Elevations received by Craven District Council on the 14th October 2016

126/123A House Type G Floor Plan received by Craven District Council on the 15th December 2016

126/122A House Type G Elevations received by Craven District Council on the 15th December 2016

126/127 House Type H Floor Plan received by Craven District Council on the 14th October 2016

126/124 House Type H Elevations received by Craven District Council on the 14th October 2016

Design & Access Statement received by Craven District Council on the 14th October 2016.

Flood Risk Assessment received by Craven District Council on the 14th October 2016.

Travel Plan received by Craven District Council on the 14th October 2016.

Transport Assessment received by Craven District Council on the 14th October 2016.

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

The following criteria should be considered:

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: To ensure that the site is properly drained.

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

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

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
- the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels kerb and edging construction details typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

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

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

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

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

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in

consultation with the Highway Authority before the first dwelling of the development is occupied.

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

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

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

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

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (iii) Any gates or barriers shall be erected a minimum distance of **5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending **5 metres** into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
- (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- (vi) The final surfacing of any private access within **5 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- (vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splay areas are provided giving clear visibility of **120m** measured along both channel lines of the major road **Carleton Rd** from a point measured **2.4m** down the centre

line of the access road. The eye height will be **1.05 metres** and the object height shall be **1.05 metres**. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

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

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

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

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

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

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

The required highway improvements shall include:

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

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

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

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

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

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

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

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

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

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

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

20. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

21. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services

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

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

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

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

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Skipton, as much as possible

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

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

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

24. Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations

where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

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

25. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
- the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units unless otherwise agreed with the Local Planning Authority following an assessment of financial viability.
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Provider involved);
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
 - details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's document 'Negotiating Affordable Housing Contributions' (2016) and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

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

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

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

Reason: In sufficient information provided.

Informatives:

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

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

2. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.
3. Operating times for construction should be limited to:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No Sunday or Bank Holiday working.
4. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the Country Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
5. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.
6. Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

Statement of Positive Engagement: -

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 6, 10, 13, 16, 20, 21 & 22 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency

etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

2. With regard to Condition Nos. 3, 4, 5, 8, 19, 23 & 24 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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

*SETTLE & RIBB
62/2016/17447*

*OUTLINE PLANNING APPLICATION FOR THE ERECTION OF CIRCA 16
DWELLINGS AND ASSOCIATED ACCESS.*

*LAND SOUTH OF INGFIELD LANE AND WEST OF BROCKHOLE LANE,
SETTLE.*

APPLICANT NAME: FRANCMANIS PROPERTIES

TARGET DECISION DATE: 20/01/2017

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a major development and a Departure from the Local Plan.

1. Site Description

- 1.1 The site is 0.80ha in area and is located to the south of Ingfield Lane in Settle and is adjacent to Brockhole Lane which borders the Yorkshire Dales National Park immediately to the east.
- 1.2 The site adjoins existing residential development to the north, west and east but lies outside of development limits in area defined as open countryside in the adopted Local Plan.
- 1.3 There is an existing PROW running to the western side of the site.
- 1.4 The site is predominantly grassed over and has dry stone walling to its boundaries. It generally falls in level from north to south.
- 1.5 There are two points of access into the site one connecting to Ingfield Lane to the north of the site, the other to Brockhole Lane to the east.
- 1.6 The land on which the site is located is classed as Grades 3 and 5 agricultural land and is classified as 'Valley Pasture Flat Open Floodplain' in the Craven District Landscape Appraisal (2002).
- 1.7 The site is not situated within a flood zone as identified in the Environment Agency's strategic flood mapping.

2. Proposal

- 2.1 This is an outline planning application seeking approval for a residential development of approximately 16 dwellings. All matters other than the principle of development and the access to the site are reserved although illustrative layouts and indicative house types that show **potential** details have been submitted with the application.
- 2.2 The proposed access to the site would be from Brockhole Lane connecting to Ingfield Lane to the north.
- 2.3 An Affordable Housing Pro-Forma has been submitted by the applicant's agent. This has not been countersigned by CDC Strategic Housing but nevertheless includes 6 two-bedroom affordable houses representing 40% of the total.

Officer note: The Strategic Housing Officer has advised that the proposed affordable housing is acceptable in terms of the amount but is not in terms of the mix (see para. 6.1 below).

3. Planning History

- 3.1 There is no relevant planning history associated with the application site.

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

ENV10: Protection of Trees and Woodland

SRC2: Provision of Recreation Space in New Housing Developments

SRC12: Protection of Public Rights of Way

T2: Road Hierarchy.

5. Parish/Town Council Comments

5.1 **Settle Parish Council:** No comments have been received from the Parish Council at the time of compiling this report.

6. Consultations

6.1 **CDC Strategic Housing:**

The applicants have submitted a planning application for 16 dwellings. Craven Council has in place a 'Negotiating Affordable Housing Contributions' guide (August 2016) which provides details for developers on providing affordable housing as part of residential development applications. This guidance 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. On this scheme this would equate to a provision of 6 units in total, which the applicants are providing as part of the development. Craven District Council have in place a SHMA dated June 2015 which details the need for affordable housing across the district. It confirms that a total of 114 affordable homes are required to be provided each year. Therefore, the provision of 6 affordable homes on this site will go some way towards meeting this need.

With regards to the mix proposed, the split currently indicated to be provided on site is 6 x 2 beds. This mix is not appropriate. Whilst the 2015 SHMA makes reference to the highest level of need for affordable housing coming from those who require smaller properties, namely 1 and 2 bed homes, it also recognises that there is a need to provide larger family homes, and so 3 bed units are supported as part of an affordable housing mix provided on sites. Strategic Housing would therefore require the following split to be provided on this scheme:

20% 1 beds at 60m² (houses – flats will only be accepted where market flats are also provided as part of a development) = 1 x 1 bed

60% 2 beds at 70m² = 4 x 2 beds

20% 3 beds at 85m² = 1 x 3 bed

The units must also be pepper potted throughout the development. The current layout suggests that all the affordable homes will be located at the western side of the site. Strategic Housing would like to see 2 of these homes swapped with one of the detached units located on the northern boundary. Transfer values are set at £1000 per m² (£950 per m² for flats) regardless of tenure size and split, with 25% of the units on site being for shared ownership and 75% of the units being for affordable rented. This may be subject to change given National Governments' drive for shared

ownership and the ability of the Registered Provider to provide this mix at the time the site is allocated.

Provided the applicants are able to provide the mix noted above and alter the unit location as requested then Strategic Housing would have no objections to the application as it has been submitted.

Officer note: As this is an outline application it is possible for the housing mix to be agreed at the reserved matters stage.

6.2 CDC Sports Development Officer:

The SDO supports this proposal subject to the signing of a S106 agreement for £48,000 to meet the play and recreation needs generated by the developments for children's play space, youth and adult play and recreation space off site.

These funds should be used to improve the quantity and quality of identified local deficiency as highlighted in the site specific assessment based upon the 2016 Open Space and Playing Pitch Assessment that has been produced in accordance with NPPF para. 73.

6.3 CDC Environmental Health:

No objections subject to controls being put in place to control construction times, to manage dust and to ensure that only clean topsoil is brought onto the site.

EH has also confirmed that there is no contamination on the site.

6.4 NYCC Highways:

No objections subject to standard conditions relating to construction of roads and footways, provision of visibility splays and access/turning areas, retention of garages, prevention measures for mud and approval of site compound details and of a construction management plan.

6.5 NYCC Rights of Way Officer:

No objections.

6.6 NYCC SuDS Officer:

Response received requesting clarification on one point relating to volume control for run-off from the site. Members will be updated at the meeting.

6.7 NYCC Education:

NYCC Education has confirmed that no developer contribution would be sought for this proposal.

6.8 Yorkshire Dales National Park Authority:

Although they have been consulted there has been no response from the YDNPA regarding this application. A response is being compiled by the Park Authority and members will be updated at the meeting.

6.9 Environment Agency:

Although they have been consulted there has been no response from the EA regarding this application. Members will be updated at the meeting.

6.10 United Utilities:

Has no objections to the proposal subject to conditions to ensure that; the surface water discharging is undertaken in accordance with the submitted flood risk assessment; access to the existing wastewater pumping station is maintained;

approval of a management/maintenance programme for the SuDS scheme; separate systems for foul and surface water drainage

6.11 **Natural England:**

NE has raised no specific objections to the proposal but has advised of a need to consider the visual impact on the National Park in relation to landscape impact. NE refer to their standing advice in relation to protected species and recommend the incorporation of biodiversity enhancements.

6.12 **Yorkshire Wildlife Trust:**

YWT welcome the recommendations made in the Ecological Appraisal document and suggest that the following are secured by an appropriately worded condition as outlined in BS:42020:2013:

- Planting of native species in the landscaping of the site
- Works affecting nesting birds to be undertaken outside of the bird breeding season, or checked by a suitably qualified ecologist if this is not possible
- Installation of artificial bat bricks
- An ecologically sensitive lighting strategy in accordance with the guidelines
- Habitat provision for hedgehogs
- As outlined in the Ecological Appraisal document, Quants Environmental Ltd. recommend the formulation of an ecological mitigation and enhancement strategy, which may encompass the above measures. We suggest that this is also conditioned.

7. Representations

7.1 There are 8 representations 7 of which object to the proposal and 1 expressing support. The comments are summarised as follows:

Objections:

- Loss of privacy to existing houses adjacent to the site.
- Loss of light/overshadowing of existing properties.
- Problems with noise and disturbance during construction.
- Problems with flooding and surface water run-off and the capacity of the existing network to cope with more run-off.
- Existing footpath should be diverted because of nuisance problems associated with it.
- Open access area in front of pumping station is used for vehicle parking/turning. This use and disturbance associated with it will be made worse by proposed development.
- Development would increase urban sprawl and adversely affect the character of Settle and the nearby national park.
- Town does not need to grow further and there is no local need for more new housing.
- Development would put increased pressure on local resources such as medical, dental and educational.
- Development is on a green field until recently used for agricultural purposes.
- The site has ecological value and is home to numerous animals and birds.

- Ingfield Lane and Brockholes View would be overwhelmed by the increase of traffic from the development.
- Inadequate vehicle access.
- The site was dropped from the recent pool of potential development sites because of its contribution to the Settle –Carlisle Railway Conservation Area and the YDNP and should not therefore be approved.
- Proposal would have a detrimental impact on tourism in the area.
- Plan GA/10 incorrectly identifies Brockhole View as Ingfield Lane and D& A aerial photographs are out of date and misleading.
- Application makes references to rounding off and softening of the edge of the settlement but this does not justify further building.
- Screening of the prominent bungalow is not justified or necessary.
- There are no benefits from the proposals and the development fails to contribute to the core three dimensions in the NPPF. The application is therefore not consistent with the NPPF.
- Developer has failed to complete/implement permissions for 10 other dwellings within his control.
- Part 9 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt.

Officer note: The site is not located within green belt and therefore part 9 of the NPPF is of no relevance.

Support:

- Settle needs good quality housing and this is an ideal location.
- There are no flooding issues and the development is infill.
- Site is within walking distance of all main services and facilities.
- There are going to be more houses in Settle to meet the housing need and this is the best site available.

8. Summary of Principal Planning Issues

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

9. 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 remains 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 could be provided. 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 of 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 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. However, whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can currently demonstrate a 5 year land supply 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 sufficient 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 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 the development is not required due to the November 2016 Five Year Housing Land Supply report.

- 9.17 The submitted scheme is in outline form only but illustrative plans indicate that approximately 16 dwellings could be provided of which 6 units (40%) would be affordable. Nevertheless the proposal would represent a contribution towards the Councils overall housing land supply, including the delivery of affordable housing and this is a significant benefit that would arise from the proposed development that needs to be afforded weight in the overall planning balance.

Amenity issues:

- 9.18 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.
- 9.19 In this case the existing properties are located to the north, west and east of the site and it is considered that the site is capable of being developed whilst allowing for sufficient interface distances to be provided such that there would be no significant amenity issues in relation to those neighbouring properties. In coming to this view it is noted that the application has been submitted with an illustrative layout but remains outline with only the means of access being for consideration at this time. With this in mind it is not the case that the potential layout shown on the illustrative plans is the layout that might ultimately be approved if the scheme were to be granted planning permission.
- 9.20 With regards to outlook the proposed development would represent a continuation of the existing new build housing to the north and west of the site and whilst the existing houses 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 would be acceptable and there are no significantly adverse impacts on the amenity of the existing housing to warrant refusal of this application.

Landscape impact:

- 9.21 The application site is located on the edge of the settlement and lies next to open countryside and the boundary to the national park. During pre-application discussions the applicants approached the park authority and were advised that a reduced scheme would be considered more favourably i.e. in comparison to what was originally being proposed which extended further southwards. The current scheme now extends to lie parallel to the Phase1 Ingfield Lane development that lies immediately to the west and seeks to develop the area of land enclosed between this and the small cluster of buildings situated off Brockhole Lane to the east.
- 9.22 It is considered that the proposal is relatively small-scale and would represent a rounding-off of the existing development that surrounds the site on three sides. Despite the proximity to the national park boundary it is not considered that the

development would be in any way visually intrusive or that there would be a significant visual impact that would be unduly detrimental to the wider landscape character or to the national park.

- 9.23 In coming to the above view it is noted that the Landscape and Visual Impact Assessment undertaken on behalf of the applicant is for a larger site area than is actually proposed. Notwithstanding, it is officers opinion that the development as proposed would not be harmful to the landscape and scenic beauty of the national park.

Highway impact:

- 9.24 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'.

- 9.25 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; that 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.
- 9.26 There are representations from local residents concerning traffic safety issues stemming from traffic generation. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.
- 9.27 A number of objections to the proposed development relate to congestion and road safety issues. In planning terms it is unlikely that such congestion would occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety.
- 9.28 The main access into the site would be constructed to NYCC Highways specifications as would the off-site highways works indicated on the proposed master plan. At the request of NYCC Highways the applicants have also agreed to provide a cycle/footpath link that would connect the roads to the north and south of the site and a planning condition is proposed to require full approval of the details of the dual-use path.
- 9.29 In summary, it is considered that there are not sufficient grounds to refuse planning permission over matters of highway safety.

The impact of development on drainage and flood risk:

- 9.30 Foul drainage is to be disposed of to the mains sewer. The application forms also indicate that surface water is to be disposed of to the mains sewer, but subsequent information has been received that indicates that surface water drainage is to soakaway to a Sustainable Drainage System (SuDS). This is a major development proposal and planning guidance indicates that SuDS should be used where possible.

- 9.31 Some objections have been raised by local residents over the ability of the site to be drained both in respect of surface water and foul drainage although the site is not identified as being within a flood plain or an area at risk of flooding.
- 9.32 No objections to the proposals have been received from United Utilities or the NYCC SUDS officer. On the basis that there are no technical objections from the statutory authorities it is considered that, subject to the conditions recommended to ensure approval of a satisfactory scheme for the drainage of foul and surface water from the site, the application is acceptable in terms of drainage and flood risk.

Ecological impact:

- 9.33 The application is accompanied by an Ecological Appraisal (September 2016). The proposal would not impact upon any protected sites and there are no habitats or species present that would indicate that planning permission should not be granted. Some mitigation is proposed as part of the Ecological Appraisal and it is considered that subject to implementation and appropriate planning conditions the application is acceptable in terms of ecological impacts.

Summary:

- 9.34 This 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 albeit by a modest amount, and the policy imperative of boosting significantly the supply of housing (including affordable housing).
- 9.35 However, those benefits have to be balanced against the adverse impact, 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). There are also some potential issues relating to the wider landscape impacts of the proposed development.
- 9.36 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.'*
- 9.37 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

- 9.38 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.
- 9.39 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. Overall, the development would have some very minor adverse impacts but 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 therefore acceptable and benefits from the presumption in favour of sustainable development.

S106 Legal Agreement

- 9.40 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.
 - The provision and timetable for the delivery of off-site open space provision.

10. Recommendation

- 10.1 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:

Conditions

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

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development 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 appearance, layout and scale 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 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 shall be begun before the expiry of two years from the date of approval of the last of the reserved matters.

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

B. Condition to specify the approved plans and supporting documents:

5. The development hereby permitted shall not be carried out otherwise than wholly in accordance with the following plans and supporting documents received by the local planning authority on 12th October 2016:

- GA_00
- GA_01
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Ecological Appraisal

The development shall be completed in accordance with the approved plans and supporting documents 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.

C. Pre-commencement conditions:

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

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number A1.
- (iii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending 5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
- (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

8. No development shall commence, 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:

- 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
 - 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, 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 Local Highway Authority must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

9. No development shall commence until a detailed design and associated management and maintenance plan for surface water drainage 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 and be 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.

10. No development shall commence until details of the proposed means of disposal of foul water drainage, 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.

11. No development shall commence 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) 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.

D. Other conditions:

12. No building shall be constructed 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.

13. Prior to the first installation of any external lighting 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: In the interests of visual amenity.

14. No dwelling 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.

15. 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.

16. 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 the approved details.

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

17. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

18. 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.

19. No dwelling 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.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent Order, no garage 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.

21. 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.

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.

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. 6, 7, 8, 9, 10, 11, 12 and 13 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. Please note that this is an outline application and this permission therefore only relates to the principle of the development and the access being the matters applied for. Condition 5 above sets out the approved plans and documentation but it should be noted that **the illustrative layouts and house plans contained within the supporting documentation are not approved details as part of this outline planning application.**
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 applicant must ensure that access by the statutory utility provider to the wastewater pumping station adjacent to the north-west corner of the site is maintained at all times.

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

*BENTHAM
08/2016/17619*

ALTERATIONS AND EXTENSION TO DWELLING.

ROSE COTTAGE, WENNING AVENUE, HIGH BENTHAM.

APPLICANT NAME: MR COLIN WOOF

TARGET DECISION DATE: 13/02/2017

CASE OFFICER: Ian Lunn

Councillors Brockbank and Thompson have requested that this application be referred to Committee for determination as they are both supportive of the proposals. Councillor Brockbank accepts that the cottage is technically located in the countryside but contends that it does not occupy a particularly exposed position due to its proximity to Bentham and other development. She also considers the proposed extensions to be necessary and in keeping with the character of the dwelling. Councillor Thompson does not accept that the cottage is located in open countryside nor does he consider the extensions to be unduly large. He has also requested a site visit.

1. Site Description

1.1 'Rose Cottage' is a semi-detached house constructed of natural stone under a natural blue slate roof. It is located on the southern edge of the village of High Bentham just outside of the settlement limits.

1.2 The property currently benefits from a residential curtilage which essentially lies to the rear (south) of the house. However, the applicant also owns additional land to the east and south most of which forms a separate paddock.

2. Proposal

2.1 Planning permission is sought to add single storey extensions to the front, side and rear of the dwelling and to erect a first floor extension over the existing kitchen/dining room 'extension' (which also lies to the rear of the property). The existing property extends to approximately 118 sq. m (including bedroom accommodation in the roof space) and the proposed extensions would add approximately 72 sq. m. The extensions would be constructed in stone and slate to match the existing dwelling

2.2 NB:- Approval was also originally sought to erect a freestanding garage on the paddock to the side (east) of the property but this has since been withdrawn from the scheme.

3. Planning History

3.1 None

4. Planning Policy Background

4.1 National Planning Policy Framework (2012) – Sections 7 and 11

4.2 Saved Local Plan Policies ENV1, ENV2 and H20 of the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan

5. Parish/Town Council Comments

5.1 Bentham Town Council:- No objections to the extensions but consider that the proposed garage would be out of keeping with the character of the locality. Consider that it should be less 'agricultural' in appearance and that it should be stone clad with a pitched 'slate-like' roof (the garage has since been withdrawn from the scheme).

6. Consultations

6.1 County Highways: - No observations received.

7. Representations

7.1 Two letters of objection have been received in respect of these proposals. One of the objectors considers the design of the proposed extensions to be acceptable but is concerned about the size and design of the new garage. The other is solely concerned about the garage.

7.2 The applicant has submitted a letter in support of their proposals in which they state:-

- a) that the extensions are required in order to provide a suitable level of residential accommodation, the existing property being too small,
- b) that the development will not adversely affect the amenities of neighbouring properties as the property occupies a large plot. The immediate neighbour has no objections,

8. Summary of Principal Planning Issues

8.1 The likely impact of the proposed development upon the character and appearance of the host dwelling and surrounding area; the likely impact of the proposed development upon the amenities currently enjoyed by the occupiers of the adjoining properties; the likely impact of the development upon highway safety and flood risk issues.

9. Analysis

The likely impact of the proposed development upon the character and appearance of the host dwelling and surrounding area

9.1 The existing property is of simple design comprising a two storey stone and slate house with a single storey addition to the rear and a small single storey porch to the side. It occupies a prominent position fully visible from Wenning Avenue. Despite the applicant's views to the contrary it is considered that the addition of the proposed extensions would detract from its simple character. Collectively they would be unduly large involving:-

- a) the extension, albeit at single storey level, across the whole of the front, and over three quarters of the side, of the property, and
- b) the erection of ground and first floor extensions to the rear.

Such additions would 'mask' most of the existing elevations and significantly change the shape of the property. Additionally, it is considered that the front and side extensions in particular would appear unacceptable in design terms introducing:-

- a) a substantial 'hip' to a property that has a 'gable' roof, and
- b) significantly more windows than are currently present which do not properly align with the existing openings and which have a horizontal emphasis.

9.2 The above concerns have been raised with the applicant. However they have declined the opportunity to alter the scheme other than by introducing natural stone to all elevations of the extensions. This is not considered to be sufficient to overcome those concerns. Consequently, refusal of this application on visual amenity grounds is recommended.

The likely impact of the proposed development upon the amenities currently enjoyed by the occupiers of the adjoining property

9.3 Light:- This property adjoins one other dwelling ('Bleach House'). However, it is considered that the extensions would not affect the level of light that this property currently receives to the extent that a further refusal of this application on light loss

grounds could reasonably be justified. Whilst there are four windows in the rear of that property, three of these appear to give light to 'non-habitable' rooms and the fourth (a kitchen) is considered to be far enough away to be not significantly affected. The extension to the front of the property will be single storey only and given its proposed projection and relationship to neighbouring windows should not unduly affect the level of light that they currently receive.

Overlooking: - The proposals will not give rise to unacceptable overlooking of neighbouring properties either. All newly formed windows within the proposed extensions will either face the front garden of the property (and thereafter the river), the open paddock to the side or the entrance to the caravan park to the rear.

The likely impact of the development upon highway safety

9.4 It is not envisaged that these proposals will give rise to any undue highway safety issues. There is no requirement to provide additional 'on-site' parking as a result. Furthermore, the proposals will not significantly affect the existing parking and access arrangements available to the dwelling (there are currently no 'on-site' turning facilities). County Highways have been consulted on the proposals but no response has been received.

9.5 A definitive public footpath runs past this site. However this will not be affected by the proposed development.

9.6 Flood Risk Issues

The property lies within identified Flood Zones 2 and 3. In order therefore to safeguard future occupiers of the enlarged property against flooding the agent has indicated that the floor levels of the respective structures will be set no lower than those of the existing property and that suitable flood proofing measures will be incorporated into the construction of the development. Subject to the development being carried out in this manner it is considered that future occupiers of the enlarged property would not be at significant risk from flooding.

The proposal will increase the area of ground that is developed by approximately 105 square metres. However this is not considered to be sufficient of an increase to significantly exacerbate problems of flooding elsewhere.

In view of the above it is considered unlikely that the proposal would give rise to any undue flooding issues. Consequently it is considered that a further refusal of this application on flood risk grounds could not reasonably be substantiated.

9.7 Conclusion

9.8 The proposed extensions are considered to be unacceptable for the reasons outlined above. The proposals are considered to be acceptable in all other respects or could be rendered so through the imposition of suitably worded conditions. However it is considered that the visual amenity concerns raised outweigh all other considerations in this instance. Accordingly refusal is recommended.

10. Recommendation

10.1 That planning permission be refused for the following reason.

Reason for Refusal

It is considered that the proposed extensions, because of their collective size, design, position and prominence, would unduly detract from the simple character and appearance of the host dwelling, and that the dwelling so extended would detract from the appearance of the surrounding area in general. The proposals are therefore considered to be contrary to the provisions of Saved Policies ENV1, ENV2 and H20 of

the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan and Sections 7 and 11 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. However, it has not proved possible to negotiate an acceptable scheme in this instance.

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

*SKIPTON EAST
63/2016/17667*

PROPOSED RECONFIGURATION OF SOFT LANDSCAPING AND PARKING AREA TO THE NORTH ENTRANCE OF SKIPTON BUILDING SOCIETY TO REPLACE 17 NO. EXISTING PARKING SPACES WITH 54 NO. NEW SPACES. REMOVAL OF 5 NO. EXISTING TREES IDENTIFIED AS T14, T18, T19, T20 AND T21. NEW TREE PLANTING AND SOFT LANDSCAPING.

SKIPTON BUILDING SOCIETY, THE BAILEY, SKIPTON.

APPLICANT NAME: SKIPTON BUILDING SOCIETY

TARGET DECISION DATE: 13/02/2017

CASE OFFICER: Ian Lunn

Ward Member Councillor Jaquin has asked that this application be referred to Planning Committee for a decision:-

a) because previous applications have been decided in this way, and

b) because of the level of interest in the proposal from local residents.

1. Site Description

1.1 The building, the subject of this application, is a substantial freestanding part two/part three storey structure constructed of stone for the external walls under a blue slate roof. It is located due south of the junction of The Bailey and Skipton Road on the northern edge of the town on land forming part of the Skipton Conservation Area. The surrounding area is predominantly residential in character.

1.2 The building is currently the headquarters of the Skipton Building Society and is used as offices.

2 Proposal

2.1 Planning permission is sought to alter the parking and landscaping arrangements to the immediate front (north) of the building. The works involve:-

a) the replacement of 17 car parking spaces with 54 spaces, and

b) the removal of five trees and their replacement with new tree planting and soft landscaping.

The spaces are required in order to provide additional parking facilities for staff already working at, and visitors to, the premises. It is not the intention to increase staff numbers.

3 Planning History

3.1 The site has been subject to a number of previous planning applications but of direct relevance is Planning Ref. 63/2004/4277 – Additional car parking spaces – Approved 8th August 2007. This permission was granted subject to a S106 legal agreement requiring a Green Travel Plan for the site as a whole to be produced. The S106 attached to this permission requires the Travel Plan to be reviewed on an annual basis.

4 Planning Policy Background

4.1 National Planning Policy Framework – Sections 2, 4, 7, 11 and 12

- 4.2 Saved Local Plan Policies EMP4, EMP6 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.
- 5 Parish/Town Council Comments
- 5.1 Skipton Town Council:- No observations received
- 6 Consultations
- 6.1 NYCC Highways:- No objections subject to a condition requiring the new parking area to be retained for parking purposes.
- 6.2 CDC Trees Officer:- No objections subject to conditions requiring the erection of protective fencing around the trees to be retained, and requiring any works around tree roots to be undertaken using hand tools.
- 7 Representations
- 7.1 Two letters of objection have been received in respect of this proposal, both from the same person. They are concerned about the current level of 'on-street' parking in the area that is allegedly being caused by the Building Society. They consider that this has not previously been properly addressed by the Society and that it will not be properly addressed by this proposal. They contend that 200 additional car parking spaces are required in order to meet current need.
- Officer Note:- The Local Planning Authority cannot legitimately refuse this application on these grounds. The application seeks approval for additional car parking and needs to be considered on its own planning merits. An assessment of those merits is set out in the 'Analysis' section below.
- 8 Summary of Principal Planning Issues
- 8.1 The likely impact of the development upon the character and appearance of its surroundings; the likely effect of the development upon neighbouring amenity and highway safety; the likely impact of the development upon trees.
- 9 Analysis
- The likely impact of the development upon the character and appearance of its surroundings
- 9.1 The new parking area will be visible from the main road (The Bailey). However, it is considered to be acceptable in terms of its layout. The new access roads and spaces are to be surfaced using porous asphalt and cellular paving with gravel infill, materials that will match/suitably harmonise with others used within the site. These are to be interspersed with landscaping and new trees that should, in time, soften its appearance and enable it to assimilate into its surroundings. In view of this it is considered that the development will not significantly affect the settings of the host building or the surrounding Conservation Area and on this basis the likely impact that it will have on its surroundings will, it is considered, be minimal.
- The likely effect of the development upon neighbouring amenity
- 9.2 The enlarged car parking area is likely to attract more vehicular use and therefore potentially could create more noise. However, it is to be located approximately 60 metres from the nearest residential property (in Regent Road) with mature trees, two quite substantial stone walls and further car parking in between. Furthermore, it is to be used in conjunction with B1 offices, a use that is normally deemed compatible in/adjoining a residential area being one that does not normally generate much noise. In view of this, and as it would appear that the offices tend to operate during normal daytime hours, it is not envisaged that enlarging the car parking area in the manner proposed is likely to give rise to any undue disturbance of local residents.

The likely effect of the development upon highway safety

- 9.3 The premises currently benefit from 560 car parking spaces and an approval of this proposal will increase this to 597. This should assist in reducing any issues of 'on-street' parking that it has previously been suggested the Building Society may be causing. The layout itself is considered to be adequate, the spaces being of the required size with sufficient aisle widths between the respective rows to allow cars to satisfactorily manoeuvre into and out of them. With this in mind the proposal is considered to be acceptable in highway safety terms, a view supported by County Highways.
- 9.4 A local resident contends that this application fails to properly address the current issue of 'on-street' parking in the locality as it proposes insufficient additional spaces. However, in addition to the further spaces proposed the premises are currently the subject of a Green Travel Plan which sets out measures for reducing staff reliance on their own private cars. These include the provision of parking for people with disabilities, improved shower facilities to encourage people to walk or cycle to work, and discounted rail tickets. There is a requirement that this is reviewed annually under the terms of planning permission number 63/2004/4277 and it was last submitted for review in April 2016 with a further review proposed this April. It is considered that the combination of the measures set out in the Travel Plan and the additional parking spaces should help to ease any parking issues that may be occurring. On this basis, and as this site occupies a sustainable location within 400 metres of Skipton Town Centre where it is readily accessible by walking, it is considered that a refusal of this proposal on highway safety grounds could not reasonably be sustained in this instance.

The likely impact of the development upon trees.

- 9.5 The proposal will lead to the loss of five trees. However:-
- a) the trees to be removed are of no particular visual merit,
 - b) a significant number of more mature specimens are to be retained between the site and the road and these will provide a degree of screening of the development,
 - c) new tree planting is to be undertaken as part of the proposal to replace those lost.

In view of this, and as the trees specified as being retained should not be affected by the development provided that they are suitably protected during the construction works, it is considered that there are no tree related grounds for refusing this application. This view is supported by the Council's Tree Officer.

9.6 Conclusion

- 9.7 It is contended that the proposal will comply with the requirements of saved Local Plan Policies EMP4, EMP6 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the provisions of Sections 2, 4, 7, 11 and 12 of the National Planning Policy Framework. It is considered that the revised car parking layout will safeguard the settings both of the host building and the Conservation Area in which it is located. It is also considered that the development will be satisfactory in highway safety terms, will safeguard trees to be retained and will safeguard the amenities of the occupiers of the surrounding properties.

10. Recommendation

10.1 That planning permission be granted subject to conditions

Conditions

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

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

2. The approved plans comprise:-

- Drawing numbers P(000)001; P(000)102 and P(000)103, received by the Local Planning Authority on 19th December 2016, and
- Drawing numbers P(000)004RevC; LS1530D08RevP1 and MR16-098/101RevB, received on 27th January 2017.

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

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

3. The new retaining wall shall be faced using natural stone which shall match in type, colour, texture and course depth the stone used in the construction of the external walls of the host building.

Reason: To safeguard the settings of the host building and the Conservation Area in which it is located, in accordance with the requirements of Saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

4. The new guard rails shall be colour coated/stove enamelled black before they are first installed, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be satisfactorily retained at all times.

Reason: To safeguard the settings of the host building and the Conservation Area in which it is located, in accordance with the requirements of Saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

5. All areas to be used by vehicles shall be surfaced, sealed, drained and laid out in accordance with the details shown on the approved drawings before the new parking area is first brought into use. These areas shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with the Building Society Headquarters and in order to allow vehicles access to and from the site.

Reason: To safeguard the settings of the host building and the Conservation Area in which it is located and in the interests of highway safety, in accordance with the requirements of saved Local Plan Policies EMP4, EMP6 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

6. The landscaping details shown on the approved drawings shall be implemented in the first planting season following the substantial completion of the development unless otherwise agreed in writing by the Local Planning Authority. The approved scheme

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

Reason:- In the interests of the visual amenity of the area, in accordance with the requirements of Saved Policies EMP4 and EMP6 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

7. Before any equipment, machinery or materials are brought on to the site for the purposes of the development hereby approved, fencing shall be erected in accordance with BS5837:2012 'Trees in Relation to Construction' around all trees to be retained. 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 safeguard the trees to be retained, in accordance with the requirements of Saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

8. All excavation works to be undertaken around tree roots shall be carried out using hand tools.

Reason: To safeguard the trees to be retained, in accordance with the requirements of Saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework.

Informative

The Building Society premises are currently the subject of a Green Travel Plan which is required to be reviewed on an annual basis. The next review is due this April. For further information about this please contact the Planning Service on (01756) 706453.

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 negotiated with the applicants to secure a satisfactory amended scheme.