

**PLANNING COMMITTEE MEETING AGENDA**

**Monday, 24th October 2016**

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APPLICANT NAME: R N WOOLER & CO  
TARGET DECISION DATE: 19/10/2016  
CASE OFFICER: Mark Moore

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

*WEST CRAVEN  
69/2016/17106*

*PROPOSED DWELLING HOUSE WITH ON SITE PARKING AND TURNING  
AREAS (RESUBMISSION OF PREVIOUSLY REFUSED PERMISSION  
69/2014/14956).*

*LANE END FARM, CAM LANE, THORNTON IN CRAVEN.*

APPLICANT NAME: MR & MRS JAMES ADAMSON

TARGET DECISION DATE: 16/09/2016

CASE OFFICER: Andrea Muscroft

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**Councillor Mason has asked that the Planning Committee carry out a site visit for this application to help them judge the suitability of the site for residential development and reach a decision.**

1. Site Description

- 1.1 The application site relates to a parcel of land that lies directly off Cam Lane on the outskirts of Thornton in Craven. The site is currently used for agricultural purposes with two modern agricultural buildings on the site. There are a number of existing accesses into the site with one located to the south via an existing gate that runs behind No. 2 Cam Lane or alternatively access can be obtained directly off Cam Lane.
- 1.2 The land is partially covered in gravel hard standing with a wire and post fencing along the boundaries. A bank of trees and shrubs line the eastern boundary. Beyond the site boundaries to the north lies agricultural land with isolated dwellings beyond. To the west of the site also lies agricultural land that slopes uphill westwards and to the south is a parcel of agricultural land separating the site from nearby residential dwellings.
- 1.3 Dwellings located approximately 100-150 m to the south of the site are characterised by a mixture of detached and semi-detached, single and two storey dwelling set within residential gardens. The village of Thornton in Craven is located to the south and southwest of the site with a mixture of more traditional style properties behind low level stone walls.
- 1.4 A Public Right of Way runs north to south along Cam Lane.
- 1.5 The application site is located outside of the development limits of Thornton in Craven and therefore lies on land classified as open countryside.

2. Proposal

- 2.1 The proposal is seeking to construct a detached two storey dwelling with off street parking.
- 2.2 To facilitate the proposal an existing farm building would be removed and a new vehicle access directly off Cam Lane would be created.
- 2.3 The proposed dwelling would be constructed from natural stone under an artificial stone slate roof. Proposed windows and doors would be of timber construction.

3. Planning History

- 3.1 5/69/36 – Construction of two new dwellings – Refused November 1979.
- 3.2 5/69/36/A – Construction of single dwelling – Refused July 1994.
- 3.3 69/2014/14636 – Prior approval of proposed change of use of agricultural building to dwelling house – Withdrawn October 2014 as the proposal could not be dealt with as a prior approval.
- 3.4 69/2014/14956 - Proposed dwelling house with on site parking and turning areas – Refused October 2014.

4. Planning Policy Background
  - 4.1 The National Planning Policy Framework – NPPF.
  - 4.2 Planning Policy Guidance – PPG.
  - 4.3 Saved Local Policies ENV1, ENV2 and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
  - 5.1 Thornton in Craven – The Parish wishes to object to the proposal as further development of this land will set a precedent for future development. There is poor access and a concern of extra traffic needs to be address.
6. Consultations
  - 6.1 NYCC Highways – No objection subject to the use of appropriate conditions.
  - 6.2 Yorkshire Water: No comments received at the time of compiling this report.
7. Representations
  - 7.1 Four letters of representations have been received with comments summarised below:-
- 7.2 Visual Impact**
  - The proposal dwelling is not in keeping with surrounding traditional properties.
  - The proposed dwelling would be located outside of the building line and would have a negative visual impact on the open countryside.
- 7.3 Highway issues**
  - Concern that the proposal would have a negative impact on highway safety for both pedestrians and vehicle users.
  - Concern about the potential impact of an increase of vehicles using the narrow lane.
  - Concern who will maintain the Cam Lane if approved.
- 7.4 Other issues**
  - How will household waste be removed given that the waste collection service does not enter this part of Cam Lane.
  - Concern that this is a bigger scheme than previously refused.
  - The proposal would set a precedent for similar proposals.
  - Concern the proposal would have a negative impact on the users of the Pennine Way.
8. Summary of Principal Planning Issues
  - 8.1 Principle of development.
  - 8.2 Visual impact of development.
  - 8.3 Impact of development on the neighbouring properties.
  - 8.4 Highway Issues.
  - 8.5 Other issues.
9. Analysis
  - 1. Principle of development.**
    - 9.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. The document also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a

five-year supply of deliverable housing sites. Local Planning Authorities should also approve development proposals that accord with the development plan without delay. In rural areas LPAs should be responsive to local circumstances and plan housing to reflect local needs particularly for affordable housing.

- 9.2 Furthermore, paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 111 continues this theme by stating that planning policies and decision should encourage the effective use of land by re-using land that that been previously developed (brownfield land).
- 9.3 In terms of the Council's LP, The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.4 The NPPF states that where plans are out of date (as with Craven's Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with NPPF. Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 9.5 Saved Policy ENV1 seeks to restrict development in the open countryside through the identification of development boundaries. Whilst these boundaries have not been reviewed Saved Policy ENV1 remains of relevance in terms of reinforcing the approach of the NPPF of restricting development in the open countryside. It states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. Whilst pre-dating the NPPF, it is considered that this policy broadly accords with paragraph 55 of the NPPF which states that LPA's should avoid new isolated homes in the countryside unless there are special circumstances.
- 9.6 It is accepted that the Council does not currently have a five year supply of deliverable housing and is currently in the process of identifying sites for future development in the emerging Local Plan. Notwithstanding this, the Council's emerging preferred sites excludes Thornton in Craven from the list of settlements within which new housing development would be supported. In addition, the appellant has not identified that the dwelling would be affordable, or be a dwelling for an agricultural, forestry worker. Therefore, in terms of potential housing Policy ENV1 would not be supportive of residential development in the open countryside as the new dwelling would not represent an exception to the Councils saved Local Policy. Accordingly, the proposal is not supported in principle under the relevant saved policy in the adopted Local Plan.
- 9.7 Nevertheless, irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.
- 9.8 When considering whether the application site is located in a sustainable location, it is accepted that the site lies to the south of two residential dwellings which form part of a linear development from the village centre. However, the application site is separated from these dwellings to the south by agricultural fields. Furthermore, properties to the north are dispersed within the open countryside in response to the unplanned nature of development. Additionally, the change of use of agricultural land to form a residential curtilage with associated domestic paraphilia would conflict with the aims of saved Policy ENV1 which seeks to protect the character and appearance of the countryside. Therefore, it is

considered that the proposed new dwelling would encroach into the open countryside thus having a detrimental impact on the rural character of the area and failing to fulfil the environmental role of the NPPF.

- 9.9 It is acknowledged that Thornton in Craven is served by public transport with links to neighbouring villages and towns providing an alternative form of travel to the private vehicle. However, there are no services in the immediate area with the exception of the local school situated approximately 213m from the site. To access a range of goods and services potential occupiers would have to travel to either Skipton (7.9miles) to the east or Barnoldswick (2.6miles) to the west. It is accepted that there are a number well maintained footpath from the centre of the village towards Skipton and Barnoldswick. However, these do not benefit from the provision of illumination and terminate before reaching either location. Thus it is unlikely that future occupiers would use these footpaths to access goods or services resulting in future occupiers having a heavy reliance on private transport thus conflicting with the objectives of the NPPF which supports sustainable development in appropriate locations.
- 9.10 Furthermore, paragraph 55 advises that to promote sustainable development rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 111 continues this theme by stating that planning policies and decisions should encourage the effective use of land by re-using land that has been previously development (brownfield land).
- 9.11 The application site is currently used for agriculture and thus the land does not fall into the NPPF definition of previously developed land, which excludes land that has been occupied by farm or forestry buildings, land where the remains of surface structures have blended into the landscape and residential gardens.
- 9.12 It is accepted that the proposal would generate some temporary economic/financial benefits during the construction stage with future occupiers providing support to nearby towns and villages and that a provision of a detached dwelling would benefit the existing landowner. Furthermore, it is accepted that the proposal would provide social benefits to the extent that it would provide additional housing in a rural area, an objective of the NPPF, which supports the delivery of housing to meet identified needs. However, whilst the proposed would make a limited contribution it would not meet any specified housing need identified by the Strategic Housing Land Availability Assessment and thus is considered to conflict with and would harmfully undermine the overall thrust of the development plan intentions and emerging policy concerning the location of new housing development and the protection of the countryside.
- 9.13 In conclusion, it is acknowledged that the proposal would be limited to a single detached dwelling; however, the proposal is considered contrary to and harmful to the development plan intentions and the emerging policy concerning the location of new housing development. In addition, the limited benefits arising from the proposal would be limited and would be significantly and demonstrably outweighed by the adverse impact of this development on the open countryside and its harm of the intrinsic character of the area through the addition of urban sprawl. Furthermore, the proposal would conflict with the objectives of Policy ENV1 in that the proposal would not be essential for the efficient operation of agriculture or forestry. It is therefore considered that the proposal would be contrary to the aims of the NPPF and Saved Policy ENV1 which aims to protect the open countryside from inappropriate development.

## **2. Visual impact of development.**

- 9.14 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.

- 9.15 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. The guidance also highlights the importance of design and sets out some objectives for achieving good design. These include the requirements that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials and creating visually attractive developments through good architecture and appropriate landscaping.
- 9.16 The application site lies to the north of Thornton in Craven and relates to a parcel of land currently used for agricultural purposes. The character of this area to the west of Cam Lane is derived in part by the unplanned nature of development, the lack of street patterns, and the open spaces between and around buildings.
- 9.17 To the rear of Cam Lane are open agricultural fields devoid of development. To the north and east are open agricultural fields generally devoid of development with the exception of a number of isolated dwelling/farmhouses. It is this openness that contributes to the character and appearance of the area and therefore has some significance.
- 9.18 The proposal is to construct a detached two storey dwelling within the footprint of an existing agricultural building and to reclaim a parcel of land to the rear to form residential amenity area. A section of the farm yard would be retained with an existing building being used for farming enterprise. The boundaries to the proposed dwelling would comprise of a drystone wall measuring 1m high with the exception of a 1m timber fence fronting onto Cam Lane.
- 9.19 The existing low level buildings on the site are located adjacent to Cam Lane and partially screened from public views by existing vegetation. It is acknowledged that due to the changes in topography to the rear that when viewed west to south the building would not appear prominent within a wide area. Notwithstanding this, the proposed dwelling due to its position within the site would be noticeable when travelling along Cam Lane. However, the revised proposal has incorporated some of the key characteristics present within the designated centre of Thornton in Craven with regards to its form, appearance and use of traditional materials. Therefore, the proposed design of the dwelling is considered acceptable.
- 3. Impact of the development on the amenity of neighbouring properties.**
- 9.20 The nearest dwelling to the application site is No. 2 Cam Lane located in excess of 90m from the application site. It is considered that due to the location of the proposed detached dwelling combined with the separation distance that the proposal would not result in any loss of daylight to the habitable windows or amenity area of this property. In addition, due to the orientation of the proposed dwelling with the habitable rooms of No. 2 Cam Lane the proposal would not appear overtly dominate or overbearing or result in any loss of privacy. Therefore, the proposal would not harm the living conditions of nearby residents and thus would not conflict with the aims of the paragraph 17 of the NPPF.
- 9.21 However, the NPPF also seeks to secure a good standard of amenity for future occupants of land and buildings. In this instance, drawing SkB02 Rev C indicates that one of the existing farm buildings would be retained on site for farming activities. Therefore, there are concerns with regards to potential noise disruption and smell nuisance on the living conditions of any future occupants of the dwelling. The submitted Design & Access states that the farm yard would continue to operate and as such would attract vehicles and activity including the need for deliveries and collections of both machinery and potentially livestock. Therefore, given the close proximity of the proposed dwelling to the farm yard it is considered that the proposal would adversely affect the living conditions of any future occupants of the dwelling.
- 9.22 In conclusion, it is considered that the proposal fails to ensure a good standing of amenity for the future occupants of the dwelling due to the continued operation of the farm yard and as such is considered contrary to the aims and objectives of the NPPF.



#### **4. Highway Issues.**

- 9.23 Saved Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.24 The proposal is seeking to create a new vehicle access directly off Cam Lane that would lead to a substantial parking and turning area. The inclusion of off street parking and that the proposal would not have an adverse impact on highway safety means that the proposal complies with the requirements of Saved Policy T2 of the Local Plan.
- 9.25 Concerns have been expressed regarding highway safety, in particular the risk of accidents from the increased use of the lane. It is accepted that the lane is narrow with few passing places, however, the Highways Authority have been consulted on the development and have raised no objections to the development on highway safety ground.

#### **5. Other Issues.**

- 9.26 With respect to concerns that should the Council be mindful to grant permission, that it would set a precedent for similar development in the vicinity, it is stressed that each proposal would require to be considered on its own merits having regard to the local and national policies.

#### **Conclusion**

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

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

- 9.28 In conclusion, whilst it is accepted that the proposal would provide economic and some limited social benefits, the NPPF is clear in paragraph 8 that the 3 roles of sustainability should not be taken in isolation, because they are mutually dependent. Therefore, in the absence of any exceptional circumstances for the construction of a single dwelling in the open countryside combined with the fact that the proposal would result in both visual harm to the character of the open countryside and given the ongoing operation of the farm yard would give rise to adverse impacts on the living conditions of any future occupants of the dwelling.
- 9.29 Therefore on balance the proposal therefore conflicts with Saved Local Plan Policies ENV1 and ENV2 and the aims and objectives of the NPPF.

#### **10. Recommendation**

- 10.1 To recommend refusal.

#### **11. Reasons for Refusal**

1. The proposed dwelling given its remote location away from the existing settlement fails to comply with planning policy objectives of achieving sustainable development. There is no other special justification for this dwelling in this rural location and it is therefore considered that this development is unacceptable in principle. The adverse impacts are considered to outweigh the benefits of approving development and as such the proposal is contrary to the requirements of Saved Policy ENV1 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

2. The proposal fails to ensure a good quality of amenity for any future occupants of this dwelling due to the close proximity to the operating farmyard that would create unacceptable environment for the occupants of the proposed dwelling. It is therefore considered that the proposal would be contrary to the aims of the National Planning Policy Framework that seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Statement of Positive Engagement: -

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

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

*GLUSBURN  
32/2016/17300*

*RESIDENTIAL DEVELOPMENT OF FOUR 2 BEDROOM THREE PERSON  
STARTER HOMES WITH OFF STREET PARKING.*

*GARAGE SITE ADJ 44 AND 60 COLNE ROAD, COLNE ROAD, GLUSBURN.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 28/10/2016

CASE OFFICER: Andrea Muscroft

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**The application has been referred to Planning Committee as the proposal is an application submitted by the Council on Council owned land.**

1. Site Description

- 1.1 The application site comprises of a parcel of land 0.13h in area, situated to the southwest of the centre of Glusburn. The site is predominantly open in character with 12 garages on site.
- 1.2 There is a slight decrease in levels from north to south through the site. There are no special landscape features contained within the site other than some trees and shrubs along the northern boundary.
- 1.3 The surrounding area to the north and east is residential in character with allotments to the south and west of the site with a mixture of residential and local services beyond. Access to and from the site is from Colne Road to the north.
- 1.4 The site lies outside of the development limits of the village of Glusburn as defined by the Local Plan 1999. Part of the site also lies within Flood Zone 2 as identified by the Environment Agency.

2. Proposal

- 2.1 The proposal is seeking consent for the construction of four 2 bedroom starter homes with off street parking (the submitted first floor plans indicate each dwelling has 2 bedrooms plus a boxroom/study).
- 2.2 The application proposes that all of the dwellings would be provided on an affordable basis.
- 2.3 The proposal is supported by the following documentation:-
  - Proposed site plan.
  - Proposed elevations
  - Proposed floor plan.
  - Design and Access Statement
  - Supporting Statement including Flood Risk Assessment.

3. Planning History

- 3.1 5/32/499 – Erection of precast concrete garage – not determined.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policies ENV1, ENV2, H12 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

- 5.1 Glusburn Parish Council: No formal comments received at the time of compiling this report.

## 6. Consultations

- 6.1 **CDC Contamination Officer:** Historical use of the site could have led to potential contamination land issues. Therefore it is recommended to attach an appropriate condition should contamination be encountered during the development.
- 6.2 **CDC Environmental Protection:** No objection but suggests the use of conditions.
- 6.3 **Environment Agency:** No comments received at the time of compiling this report.
- 6.4 **NYCC Highways:** No objection subject to the use of appropriate conditions.
- 6.5 **Yorkshire Water:** No comments received at the time of compiling this report.

## 7. Representations

- 7.1 The proposal was advertised in the Craven Herald on the 16<sup>th</sup> September 2016 and a site notice was posted adjacent to the site on the 19<sup>th</sup> September. Notification letters were also distributed to neighbouring properties. As a consequence of the publicity 9 letter of representation have been received. Comments summarised below:-

### **Visual impact**

- The proposal would spoil our view.
- Proposed dwellings are not in keeping with the character of the area.

### **Amenity issues**

Concern over potential noise nuisance during construction stage.

### **Highway issues.**

- The loss of garages would result in an increase in on street parking.
- Insufficient parking proposed for users of the allotments.
- Concern that emergency vehicles would be unable to reach the allotments.
- Concern for pedestrian safety as they cross the access to the site.

### **Flooding**

- Concern that the development will increase the risk of flooding.

### **Drainage**

- Concern that the drainage system would be unable to accommodate any more surface water.
- The main sewer is unable to accommodate any more foul waste.

### **Other issues**

- Object to the proposed route for the surface water pipe through the allotment to Boundary Avenue.
- Concern over the lack of information available to residents of Boundary Avenue.
- No justification for more houses in Craven.
- Local infrastructure and public services would be unable to cope.
- Concern that the Council will sell off the allotments.
- Concern no pedestrian access is proposed to the allotments.
- The proposal would make it impossible for deliveries to occur to the allotments.

## 8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact of development.

- 8.3 Impact of development on the amenity of neighbouring properties.
- 8.4 Highway issues.
- 8.5 Flooding
- 8.6 Drainage
- 8.7 Other issues.

9. Analysis

**Principle of development.**

- 9.1 The application site lies outside but adjacent to the existing development limits of Glusburn, 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.
- 9.2 Saved Local Plan Policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.3 Saved Policy H12 relates to affordable housing for local people on exception sites. The policy allows for planning permission to be given on land outside development limit boundaries providing the scheme is for 100% affordable housing. The policy also includes a number of other detailed criteria that need to be addressed.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that ‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One 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 December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The reports sets out the Council’s five year land supply calculations and indicates that the Council cannot demonstrate a 5 year supply of housing sites. Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.8 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 of Glusburn with residential development

located to the north and east, with further residential development located to the south beyond the allotments and to the west beyond the Primary School. The site is located within walking distance of the village centre where local facilities and services (e.g. Public House, Shops, Pharmacy and Schools) are available. In addition, the village is serviced by a local transport service that connects with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.

- 9.9 The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental. It is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.10 Turning to the environmental dimension of sustainable development the application site has clearly been developed with provision of hardstanding and garages on the site. The NPPF defines previously developed land as being 'land which is or was occupied by a permanent structure'. In this instance, the site is not considered to be of a high environmental value and its redevelopment is considered to be more preferable than the development of a greenfield site. As such it is considered that the redevelopment of this site would provide an environmental benefit which complies with the guidance contained within the NPPF.
- 9.11 In conclusion, the application site is not within recognised development limits of Glusburn, as defined by the 1999 Local Plan, but is located adjacent to the existing built up area of Glusburn. As the proposal is for 100% affordable housing development the development is supported in principle by Saved Local Plan policy H12, but even if the scheme was not for 100% affordable housing provision the development site is now suitable for development having regard to more up-to-date planning policy within the NPPF. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details submitted.

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

- 9.12 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report. Similarly policy H12 has similar design objectives that should be met.
- 9.13 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.14 The application site lies directly adjacent to Colne Road and comprises of a parcel of land with a number of garages throughout the site of which are situated on hardstanding. The eastern boundary of the site abuts the residential curtilage of No. 60 with land to the south and west comprising of allotments.
- 9.15 The proposed dwellings have been designed to respect the existing parcel of land with footprints and garden areas being of a proportionate size, thus ensuring that the proposal does not appear cramped. In terms of form and appearance the proposed buildings have been designed to reflect properties situated to the north of Colne Road, through the buildings basic form and simple window and door openings. It is acknowledged that the proposal would

deviate from the present linear pattern of development that fronts towards the highway. However, the proposal which would be set back from the road would be seen in the context of the residential developments that lie adjacent to the site. It is therefore considered that the proposal would achieve an appropriate visual relationship with nearby dwellings given its similar design. As such it is considered that due to the proposals modest scale, design and appropriate boundary treatments that the proposal would not have a negative visual impact on the character and appearance of the adjacent dwellings or the surrounding area.

- 9.16 In terms of materials no details have been submitted. Notwithstanding the lack of information, it is considered that the use of a suitable condition requiring further details could be attached to ensure that the development harmonises well with the surrounding area.
- 9.17 The proposal is seeking to provide private grassed amenity areas to the rear of the properties enclosed by timber fences. With regards to the proposed hard standing no details have been submitted. However, notwithstanding this, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for a refusal.
- 9.18 In conclusion, it is considered that the proposal to develop this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. It is therefore considered that the proposal meets the aims of the NPPF and requirements of Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

#### **Amenity issues**

- 9.19 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.
- 9.20 The nearest dwelling to the application site is No. 60 Colne Road located to the northeast at a separation distance of 15m. Drawings submitted indicate that the proposed dwellings would be positioned to the south of No. 60 with the rear elevations fronting across far rear garden area of this property. As a consequence of the orientation of both the proposed dwellings and No. 60 Colne Road it is not considered that the proposal would result in any unacceptable loss of privacy. Similarly, the proposal would not result in any unacceptable overshadowing or appear overtly dominate when viewed from the habitable rooms of this property.
- 9.21 The next nearest dwellings are located to the north of Colne Road at a distance in excess of 35m as such it is not considered that the proposal would have any adverse impacts on the privacy or amenity of the occupants of these dwellings. Similarly, the separation distance between the application site and Glusburn Community Primary School is considered sufficient to ensure that users of this facility would not experience any unacceptable overlooking or loss of privacy.
- 9.22 The proposed development has been designed to provide two bedroom accommodation with private amenity space. The positioning of the dwellings would ensure that the occupants of these dwelling did not experience any unacceptable loss of privacy or be affected by overshadowing. With regards to living space, it is considered that the proposal would provide an acceptable level of living accommodation that would meet the needs of any future occupant of these dwellings.
- 9.23 In conclusion, the proposed row of terrace dwellings would not result in any unacceptable loss of privacy or amenity to the adjacent dwellings. Furthermore, the proposal would provide an acceptable standard of living accommodation to meet the needs of any future occupant of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF that seeks to ensure a high standing of living for existing and future occupants.

#### **Highway issues.**

- 9.24 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is

acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.

- 9.25 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.26 Paragraph 32 of the NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.
- 9.27 The proposal is seeking to create four off street parking spaces plus 2 visitor parking spaces directly off Colne Road. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.28 Representations have been made relating to the likely effects on the existing road especially with regards to on street parking. NYCC Authority have been consulted and have raised no objections only specifying the use of appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.
- 9.29 Whilst the proposal would reduce the amount of vehicle parking currently available on the site for users of the allotments the proposal does indicate an area to the south of the site dedicated to parking for users of the allotments. Therefore it is not considered that the reduction in parking for the users of the allotments is sufficient to withhold approval.
- 9.30 In conclusion, it is considered that the proposal would not create any conditions contrary to highway safety. It is therefore considered that the proposal meets the requirements of Saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.

### **Flooding**

- 9.31 Paragraph 99 of the NPPF advises that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Paragraph 100 also advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.32 The southern part of the application site has been identified as being within Flood Zone 2 by the Environment Agency (EA) as such the proposal has been supported with a flood risk assessment. In the Government's Planning Practice Guidance residential development is considered acceptable within Flood Zone 2, so long as the application is accompanied by a site specific flood risk assessment to show the risks will be appropriately addressed.
- 9.33 Basic mitigation measures are proposed including ensuring that the finished floor levels of the dwellings are at least 300 mm above external ground levels and electrical supplies being top fed. The site is already developed and the re-development of the site will not unacceptably exacerbate flood risk elsewhere. The Environment Agency have been consulted but at the time of compiling this report no comments have been received. Notwithstanding the lack of comments from the Environment Agency it is considered that the proposal subject to ensuring that mitigation measures detailed within the FRA are implemented is acceptable. Therefore, it is considered that the use of appropriate conditions would ensure that the redevelopment of the site is acceptable.

### **Drainage**

- 9.34 Submitted details indicate that foul water will be disposed via a mains sewer and that surface water run-off from the development would be disposed via a water surface water collection chamber. Yorkshire Water has been consulted but no comments have been received. Notwithstanding the lack of response from Yorkshire Water the disposal of foul and surface water is considered acceptable in principle subject to the attachment of an appropriate condition requiring submission of further details for prior approval.



## **Affordable Housing**

- 9.35 The application is made on the basis that it is for 100% affordable housing. The size of the development proposal is actually below the threshold where the Council would ordinarily require a contribution to affordable housing. If the application proposal was only acceptable as an 'exception site' (in accordance with policy H12) it would be necessary to impose a planning condition requiring a scheme for affordable housing to be submitted and approved. However as outlined earlier in this report, given the District's housing land supply position and the age of the adopted local plan, the development is acceptable in principle outside of the identified development limit boundaries regardless of whether the proposal involves the delivery of affordable housing. It is therefore not necessary or reasonable for the local planning authority to impose a condition limiting the properties to just affordable dwellings.

### **Other issues.**

- 9.36 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. In Officers opinion a refusal on these grounds could not be sustained at appeal. This is not an isolated community and there are a wide range of services and facilities in Glusburn which is nearby and accessible to residents.
- 9.37 Concern has been expressed over the potential impact of the development on Boundary Avenue (there is an alternative access to the allotments from Boundary Avenue). These comments are noted, but the proposal retains an area of land that is specifically to be allocated for parking by allotment holders. It is not considered that a refusal of planning permission could be justified on the basis of the impact on Boundary Avenue residents.
- 9.38 Whilst acknowledging comments expressing concern over loss of a view. This is not a material planning consideration and would not form part of the assessment of this proposal.
- 9.39 With regards to comments relating to the circulation of notification letters to Boundary Avenue, the Council circulated neighbour notification letters to neighbouring properties adjacent to the application site, plus a site notice was posted adjacent to the site. It is considered that the Council's statutory publicity requirements have been met and ample time has been allowed for interested parties to comment on the development proposal.
- 9.40 Third party representation has expressed concern that if the proposal is approved that this would set a precedent for further development of the allotments. The area to be re-developed is a former Council garage site and not the allotments. Any development of the allotments would require a separate application for planning permission. Each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.
- 9.41 Comments have been expressed with regards to where local residents will be able to obtain the use of a garage. The decision of the Council as to whether it should or can provide garages for others to use is not a matter for the Local Planning Authority and therefore does not form part of the assessment of this proposal.

### **Conclusion.**

- 9.42 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:  
*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
specific policies in this Framework indicate development should be restricted.*
- 9.43 It is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph

14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10 Recommendation

10.1 To grant planning approval subject to the following conditions.

Conditions

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

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

2. The approved plans comprise Plan Numbers

02 received by the Local Planning Authority on the 7<sup>th</sup> September 2016.

03 received by the Local Planning Authority on the 2<sup>nd</sup> September 2016.

04 received by the Local Planning Authority on the 2<sup>nd</sup> September 2016.

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

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

3. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials to be used on the external elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

**Reason:** To ensure the satisfactory appearance of the development with regards to the visual amenity of the area.

4. Prior to the first use, full details of the materials to be used within the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the walls surrounding the dwellings and hard surfacing materials. The development shall be undertaken in accordance with the approved details and shall be maintained at all times thereafter.

**Reason:** To ensure the satisfactory detailed appearance of the development.

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

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

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

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

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

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

- Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within «distance» metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), or any document superseding that order, the areas shown on 921/02/A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

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

**Reason:** To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'.

10. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated August 2016. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants.

### **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.

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

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

### **Informative**

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

The applicant is advised that for the safe removal of any potential asbestos containing material present on site, i.e. garage roof material that this material should be removed by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

The application is advised that measures should be implemented to ensure that dust generated from operations on the site does not travel beyond the site boundary.

The applicant is advised that before importation of topsoil, details of the supplier and confirmation on the source(s) of any soil material should be submitted the Council's Environmental Team for approval. The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:2007 – Specification for Topsoil and requirements of use.

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

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

- engaged in pre-application discussions

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

SUTTON  
66/2016/17316

RESIDENTIAL DEVELOPMENT OF THREE, TWO BEDROOM STARTER HOMES WITH OFF STREET PARKING.

LAND ADJACENT TO 13 HARPER GROVE, SUTTON-IN-CRAVEN.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 31/10/2016

CASE OFFICER: Andrea Muscroft

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**This application is referred to the Planning Committee as the original proposal ref: 66/2013/14186 was considered by Planning Committee on 10<sup>th</sup> March 2014. Also the applicant is Craven District Council.**

1. Site Description

- 1.1 The application relates to a parcel of land approximately 0.07 hectares situated to the south east of the centre of Sutton. The site lies to the east of Harper Grove with residential properties to the north and south of the site. Land to the east comprises of agricultural fields.
- 1.2 The site slopes from the east downhill to the west. The site is an area of grassed open space that is open in character with a traditional stone wall along the eastern boundary.
- 1.3 The application site is within the development limits of Sutton. The site is not recognised as Important Open Space by the proposals map from the 1999 Craven District (Outside the Yorkshire Dales National Park) Local Plan.

2 Proposal

- 2.1 The proposal is seeking consent for the construction of three, 2 bedroom starter homes with associated off street parking. Each of the properties also has a small boxroom/study on the first floor in addition to the bedrooms.
- 2.2 The application proposes that the dwellings would be 100% affordable.
- 2.3 The proposal is supported by the following documentation:
  - Site location plan.
  - Proposed site plan.
  - Proposed elevations.
  - Proposed floor plans.
  - Planning Statement

3 Planning History

- 3.1 66/2013/14186 - Outline planning permission for the construction of 2 three bedroomed semi-detached dwellings with associated parking (all matters reserved) – Refused for the following reason:
- 3.2 *The site is important as an informal amenity area and area of open space within the existing built environment. The proposed development would result in the unacceptable loss of land of recreation value which occupiers of neighbouring properties could reasonably expect to enjoy. It is therefore considered that the proposal fails to meet the requirements of the National Planning Policy Framework and Saved Local Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.*

4 Planning Policy Background

- 4.1 Saved Policies H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Framework – NPPF

4.3 Planning Practice Guidance – PPG.

5 Parish/Town Council Comments

5.1 Sutton in Craven Parish Council has made the following comments: -

- Recreation area.
- Important Open Space.
- Previous application refused on appeal.

5.2 Officer Note: The previous application detailed in the site history was not subject to a planning appeal. It was however recommended for approval by Officers, but was subsequently refused by the Planning Committee. The site is not formally identified for recreation or open space in the adopted local plan.

6 Consultations

6.1 **NYCC Highway:** No objection subject to the use of appropriate conditions.

6.2 **Yorkshire Water:** Comment that a water main crosses the site frontage, although the exact line of this needs to be established. They state that priority should be given to disposal of surface water to a soakaway, but that discharges to the public sewerage network is possible if restricted to greenfield rates.

7 Representations

7.1 Notification letters were distributed to neighbouring properties. As a consequence of the publicity a total of two letters of representation have been received. Comments summarised below:-

**7.2 Visual impacts**

- The proposal would result in the loss of a view.
- Concern with regards to the over development of the site.

**7.3 Amenity**

- Proposal would result in the loss of an amenity space used by local residents.

**7.4 Highway issues.**

- Not enough room for on-site parking.
- There is already a lack of parking spaces within the site with local residents parking on the verge and this proposal would further compound the problem.

**7.5 Other issues.**

- Bus service is reduced in the evening.
- More space is needed for the wheelie bins.
- Proposal fails to address the previous reason for refusal.

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact of development.

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highway issues.

8.5 Other issues.

9 Analysis

**Principle of development.**

- 9.1 The application site lies within the development limits of Sutton and therefore Saved Policy H3 applies. Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises subject to meeting a set criteria. These include that new development will not result in the loss of or damage to spaces identified as important to the settlement character; would not result in the loss of land of recreation or amenity value, such as parks, playing fields, playgrounds, informal open space or allotments. These are general planning considerations, broadly in line with the NPPF.
- 9.2 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that ‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.3 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.
- 9.4 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.
- 9.5 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The reports sets out the Council’s five year land supply calculations and indicates that the Council cannot demonstrate a 5 year supply of housing sites.
- 9.6 Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.7 Saved Policy H3 is of relevance when considering small scale housing development within development limits. The policy states that infilling, small scale conversions, small scale development of neglected, derelict or underused land or the redevelopment of land or premises “will normally be permitted within development limits, subject to certain criteria being met”. The application site is clearly an “infill” site (as defined by saved policy H3) and given the size of the site (0.07h) firmly falls within the category of “small scale” development. The proposal is therefore supported in principle by Policy H3, subject to meeting the detailed criteria of that policy.
- 9.8 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a village nearby.
- 9.9 The site is located within the development limits of the village as defined by the 1999 local plan and is within reasonable proximity to the centre of Sutton which has a range of services and facilities including shops, public house, nursery/primary schools. The settlement also has a bus service connecting Sutton with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.

- 9.10 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.11 Nevertheless the proposal would result in the development of an open grassed area and therefore the environmental dimension of sustainable development is a consideration. Although, local residents have indicated that the site is considered to be a valued amenity space, the site has not been identified as being an important open space in the Adopted Local Plan. The loss of this open space inevitably does have an impact on the area, but it is recommended that the impact is not so significant to justify refusal of the application. Furthermore there are other benefits such as the development will make a small, but meaningful contribution towards meeting the Council's housing supply requirements without having to extend out into open countryside locations.
- 9.12 In conclusion, residential development at this location is capable of forming sustainable development and any adverse impacts of the proposal would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole to warrant refusal.

### **Visual impact**

- 9.13 Saved Policy H3 states that residential development should not damage the character of existing residential areas. Housing development should not have an adverse effect on areas or buildings of historic or architectural interest. In addition, the General Development Principles of the Local Plan state that all developments should respect the density, scale, height, proportion, massing and materials of surrounding buildings.
- 9.14 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.15 The application sites lies on the eastern edge of a built up area which is characterised by housing of a suburban character to the north, west and south. However, opposite the site on the eastern side of the application site is agricultural land which is separated from the application site by a stone wall. As such the application site visually relates more directly to the existing built-up area and forms a natural continuation of the existing building line.
- 9.16 The proposal would see the construction of a row of three terrace dwellings fronting onto Harper Grove with off street parking to the front. The design of the dwellings has been kept relatively similar in appearance to those present within the surrounding area. In addition, the regular built pattern of the adjacent dwellings separated by spaces has been replicated. As such it is not considered that the proposed row of terrace dwellings would result in any visual harm to the adjacent dwellings or the character of the surrounding area.
- 9.17 It is acknowledged that the proposed off street parking to the front of these dwellings is not typical of this estate. However, in this instance it is not considered that the proposed parking arrangements would have a detrimental impact on the existing street scene and is therefore considered acceptable.
- 9.18 The dwellings would be constructed using materials that would harmonise well with the surrounding area.
- 9.19 With regards to soft and hard landscaping the proposal is seeking to provide private grassed areas to the sides and rear of these dwellings separated by of 1.1m high timer fencing. No



details have been provided with regards to the proposed materials for the hardstanding. However, notwithstanding this, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for a refusal.

- 9.20 In conclusion, it is considered that the proposed development of this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. It is therefore, considered that the proposal meets the aims of the NPPF and requirements of Saved Policy H3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

#### **Impact on amenity.**

- 9.21 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.
- 9.22 The nearest dwelling to the proposed development is No. 13 Harper Grove located to the south of the site and on elevated land with a separation distance of approximately 15m. The proposed southern elevation of this row of terrace dwellings would be blank thus ensuring no loss of privacy to the occupants of this dwelling. Furthermore, due to the orientation of these two dwellings the proposed terrace dwellings would not appear dominating or overbearing when viewed from the habitable rooms of this dwelling. The proposed terrace dwellings would be positioned to the north of this dwelling and therefore the development would not result in any unacceptable overshadowing of habitable rooms or private amenity areas of this dwelling.
- 9.23 The next nearest dwelling would be No. 11 Harper Grove located to the north of the site with a separation distance in excess of 20m. The northern elevation of the proposed row of terrace dwellings would be blank and combined with the orientation of the dwellings the proposal would not result in any unacceptable loss of privacy. Furthermore, due to the orientation of these dwellings when viewed from the habitable rooms of this property the development would not appear overbearing or dominating. In addition the proposed row of terrace dwellings would not result in any unacceptable overshadow to the habitable rooms or private amenity spaces of this dwelling.
- 9.24 The next nearest dwellings is located to the west of the site at a separation distance in excess of 25m. Due to the orientation of this dwelling, the separation distance combined with the existing boundary treatments it is not considered that the proposal would have an unacceptable impact on the privacy or amenity of the occupants of this property.
- 9.25 The positioning of the proposed dwellings will ensure that the occupants do not experience any unacceptable loss of privacy and will not be affected by overshadowing. With regards to living space, it is considered that the proposal would provide an acceptable level of living accommodation.
- 9.26 In conclusion, it is considered that the proposal meets the aims and objectives of the NPPF that seeks to ensure a high standing of living for existing and future occupants.

#### **Highway Safety.**

- 9.27 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.28 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.29 Paragraph 32 of the NPPF states that ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe’.

- 9.30 The proposal is seeking to create three off street parking spaces directly off Harper Grove. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.31 Representations have been made relating to the likely effects on the existing road especially with regards to on street parking. NYCC Authority have been consulted and have raised no objections only specifying the use of appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

**Other issues.**

- 9.32 Foul and surface water drainage is to be connected to the mains sewer. Whilst Yorkshire Water has a stated preference for surface water to be disposed of to a soakaway for non-major residential schemes the local planning authority cannot insist on this. A condition is however recommended to ensure that the route of an existing water main is protected.
- 9.33 Whilst acknowledging comments expressing concerns over the loss of a view this is not a material planning consideration.
- 9.34 Comments have been made about space for bin storage, however adequate space is proposed for each dwelling.
- 9.35 Concerns have been raised about a limited bus service in the evenings, but it is not considered that this concern could justifiably be used as a reason to refuse planning permission.
- 9.36 The land is currently used an informal area of amenity space. The Council previously refused an application to develop this land due to the loss of the area. However, the land is given no formal protection in the local plan and in Officer's opinion there is insufficient justification in planning terms to refuse this application for this reason. The Planning Committee should reach a decision on the application based on its planning merits acting in its role as the Local Planning Authority.

**Conclusion.**

- 9.37 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:  
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
specific policies in this Framework indicate development should be restricted.
- 9.38 It is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10 Recommendation

- 10.1 To grant approval subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Plan Numbers  
02 received by the Local Planning Authority on the 5<sup>th</sup> September 2016.  
03 received by the Local Planning Authority on the 5<sup>th</sup> September 2016.  
04 received by the Local Planning Authority on the 5<sup>th</sup> September 2016.

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

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

3. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials to be used on the external elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development with regards to the visual amenity of the area.

4. Prior to the first use, full details of the materials to be used within the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the walls surrounding the dwellings and hard surfacing materials. The development shall be undertaken in accordance with the approved details and shall be maintained at all times thereafter.

Reason: To ensure the satisfactory detailed appearance of the development.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

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

7. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water main i.e. a protected strip width of 6 metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

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

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

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

- The final surfacing of any private access within «distance» metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

9. Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015 (as amended), or any subsequent replacement order, the areas shown on 922/02 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

### **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.

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

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

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

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

- engaged in pre-application discussions

### **Discharge of Condition(s)**

1. The developer should note that Condition No 8 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. With regard to Condition Nos. 3 & 4 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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

**COWLING  
22/2016/17201**

*CONSTRUCTION OF SPLIT LEVEL DWELLING WITH ASSOCIATED OFF STREET PARKING (RE-SUBMISSION OF REFUSED APPLICATION 22/2016/16753).*

*LAND OFF NAN SCAR, ICKORNSHAW, COWLING.*

APPLICANT NAME: MR LES INGHAM  
TARGET DECISION DATE: 03/11/2016  
CASE OFFICER: Andrea Muscroft

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**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 is located on the western edge of the built up area of Ickornshaw and occupies a triangular shaped strip of grassland lying at the junction of A6068 Colne Road to the south, and Nan Scar to the North.
- 1.2 The immediate locality is characterised by small groups of residential dwellings and surrounded by open countryside. The site lies outside the development limits of Cowling as adopted in the approved Local Plan, but is included within the designated Cowling Conservation Area – which includes the wider countryside setting.
- 1.3 The land within the application site extends to 302 sq m and is bounded by a retaining wall to the south, open land to the east with residential development beyond; residential dwellings to the northeast and Colne Road to the north with some isolated dwellings beyond.
- 1.4 Levels through the site slope downhill in a north easterly direction. There is one semi-mature tree identified as T12 within the application site. The tree is not formally protected by a preservation order, but due to the site being within a conservation area it is given protection against felling and other works. To the south boundary of the site a water culvert is visible.

2. Proposal

- 2.1 The proposal is seeking consent for the construction of a detached split level dwelling with off street parking:
- 2.2 The proposal is a revised submission following the determination of application 22/2016/16753 which was refused for the following reason:

*'The proposed dwelling when viewed within the context of its surroundings, in terms of design, siting and height fails to successfully relate to, or preserve the character of the conservation area. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development defined by the National Planning Policy Framework or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.'*

- 2.3 **Officer Note:** To address the previous reason for refusal the application has revised the design of the principle elevation fronting onto Nan Scar. The proposal has also designed the proposed parking for the site with the provision of two parallel parking spaces and the provision of disable access.

- 2.4 The residential curtilage would be landscaped with boundary treatments comprising of drystone walls. The propose dwelling would be constructed course natural stone under a natural slate roof with timber windows.
3. Planning History
- 3.1 **22/2016/16753.** Construction of detached split level dwelling with off street parking. Refused May 2016.
- 3.2 The following refused and withdrawn applications relate to land directly to the east of the current application site that is also within the control of the applicant.
- 3.3 **22/2015/16219.** Construction of detached dwelling with associated off street parking and creation of additional parking on Nan Scar. Refused December 2015  
The application was subsequently dismissed at Appeal ref: APP/C2708/W/16/3144750 on the 4th June 2014.
- 3.4 **22/2014/15039.** Construction of four bedroom detached dwelling with associated turning and parking area (Re-Submission of previous planning application 22/2014/14612). Refused for the following reason:  
*'The proposed dwelling when viewed within the context of its surroundings, in terms of design, siting and height fails to successfully relate to, or preserve the character of the conservation area. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development defined by the National Planning Policy Framework or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.*
- 3.5 *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height and scale of the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.'*  
The application was subsequently dismissed at Appeal Ref: APP/C2708/W/14/3001713 on the 20th April 2015.
- 3.6 **22/2014/14612.** Construction of four bedroom detached dwelling with associated turning and parking area. Refused for the following reason:  
*'It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.'*
- 3.7 **22/2014/14485.** Re-submission of previous planning application (ref: 22/2014/14254) for the formation of 2 detached houses. Withdrawn 18th March 2014.  
Officers Note: Prior to the determination of this proposal the applicant withdrew the application over concerns relating to the design of the proposed dwellings

- 3.8 **22/2013/14254.** Erection of 2 Detached Houses. Refused under delegated powers on 25 February 2014 for the following reasons: -

*'The proposed development fails to preserve or enhance the character and appearance of the designated Cowling Conservation Area, by reason of the obtrusive siting, imposing scale, and incongruous design of the proposed dwellings. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development in accordance with national planning guidance, or comply with saved Local Plan Policies ENV1, or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.*

- 3.9 *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height, scale and mass of the proposed dwellings would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.'*

The application was subsequently dismissed at Appeal ref: APP/C2708/A/14/2215633 on the 4th June 2014.

#### 4. Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, ENV10 and 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 **Cowling Parish Council:** None of the issues previously raised by the Parish Council in the previous application have been addressed and therefore the objections remain.
- 5.2 Comments submitted by Parish in relation to previous application 22/2016/16753 read as follows:
- 5.3 The parish is of the opinion that the reasons for refusal (ref: 22/2015/16219) are still relevant with this proposal, therefore, the parish recommends refusal. In addition, the parish considered that the proposed loss of a tree in the conservation area is unacceptable. Finally, the parish is unable to corroborate the existence of an existing access to the site.

#### 6. Consultations

- 6.1 **CDC Tree Officer:** The proposal seeks to construct a detached dwelling between two trees (T11 & T12). The site lies within the designated conservation area of Cowling and are therefore the trees are afforded some protection. The proposal seeks to remove T12 a multi stemmed Ash. It is not considered that this tree is worthy of a TPO individually due to its poor form and potential future problems given its close proximity to the road. The proposal seeks to replace T12 with 2 Silver Birch which will grow quickly to fill the gap left by the felling of the Ash. However, it is considered prudent to attach a condition requiring protective fencing to BS 5837 (2012) to be erected for the duration of works.
- 6.2 **NYCC Highways Authority:** No objection to the proposal subject to the attachment of appropriate conditions.
- 6.3 **Yorkshire Water:** No comment.

## 7. Representations

7.1 The proposal was advertised on the 15<sup>th</sup> September 2016 in the Craven Herald with a Site Notice displayed within the surrounding area on the 16<sup>th</sup> September 2016. In addition letters of notification have been sent directly to local residents.

7.2 To date 3 letters of objection have been received. Issues raised are summarised below:-

### **Visual impact**

- Concern over the visual appearance of the proposed dwelling on the character and appearance of the conservation area.

### **Amenity issues.**

- Concern over the loss of amenity space.
- Concern over the potential loss of privacy.

### **Highway issues.**

- Concern that the proposal would result in further traffic, increase congestion/cause obstructions, and remove parking spaces.
- Concern that the proposal would have a negative impact on both vehicle and pedestrians using Nan Scar.

### **Other issues.**

- Development would increase local/drainage flooding problems.
- No justification for the housing.
- Development would increase local/drainage flooding problems.
- Concern that the proposal would result in a landslide.
- Concern over the stability of the current site.
- No justification for the housing.

## 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highway issues.

8.5 Trees

8.6 Other issues.

## 9. Analysis

### **Principle of development.**

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.2 Development Limits for settlements are defined in the adopted Local Plan (1999) and, to avoid sporadic development in the countryside, and there is a presumption against new residential development outside development limits under Saved Local Plan Policies ENV1 and ENV2. In



this case, the site is located outside the development limits of Cowling; hence for planning purposes falls within open countryside.

- 9.3 However, the land does fall on the edge of the existing built up area, close to existing residential development. The adopted Local Plan in terms of development limit boundaries and housing supply policies is out of date and the proposal should be principally considered against the NPPF. The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.4 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.5 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations and indicates that the Council cannot demonstrate a 5 year supply of housing sites. Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.6 With regards to the NPPF and the suitability of the site for development in principle, it is accepted that the site lies outside of the development limits for Cowling. However, the site has good pedestrian connected to the village of Cowling where a number of services and facilities are available. Furthermore, there are public transport links within close proximity to the site connecting it to the village and neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.7 It should be noted that whilst the site was put forward for housing (ref: CW018) under the Strategic Housing Land Availability Assessment (SHLAA) the site has been excluded from the pool of site options included within the 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.
- 9.8 It is also worth noting that during the previously dismissed appeal (ref: 22/2014/15039) the Planning Inspectorate in assessing the acceptability of the development did not highlight that the principle of development was an issue of concern.
- 9.9 In conclusion, the site is not located within the recognised service centre of Cowling as defined in the 1999 Local Plan, but is located on the periphery of the village and adjoins existing residential development. In addition, community and other facilities are reasonably accessible within the area, and there are good existing public transport links along the A6068.
- 9.10 Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development; in particular, the impact on the conservation area and the general amenities of the locality.

#### **Visual impact of development**

- 9.11 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities "to pay special attention to the desirability of preserving or enhancing the character or appearance of that area" in considering whether to grant planning permission or not.

- 9.12 In addition to this legal provision the NPPF provides overlapping material planning considerations to be taken into account. Listed buildings and designated Conservation Areas are 'heritage assets' for the purposes of NPPF guidance (under which there is a presumption in favour of their conservation). Within the overarching roles of the NPPF are 12 principles set out in Para 17. These include high quality design and conservation of heritage assets.
- 9.13 Especially relevant to this proposal are Section 7 'Requiring good design' (Para's 56 to 68), and Section 12 'Conserving and enhancing the historic environment' (Para's 126 to 141). Para 56 states that the 'Government attaches great importance to the design of the built environment' and that good design "is a key aspect of sustainable development"; while Para 129 confirms that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)."
- 9.14 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.15 The application site is located within the designated conservation area of Cowling which contains a mixture of properties in a variety of differing styles and periods, but with the core of traditional vernacular properties built on plateaus enclosed by stone boundary walls. Located to the northeast is a relatively high density, traditional 19th and early 20th century stone terraces. To the west and south of the site the area is more rural in comparison, with the odd isolated dwellings which creates a clearly defined and broadly linear pattern of development following the road. Combined with the adjoining areas of countryside this pattern of development contributes positively to the character of the conservation area, and is part of its significance as a designated heritage asset. As such the limited colour palette, vernacular design, the openness and the agricultural setting are the significant and key defining features of this heritage asset.
- 9.16 The wider site has a history of refused planning applications and dismissed appeals with a recent application (22/2014/15039), for a single detached dwelling, going to appeal, but was dismissed in 2015. The current proposal represents a response to the recent dismissal.
- 9.17 The dismissed proposal was for a detached dwelling positioned to the east of the current site on an elevated plateau above Nan Scar. This revised proposal sees the application site moved to the far western corner of the site which runs parallel to the Colne Road, the A6068. The site is a roughly triangular parcel of land which is bounded by the A6068 to the south, Nan Scar to the north and open land to the east. It comprises of steeply sloping, rough grassland. An application for a detached dwelling on this western site has already been refused (Planning Ref. 22/2016/16753). The application was refused due to the adverse impact that would result on the character and appearance of the conservation area. This is amended proposal that seeks to overcome that reason for refusal.
- 9.18 The proposal comprises of a three bedroom, detached dwelling with associated off street and turning area. As such to facilitate the proposal an area of land adjacent to the retaining wall fronting onto the A6068 would need to be excavated to allow for the development of the site. In addition, the retaining wall fronting onto Nan Scar would need to be re-positioned to allow for vehicle access.
- 9.19 The plans submitted show a stepped designed dwelling resulting in variations in roof heights as it ascend westwards along Nan Scar. The staggered design and use of traditional materials is considered to be reflective of adjacent dwellings. In addition, the principle elevation fronting onto Nan Scar has now been designed with a more distinctive façade that wouldn't appear at odds with the dwellings located within the immediate surrounding area. As such it is considered that the proposal now reflects the symmetrical arrangement of similar window and door arrangements present in nearby dwellings and thus will not introduce an incongruous development within the designation conservation area.

- 9.20 As referred to previously the proposal also requires the re-positioning of a section of existing retaining wall fronting onto Nan Scar and the removal of a tree identified as T12 to allow for vehicle access onto the site. It is acknowledged that the re-alignment and loss of the tree would have a material visual impact. However, on balance it is considered that the visual impact of these elements of the proposal would not result in any unacceptable visual harm to the character and appearance of the surrounding conservation area.
- 9.21 In conclusion, the proposed dwelling would not now result in any unacceptable harm to the character and appearance of the local area or result in any visual harm to the designated conservation thus meeting the requirements of S72 of the LBCA 1990 Act. Therefore, the proposal meets the requirements of ENV2 and the aims and objectives of the NPPF that seeks to ensure new development responds to local character and history.

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

- 9.22 Within the Core planning principles at paragraph 17 of the NPPF 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”.
- 9.23 The principal objection to previous proposals (on the land to the east) from local residents occupying properties along Nan Scar was the potential loss of privacy, the over bearing nature of the development and loss of natural sunlight.
- 9.24 In an attempt to address concerns previously raised by local residents that the proposal would appear overbearing the application site was moved to the far western corner of the site with the proposed building orientated to face towards the garages/off street parking of No. 30. Therefore, whilst the concerns are acknowledged, given the position of the proposed building combined with the orientation of the existing buildings fronting Nan Scar it is not considered that the building would appear dominate or overbearing when viewed from the habitable rooms or private amenity areas of these dwellings.
- 9.25 The current proposal whilst incorporating three storey elements, has repositioned the building to the western corner of the site with windows on the northern elevation fronting towards the garages and off street parking areas of No. 30 Nan Scar. As such it is not envisaged that these windows would result in any unacceptable loss of privacy.
- 9.26 Doors/windows proposed to the eastern elevation would serve downstairs bedroom/study, living room at first floor and bedroom at second floor. These door/window openings would face towards land to the west of ‘Dovetail’ a non-residential dwelling. However, considering the nature of the land, comprising of rough grass with groupings of trees/shrubs combined with a separation distance in excess of 90m it is not considered that the proposal would result in any loss of privacy.
- 9.27 In relation to the western elevation, the proposal would see the introduction of door openings providing access to dwelling and kitchen area and a window at first window serving a bathroom. These openings would face towards an existing layby and would therefore not result in any unacceptable loss of privacy.
- 9.28 Turning to the living conditions of future occupants the submitted drawings show the provision of outdoor amenity space, an area approximately 4m wide adjacent to the eastern elevation. In addition, a further area would be located adjacent to the western elevation of the dwelling with off street parking provided for two vehicles. A 1.3m dry stone boundary wall would be constructed along the eastern site boundary. Based on the submitted drawings it is considered that there is sufficient outdoor amenity space for this dwelling. Similarly, it is considered that there is sufficient residential accommodation to meet the needs of any future occupants.
- 9.29 In conclusion, the applicant has in Officers opinion successfully address the previous concerns for the refusal and it is considered that the current proposal would not result in any unacceptable loss of privacy or harm the living conditions of nearby residents with respects to the creation of an overbearing development. As such the proposal is not considered to be contrary to the aims and objectives of the NPPF, which seeks to ensure that all development secures a good standard of amenity for all existing and future occupants of land and buildings.

### **Highway issues.**

- 9.30 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.31 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.”
- 9.32 Drawing 5/9/16/A submitted indicates the creation of two off street parking spaces and vehicle access through the repositioning of the existing retaining wall fronting onto Nan Scar. This would be achieved through the removal of an existing tree and the repositioning of the retaining wall fronting Nan Scar thus creating a sloping access onto the site. NYCC Highways have been consulted and have raised no objection to the proposal.
- 9.33 In conclusion, it is considered that the proposal would not have a detrimental effect on highway safety and as such is considered to meet the requirements of Saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.

### **Impact on trees.**

- 9.34 Saved Local Plan Policy ENV10 seeks to safeguard trees and woodland that contribute significantly to landscape diversity, wildlife habitats and visual amenity. Trees on the site are not specifically protected by a Tree Preservation Order, but given the sites location within the conservation area they have some protection through this designation. In this case, there are 12 trees within or directly adjacent to the site that form a significant group large enough to have a visual impact outside the site and contribute to the visual amenity within the conservation area.
- 9.35 Details submitted identify the removal of one tree (T12). However, whilst the CDC Tree officer identifies the impact of the loss on the amenity of the surrounding area, overall, it is considered that the tree is not of especially high amenity quality and, as such, the application need not be directly in conflict with saved LP Policy ENV10 providing there was sufficient public benefit to justify development.
- 9.36 It is also worth noting that the previously dismissed appeal (Planning Ref. 22/2014/15039) also resulted in the loss of Trees T5 to T7 (inclusive), the Planning Inspector in assessing the acceptability of the development did not highlight the loss of these trees as an issue of concern.
- 9.37 In conclusion whilst a tree will be lost it is not considered that it is of sufficient quality or make such a great contribution to the visual amenity of the area to justify a reason for refusing the development. The proposed development is held to be compatible with the character

### **Other issues.**

- 9.38 Representation has been received in relation to concerns that the proposal would exacerbate surface water flooding that may occur after periods of heavy rainfall. In this respect the applicant proposes to use a permeable material (gravel) along the drive and turning areas to reduce any runoff.
- 9.39 As the proposal is for development on a site less than one hectare in an area not in Flood Zone 2 or 3, a flood risk assessment was not required. However appropriate conditions are recommended to ensure the development provides satisfactory drainage and furthermore the Building Regulations process will address matters within its remit if planning permission is granted (Building Regulations 2000. Approved Document H: H3 Rainwater Drainage).

9.40 It is understood a water culvert is present at the southern end of the site, although the precise responsibilities for this culvert and its purpose are not clear. In the circumstances it is considered prudent to impose a planning condition requiring measures to protect the culvert during the course of the development to be submitted to and approved in writing by the Local Planning Authority.

**Conclusion.**

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

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

*Specific policies in this Framework indicate development should be restricted.*

9.42 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF.

10. Recommendation

10.1 To grant consent subject to the following conditions.

Conditions

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

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

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

- Site Location Plan received by Craven District Council on the 5<sup>th</sup> September 2016.
- Drawing No. 5/9/16/A received by Craven District Council on the 5<sup>th</sup> September 2016.
- Drawing No. 5/9/16/C received by Craven District Council on the 5<sup>th</sup> September 2016.
- Drawing No. 5/9/16/D received by Craven District Council on the 5<sup>th</sup> September 2016.
- Drawing No. 5/9/16/F received by Craven District Council on the 5<sup>th</sup> September 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 the first use of building materials on the site details and/or samples of all new materials to be used in the external surfaces of the buildings, including proposed external walling and roofing materials, the colour of the render, and the design and colour of all window frames, doors, rainwater goods, and the details of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved plans.

**Reason:** To ensure the development assimilates with the character and appearance of the surrounding conservation area.

4. All external faces of windows and doors shall receive reveals of at least 100mm deep from the external face of the walls.

**Reason:** To ensure the development assimilates with the character and appearance of the surrounding conservation area.

5. No barge boards, fascia boards or soffit boards shall be used in the carryout of the development hereby approved.

**Reason:** To ensure the development assimilates with the character and appearance of the surrounding conservation area.

6. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, the erection of fencing for the protection of tree T11 (inclusive) shall be undertaken. 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, without the written consent of Craven District Council.

**Informative:** The fencing in relation to condition (7) should be erected in accordance with BS5837:2012 'Trees in Relation to Construction'. The fencing should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

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

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

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

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

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

9. The glass sheet roof lights hereby approved shall be 'Conservation' roof lights which shall fit flush within the roof form.

**Reason:** To protect the character of the surrounding conservation area.

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

- i. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- ii. Any gates or barriers shall be erected a minimum distance of 6m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- iii. That part of the access(es) extending **6m** into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding **1 in 10**.
- iv. 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 specification of the Highway Authority and maintained thereafter to prevent such discharges.
- v. The final surfacing of any private access within **6m** of the public highway shall not contain any loss materials that are capable of being drawn on the existing or proposed public highway.

**Reason:** In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

- vi. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 28/6/2016/A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

- vii. The vehicle access, parking and manoeuvring surfaces hereby approved shall be made of porous materials and so retained thereafter or alternatively provision shall be made and retained thereafter to direct run-off water from these surfaces to a permeable or porous area or surface within the curtilage of this property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

- viii. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** In the interests of visual amenity and the protection of the amenities of neighbours located to the north.

- ix. Prior to the commencement of development, full details of both hard and soft landscape works, which shall include replacement tree planting to replace those lost, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, schedule of new trees/shrubs to be planted (noting species, plant sizes and numbers/densities).

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the surrounding conservation area.

- x. The approved soft landscaping works shall be completed within the first planting season following the completion of the development and shall be maintained thereafter as approved. Any tree that dies or is damaged within 5 years of the completion of the development shall be replaced within another tree of the same species and standard.

**Reason:** In the interest of visual amenity with regards to the surrounding conservation area.

- xi. Retaining walls within the application site shall be constructed to the requirements of an appointed Civil Engineer Report which shall be provided to the Local Planning Authority prior to the commencement of development. The retaining walls shall be constructed in accordance with the appointed Civil Engineer Report and maintained/retained throughout the life of the development.

**Reason:** To reduce the risk of subsidence.

### **Informative**

The applicant is advised that details of approved Civil Engineers can be obtained from the Institution of Civil Engineers (ICE) web site (<http://www.ice.org.uk>).

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- accepted additional information / changes to the scheme post validation

Discharge of Condition(s)

1. With regard to Condition Nos. 3, 8, 14 & 16 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.



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

**COWLING  
22/2016/16949**

*RE-DEVELOPMENT OF EXISTING RETAIL UNIT TO FORM 3NO  
DWELLINGS AND FORMATION OF 5NO DWELLINGS ON EXISTING CAR  
PARK WITH ASSOCIATED PARKING*

*DOVETAIL, COLNE ROAD, COWLING.*

APPLICANT NAME: MR LES INGHAM  
TARGET DECISION DATE: 12/10/2016  
CASE OFFICER: Andrea Muscroft

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**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 occupies a large rectangular shaped parcel of land that fronts onto the A6068 and is currently occupied by Dovetail a furniture and kitchen retailer. The land to the north comprises of grassland with a number of trees that slopes downhill in a northerly direction.
- 1.2 The building is split over three levels with the main front entrance and upper level facing south towards the A6068 and the rear lower level situated below the public highway facing northwards across towards Nan Scar. Located to the east of the building is a large tarmac parking area that provides access to the rear of the building. The building has been subjected to a number of alterations to the rear and side of the building.
- 1.3 The land within the application site extends to approximately 0.2 hectares with residential development to the north. Turning eastwards are a number of dwellings on the northern side of the A6068 and beyond is the village of Cowling. A Public Right of Way lies to the east of the site running north to south.
- 1.4 The site is located outside of the development limits of Cowling as defined by the 1999 Local Plan and as such is classified as being located in the open countryside. The site also lies within the designated conservation of Cowling. In addition, part of the site lies within an area identified as being a contaminated site.

2. Proposal

- 2.1 The proposal is seeking consent for the conversion of the existing retail building to form 3 no. dwellings and the construction of a further terrace of 5 no. dwellings with associated car parking.
- 2.2 Details submitted shows that the development would provide:-
  - 1 no. 2 bedroom accommodation
  - 7 no. 3 bedroom accommodation
- 2.3 The dwellings would be constructed from natural stone under a natural slate roof with timber painted windows and doors. Dry stone walling would be constructed to define the boundaries.
- 2.4 Landscaping proposal show individual grassed amenity areas. The proposal would use the existing access off the A6068.

3. Planning History

- 3.1 5/22/280 – Erection of new male and female toilets and associated bottle store at the Black Bull Hotel – Approved February 1985.
- 3.2 22/2008/8698 - Single storey extension to South elevation and single storey extension to east elevation to provide café – Approved November 2008.

3.3 22/2009/9445 - Single storey extension to provide additional storage – Approved April 2009.

3.4 22/2009/9684 - Extension to provide additional storage (Amendment to permission 22/2009/9445) – Approved July 2009.

#### 4. Planning Policy Background

4.1 Saved Policies ENV1, ENV2, ENV10 and 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 **Cowling Parish Council.** In summary the Parish state that the proposal does not address the previous reasons for refusal associated with the 3 previously refused applications for this site for a single dwelling. The Parish suggest that the previously used reasons for refusal are applicable to this development. Those reasons for refusal related to the impact on heritage assets, and the impact on the amenities of the occupiers of other neighbouring dwellings,

Officer Note: This is a different proposal on a different site. The Parish will be referring to land to the west. The acceptability of this application needs to be considered on its own merits.

5.2 The Parish also comment that no SUDs plan has been submitted which is mandatory and also raise concerns over potential contamination on the site.

Officer Note: For all major residential development applications there is a requirement to use SUDs, unless it can be demonstrated that it is not practicable to do so. However, this is not an application for major development.

#### 6. Consultations

6.1 **CDC Contamination Officer:** From the contamination report submitted with the application they comment that further investigations need to be carried out, but essentially they raise no objections subject to the attachment of appropriate conditions.

6.2 **CDC Environmental Officer:** No objection but recommends the attachment of a number of conditions.

6.3 **CDC Tree Officer:** No objections. He comments that whilst 2 silver birches will be lost they would not justify formal protection by a tree preservation order. He does however recommend conditions requiring compensatory landscaping and the erection of protective fencing to protect trees to the north.

6.4 **CDC Strategic Housing:** Cowling is not a designated rural area and under the current Negotiating Affordable Housing Contributions August 2016 document the requirement for the provision of affordable housing is when a scheme exceeds 10 units or 1000sqm of floor space. The proposal doesn't trigger either of these requirements and as such no affordable housing provision is required.

6.5 **NYCC Highways:** Given that the proposal will involve a traffic trade off the Highway Authority has raised no objections to the proposal subject to the attachment of appropriate conditions.

6.6 **Yorkshire Water:** No objections. If surface water disposal changes from soakaway to the public sewer network, then Yorkshire Water will need to be re-consulted.

#### 7. Representations

7.1 The proposal was advertised in the Craven Herald and a Site Notice was displayed within the surrounding area. In addition, letters of notification were sent directly to local residents.

7.2 To date 2 letters of objection have been received. Issues raised are summarised below:-

#### 7.3 **Visual impact**

- Concern over the visual appearance of the proposed dwellings on the character and appearance of the conservation area.

- Concern over the potential visual impact of the development.

#### **7.4 Amenity issues.**

- Concern over the loss of privacy & overbearing development.
- Concerns about land contamination.

#### **7.5 Other issues.**

- Concern over the discrepancies between the submitted drawings and details contained within the Design & Access Statement.
- Not a conversion as major changes to the external appearance are proposed to the existing building.
- A conversion of just the existing building would be acceptable.
- Encroachment onto Bull Field.
- Loss of agricultural land.
- Concern that a new road across the field would enable a string of developments.
- Concern over the proximity of the dwellings to the Pennine Way.
- No justification for the housing.
- No places available at the local school.

### **8. Summary of Principal Planning Issues**

8.1 Principle of development

8.2 Affordable provision.

8.3 Visual impact of the development on the surrounding conservation area.

8.4 Impact of development on neighbouring properties.

8.5 Impact of development on existing trees.

8.6 Highway issues

8.7 Other issues.

### **9. Analysis**

#### **Principle of development**

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.2 The application site lies outside but within close proximity to the existing development limits at Nan Scar with the village of Cowling located to the east therefore, saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

9.3 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of

their degree of consistency with the NPPF stating that ‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.

- 9.4 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.
- 9.5 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.6 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council’s five year land supply calculations. To produce the Five Year Housing Land Supply Methodology and Report the Council first had to identify the District’s objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.
- 9.7 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council’s five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.8 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites. Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.9 It is acknowledged that the application site was put forward (CW018) for potential housing. However, at present the site hasn’t been taken forward as one of the preferred sites that would be brought forward for development in Cowling. Notwithstanding this, the emerging policy within the Council’s Pre-Publication Draft Local Plan can be given very limited weight in the decision 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.
- 9.10 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 for Cowling and is slightly remote from the main settlement. However, on balance, the site is located adjacent to an existing collection of dwellings (Nan Scar), with further dwellings to the east which are located within walking distance to the centre of Cowling (a footpath runs the entire length of the A6068 from the site to the village). Cowling has good pedestrian and vehicle connections to local facilities and services (e.g. Public House, Pharmacy, Sub Post Office and Primary School). In addition, the village is serviced by local transport services with a bus stop adjacent to the site

which connects with neighbouring villages and towns. The site is therefore in principle considered to be a sustainable location for residential development.

- 9.11 Notwithstanding that the site is outside of any recognised development limits and therefore lies in the open countryside as defined by the local plan the site has clearly been developed. The NPPF defines previously developed land as being '*land which is or was occupied by a permanent structure*'. In this instance, the site has been occupied by a permanent structure since the early 19<sup>th</sup> Century when it operated as a Hotel / Public House before changing to a retail unit. As such, it is considered that the redevelopment of this site would provide environmental benefits and is considered more preferable than the development of a greenfield site.
- 9.12 It is considered that the site is suitable for residential use, can achieve a high quality development and use land effectively. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.13 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.14 In conclusion, the application site is not within recognised development limits of Cowling, as defined by the 1999 Local Plan, but is located close to the existing built up area of the village. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details submitted.

#### **Affordable housing provision.**

- 9.15 Craven District Council's 'Negotiating Affordable Housing Contributions' (August 2016) states 40% affordable housing should be provided on sites that exceed 10 dwellings or provide 1000sqm of floor space.
- 9.16 In this instance the proposal would provide a total of 8 dwellings with a total floor space below 1000sqm. As such the proposal does not trigger the need for affordable housing provision.

#### **Visual impact of the development on the surrounding conservation area.**

- 9.17 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.
- 9.18 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. The guidance also highlights the importance of design and sets out some objectives for achieving good design. These include the requirements that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials and creating visually attractive developments through good architecture and appropriate landscaping.
- 9.19 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities "to pay special attention to the desirability of preserving or enhancing the character or appearance of that area" in considering whether to grant planning permission or not.

- 9.20 The site lies within the designated conservation area of Cowling which contains a mixture of properties in a variety of differing styles and periods but with the core of traditional vernacular properties built on plateaus enclosed by stone boundary walls. Located to the north are relatively high density, traditional 19th and early 20th century stone terraces. It is considered that the pattern / footprint of the development proposed is broadly in keeping with the existing character of the built form that is found in the locality.
- 9.21 The proposal is to convert the existing building to form 3 dwellings and to construct a further terrace of 5 dwellings on the site of the car park with off street parking to the rear. To facilitate the conversion of the existing building the majority of alterations proposed would be located to the rear of the existing building with the exception of an alteration of the existing windows located to the principle elevation of the single storey extension to form a door opening. As such the principle elevation of the existing building would retain its distinctive façade and thus this element of the proposal would not result in any visual harm to the existing building, street scene or the wider conservation area.
- 9.22 Alterations to the rear elevation of this existing building include the construction of a garage extension, formation of two openings to provide car ports at lower level, inclusion of new window opening at first floor level and the reconfiguration of an existing window and door opening. To facilitate this element of the proposal, a later rear extension would be demolished. The rear elevation has already been subjected to a number of changes resulting in the rear elevation being largely devoid of any architectural detail or merit and with the lower level an empty shell. As such it is not considered that these works would result in any visual harm to the building or wider conservation area and given its location to the rear would not result in any visual harm to the existing street scene.
- 9.23 Turning to the proposed terrace of dwellings these would be constructed on the site of the existing car park and due to changes in topography would be constructed over three levels. The principle elevations fronting onto A6068 would be two storey with the lower level set down below thus providing a single integral garage. The drawings submitted show the terrace dwellings stepped down resulting in slight variations in roof heights as it descends eastwards towards Cowling. This design approach is considered to be reflective of nearby dwellings. It is acknowledged that the rear elevation is more modern in its design approach. However, notwithstanding this the design of the rear elevations have incorporated a simple arrangement of openings with an appropriate solid to void ratio.
- 9.24 With regards to landscaping the proposal indicates grassed areas with some indigenous hedge planting enclosed by dry stone walls to the front and rear of the proposed dwelling plus to the east of dwelling No. 8. Turning to hard landscaping the proposal is seeking to use a permeable surfacing material that will enable water to drain through. Both the soft and hard landscaping are considered acceptable in principle. Notwithstanding this the proposal would result in the loss of 2no. Silver Birch trees. However, the Council's Tree Officer has been consulted and has raised no objection to the removal of these trees, but recommends that a condition it attached requiring further planting to be undertaken that would provide additional screening of the site.
- 9.25 In conclusion, it is considered that the proposal to re-develop the existing building and development of the adjacent parcel of land for housing would be developed in a way that would appropriately relate to the existing character of the area. Furthermore, any potential landscaping, once matured would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims of the NPPF and requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

#### **Impact of development on neighbouring properties.**

- 9.26 Within the Core planning principles of the NPPF paragraph 17 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.
- 9.27 With regards to the new proposed dwellings on site it is considered that the separation distance between the application site and the existing properties to the north east is sufficient

to ensure no loss of privacy or amenity to the occupiers of these dwellings. Similarly, the separation distances between the proposed terrace and other properties in the area are also sufficient to ensure no loss of privacy or amenity to the residents of these dwellings.

- 9.28 Turning to the potential impact of the proposed conversion of retail unit to residential on properties to the north of the application site there are a number of windows at both first and second floor. These windows currently serve the showroom. It is acknowledged that as a consequence of the conversion of the existing building that there would be an increase in the level of overlooking between the application site and properties to the north. However, there is a separation distance in excess of 35m between the nearest dwelling to the north which is considered sufficient to ensure that there would be no unacceptable loss or privacy. Similarly the proposed conversion would not introduce any overshadowing of private amenity or habitable rooms of these dwellings. It is therefore considered the conversion of the existing building would not have any adverse effect on the living conditions of residents positioned to the north of the site.
- 9.29 The proposed development would provide sufficient residential accommodation and private amenity space to meet the requirements of any future occupants of the dwellings. As such the proposal complies with the core planning principles of the NPPF and is considered acceptable.

#### **Impact of development on existing trees.**

- 9.30 The proposal is seeking the removal of 2no. Silver Birch Tree indicated on drawing titled 'Existing Site Plan' and 'Proposed Site Plan'. The Council's Tree Officer has confirmed that these trees are not worthy of a TPO, but has recommended a condition requiring replacement planting.
- 9.31 To the north of the site are a number of trees that lie outside of the application site. Whilst these are not the subject of a Tree Preservation Order they do lie within a designated conservation area and as such are protected by the provisions in section 211 of the T&C Planning Act 1990. These trees are on elevated land and can be viewed when travelling along Nan Scar. Due to the number and size of the trees it is recognised that they make a positive contribution to the character and appearance of the conservation area.
- 9.32 Submitted details indicate that the proposed development would generally be sited outside the root protection areas of these trees. Notwithstanding this, it is considered appropriate that conditions are imposed to protect the trees during construction stage and to control the storage of materials within the site.
- 9.33 With regards to any future pressures to fell or inappropriately prune trees, it is considered that the distance between the proposed dwellings and trees is sufficient to ensure that there should not be significant pressure for works to the trees to be undertaken by future occupiers of these dwellings.
- 9.34 In conclusion, it is considered that the proposed development would not result in any unacceptable harm to the trees and thus the proposal complies with the requirements of Saved policy ENV10 which seeks to protect trees.

#### **Highway issues.**

- 9.35 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.
- 9.36 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:
- 9.37 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

- 9.38 The proposal is seeking to utilise the existing vehicle access with some minor modifications with regards to vehicle movements through the site. The proposal also seeks to provide 12 off street parking spaces plus 8 integral garages / car ports. The provision of off street parking meets the requirements of Saved Policy T2 of the Local Plan. NYCC Highways have been consulted and have raised no objection to the proposal on highway grounds, although they have suggested conditions relating to the construction of private access/verge crossings and the retention of parking spaces.
- 9.39 In conclusion, it is considered that the proposal would provide adequate off-street parking and would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 of the Local Plan that seeks to ensure appropriate off street parking provision and highway safety and the aims and objectives of the NPPF.

#### **Contamination issues**

- 9.40 The application site has been identified by Environmental Health as being a contaminated site. A preliminary contamination risk assessment report was submitted with the application and the CDC Contamination Officer has assessed the proposal and not raised any objections to the proposal subject to the attachment of appropriate conditions necessary in the interest of health and safety.

#### **Other issues.**

- 9.41 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in the local area. It is not considered that a refusal based on lack of infrastructure concerns could be sustained.
- 9.42 Third party representation has expressed concern that if the proposal is approved that this would set a precedent for further development. However, each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.
- 9.43 Concerns have been raised with regards to the close proximity of the application site to the Pennine Way with runs to the east of the site. Whilst the route of a footpath is noted, it is not considered that this is grounds to refuse the application.

#### **Conclusion.**

- 9.44 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted.*
- 9.45 The benefits of the development include boosting the supply of housing and the economic developments that this proposal can bring. The development does not unacceptably impact on the Conservation Area and is acceptable in all other respects. Therefore, taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

#### **10. Recommendation**

- 10.1 To grant consent subject to the following conditions.

#### **Conditions**

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



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

2. The development hereby permitted shall be carried out wholly in accordance with the plans:

- Site location plan received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1006 received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1007 received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1008 received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1009 received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1009A received by the Local Planning Authority on 13<sup>th</sup> May 2016.
- 1010/A received by the Local Planning Authority on 7<sup>th</sup> June 2016.

The development shall be completed in accordance with the approved plan 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 approved plans for the avoidance of doubt.

3. Notwithstanding the details submitted with the application, prior the first use of building materials on site samples of the external materials and roofing materials (including stone, colour of render) to be used in the construction shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development within the Conservation Area.

4. Prior to the commencement of development, a topographical survey detailing existing levels and proposed levels for the proposed dwellings, vehicle manoeuvring areas, parking areas, and garden areas shall be provided to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the development is undertaken in satisfactory manner in the interests of protecting the character and appearance of the area, the amenities of neighbouring residents, and the protection of existing trees.

5. All new windows and doors hereby approved shall be of timber construction, set in a minimum external reveal of 100mm and painted or stained throughout to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained.

**Reason:** To ensure a satisfactory appearance to the development within the conservation area.

6. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roof shall be slated verges.

**Reason:** To ensure a satisfactory appearance to the development within the conservation area.

7. Notwithstanding any details shown on the approved plan, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved by the Local Planning Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.

**Reason:** To ensure a satisfactory appearance to the development within the conservation area.

8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

**Reason:** To reduce the risk of flooding and pollution and increase the levels of sustainability of the development.

9. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, fencing shall be erected in accordance with BS5837:2012 'Trees in Relation to Construction' along the northern boundary of the application site. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

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

10. The planting of 4no. Silver Birch half standard size (175 - 250 cm) as shown in the area enclosed in the blue line on the plan titled 'Site Plan' and dated the 13<sup>th</sup> May 2016 shall be carried out in the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development and in the interest of the visual amenities of the area.

11. Notwithstanding the proposed planting shown on the plan titled 'Site Plan' and dated the 13<sup>th</sup> May 2016, one of the Silver Birch half standard size (175 - 250 cm) shall be planted at the top of the slope to the south east edge of the land within the blue line (plan marked by case officer for clarification) in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Should the tree within a period of 5 years from the completion of the development die, be removed or become seriously damaged or diseased, it shall be replaced in the next planting season with another of similar size and species.

**Reason:** To enhance the appearance of the development and in the interest of the visual amenities of the area.

12. Notwithstanding the proposed planting shown on the plan titled 'Site Plan' and dated the 13<sup>th</sup> May 2016, 2no. Mountain Ash or Sorbus varieties half standard size (175 - 250 cm) shall be planted on the slope between the highway and the proposed parking area that serves the westernmost dwelling (plan marked by case officer for clarification) in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development and in the interest of the visual amenities of the area.

13. 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.

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

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

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

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

**Informative**

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

16. 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.

17. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at A6068. 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:** The interests of both vehicle and pedestrian safety and the visual amenity of the area.

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

**Reason:** In the interests of highway safety.

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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.

The access shall be formed with **6 metre** radius kerbs, to give a minimum carriageway width of **5 metres**, and that part of the access road extending **10 metres** into the site shall be constructed in accordance with Standard Detail **number E6**.

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

- That part of the access(es) extending **10 metres** into the site from the carriageway of the existing highway shall be at a gradient not exceeding **1 in 20**.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within **6 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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

20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- tactile paving
- vehicular, cycle, and pedestrian accesses
- vehicular and cycle parking
- vehicular turning arrangements
- manoeuvring arrangements
- loading and unloading arrangements.

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

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

- are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

22. 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.

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. 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.

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

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

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

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

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

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

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

### **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.

Operating times for construction should be limited to 7.30am to 6pm Monday to Friday, 7.30am to 1pm Saturday and no Sunday or Bank Holiday working.

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or works which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/development is requested to complete the Start Notice issued with the Decision

at least fourteen days prior to the commencement of development to ensure that effective monitoring can be undertaken.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

SKIPTON NORTH  
63/2016/17274

APPLICATION FOR ADVERTISEMENT CONSENT FOR HALO  
ILLUMINATED LETTERING; 2 EXTERNALLY ILLUMINATED PROJECTIONS  
SIGNS AND 1 INTERNALLY ILLUMINATED MENU BOX.

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63/2016/17277

APPLICATION FOR LISTED BUILDING CONSENT FOR HALO  
ILLUMINATED LETTERING; 2 EXTERNALLY ILLUMINATED PROJECTIONS  
SIGNS AND 1 INTERNALLY ILLUMINATED MENU BOX.

WILDWOOD, 17-19 HIGH STREET, SKIPTON.

APPLICANT NAME: MR JONNH PLANT

TARGET DECISION DATE: 28/10/2016

CASE OFFICER: Andrea Muscroft

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**These applications are referred to the Planning Committee as the owner of the building is Craven District Council and the Council will continue to have an interest in the operation of the building.**

1. Site Description

- 1.1 The application relates to No. 17-19 High Street, a Grade II listed building located adjacent to the Town Hall. The main elevation fronting onto the High Street is particularly detailed with end pilasters, double scrolls and moulded cornice to the principle elevation. Located at ground floor are central double doors in a square moulded doorway with frieze, cornice and pilasters.
- 1.2 The building occupies a prominent position at the northern end of the High Street in Skipton town centre. The building lies within the development limits and conservation area of Skipton. Other buildings within the vicinity are also listed.

2. Proposal

- 2.1 This report covers two applications seeking advertisement consent (Planning ref: 63/2016/17274) and listed building consent (Planning ref: 63/2016/17277) for illuminated signs to the principle elevation of No. 17 – 19 High Street, Skipton. The signs comprise: -

**Lettering**

- 2.2 The word 'Wildwood' is to be displayed in two places above the ground floor windows. The lettering would measure in total approximately 450mm (h) x 2237mm (w). Individual letters are to be applied to the building which comprise of stainless steel faces finished in Ardenbrite Green Gold. The signage would be illuminated by LED's fitted to the rear of the individual letters.

**Projected signs**

- 2.3 Two projecting signs are proposed and each sign would measure approximately 800mm (h) x 650mm (w). The signs are to be hung from an aluminium bracket finished in black and comprise a flat cut aluminium plate finished black. Letters and the sign border would be finished in Ardenbrite Green Gold.
- 2.4 The signs would be externally illuminated by trough lighting.

**Menu Box**

- 2.5 This would measure 543mm (h) x 400mm (w) and would comprise of a stainless steel box finished in Ardenbrite Green Gold. The box would be internally illuminated by white LEDs fitted in the top recess.



### 3. Planning History

- 3.1 63/2013/13920 - Remedial works to building comprising of removal of redundant extractor fans and replace with clear glazed pane, removal of metal bar from cills and make good stonework. Replace missing mastics and putties and re-paint gloss white. Replace patterned glazed panes with clear glazed panes and undertake repairs to rotten wooden cills. Removal wall situated behind main entrance and undertake repairs to the doors including repainting the doors and frame. Remove redundant gas flues and make good the stone work. – Withdrawn October 2013.
- 3.2 63/2013/13921 - Listed building consent for remedial repairs to the building and repainting of window frames and doors – Withdrawn October 2013.
- 3.3 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access – Approved April 2014.
- 3.4 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – approved May 2014.
- 3.5 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved July 2014.
- 3.6 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved September 2014
- 3.7 63/2014/15083 - Internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.
- 3.8 63/2014/15084 - Listed building consent for internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Decision January 2015.
- 3.9 63/2015/15648 - Application for advertisement consent for a full colour LED built in display and the installation non illuminated lettering – Approved June 2015.
- 3.10 63/2015/16430 - Application for listed building consent for internal reconfiguration of rooms on ground, first and second floors to create a family restaurant, incorporating commercial kitchen, diners area and customer WC's – Approved March 2016.
- 3.11 63/2016/16612 - New fire exit door at first floor level, and alterations to an existing window to convert it into a door at second floor level. The spiral stair will then serve both these floors. Bulkhead lights are proposed over the fire escape doors – Approved March 2016.
- 3.12 63/2016/17119 - Application for listed building consent for removing, sorting/cleaning and re-fixing the existing stone and slate covering and making up any shortfall with reclaimed stone and slates to be fixed to rear pitches. The existing parapet gutter lining is to be stripped out and relined with new 18mm WBP plywood and code 5 lead to existing falls – Approved September 2016.

### 4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.

### 5. Parish/Town Council Comments

- 5.1 **Skipton Town Council:** No comments received for either application at the time of compiling this report.

## 6. Consultations

- 6.1 **NYCC Highways Authority:** Commented on the application for advertisement consent and have raised no objections to the proposal. They have requested a condition to ensure the projecting signs do not obstruct the highway, and have also commented that the windbreak shown on the footway will require a street café licence.

## 7. Representations

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

## 8. Summary of Principal Planning Issues

- 8.1 With respect to the application for advertisement consent the key issues are the visual impact of the proposed signage upon the general amenities of the surrounding area and highway safety.
- 8.2 With respect to the application for Listed Building Consent the issue is whether the proposed signs would unacceptably impact on the architectural and historical interest of the grade II listed building.

## 9. Analysis

- 9.1 Paragraph 67 of the National Planning Policy Framework states that ‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’. However, the NPPF also states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment”.
- 9.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on a decision maker that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **Visual impact**

- 9.3 The Grade II listed building is located adjacent to the Town Hall and lies within the designated conservation area of Skipton. Within the surrounding area there are a mixture of Victorian buildings constructed using traditional materials and methods.
- 9.4 The proposed lettering is simple and bold with letters well-spaced apart. In addition, the proposed colour scheme is considered to complement the building with illumination concealed to the rear of the letters thus providing a halo effect. It is considered that the lettering would not appear overtly dominant on the building or appear inappropriate within the town centre. It is considered therefore that the illuminated lettering would not have detrimental impact upon the character and appearance of the building or on this part of the designated conservation area.
- 9.5 The projecting signs would be located approx. 2.8m from ground floor level and would be illuminated via a trough light. The signs are considered modest in scale and also acceptable in terms of their siting and design. Therefore, it is not considered that these signs would result in any unacceptable visual harm to the character and appearance of this part of the designated conservation area.
- 9.6 The menu box would be internally illuminated, but it is considered that due to its modest size and simple design that this element of the proposal would not result in any unacceptable visual harm to the building or the surrounding conservation area.

### **Impact on the listed building.**

- 9.7 In terms of considering a proposal for listed building consent, LPA under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard

must be had to the desirability of preserving the building or its setting or any features of special architectural or historical interest. Furthermore, section 72 advises LPA's to pay special attention to the desirability or preserving or enhancing the character or appearance of a designated conservation area.

- 9.8 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.9 The application site is a Grade II listed building situated within the designated Conservation Area of Skipton and is a prominent feature within the High Street.
- 9.10 Guidance with regards to illuminated signs on historic buildings states that Illuminated signs on historic buildings should preserve the character and appearance of the building and area. In this instance, the proposed lettering has been kept simple with external finishes chosen to be sympathetic to the character and appearance of the Grade II listed building. In addition, the halo illumination of the letters ensures that the spread of light is controlled and thus ensuring that the signs do not have a harmful visual impact on the listed building or the surrounding conservation area.
- 9.11 The proposed projecting signs and menu box have been kept simple in design with external finishes and illumination sympathetic to the Grade II building. It is therefore considered that these signs given the appropriate scale, appearance and materials do not unacceptably impact on the architectural or historic interest of the Grade II building.

#### **Highway Safety.**

- 9.12 NYCC Highways have been consulted and subject to conditions have raised no objections to the development proposal.

#### 10. Recommendation

- 10.1 To grant advertisement and listed building consent subject to the following conditions.

##### Conditions

##### **Advertisement Consent planning ref: 63/2016/17274**

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

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

7. The approved plans comprise of
- 561216-2 Rev B received by Craven District Council on the 22nd September 2016
  - 561216-3 Rev B received by Craven District Council on the 22<sup>nd</sup> September 2016.
  - 561216-5 Rev B received by Craven District Council on the 22nd September 2016

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

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

8. Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m above the footway level and no closer than 0.5m from the edge of the carriageway.

9. **Reason:** To protect pedestrians and other highway users.

**Listed Building Consent planning ref: 63/2016/17277**

1. The proposed development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

**Reason:** To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The approved plans comprise Drawing

- 561216-2 Rev B received by Craven District Council on the 22nd September 2016
- 561216-3 Rev B received by Craven District Council on the 22<sup>nd</sup> September 2016.
- 561216-5 Rev B received by Craven District Council on the 22nd September 2016

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

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

**Informative**

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offence to execute or cause to execute any works for the demolition of a listed building or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised by and executed in accordance with the terms of a Listed Building Consent and any conditions attached to it.

The grant of this permission does not remove the need to obtain a street café licence should the applicant install any windbreaks from the NYCC Highways Authority.

**Statement of Positive Engagement:** -

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

- requested amended design approaches.

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

*INGLETON & CLAP  
18/2016/17055*

*PROPOSED CONVERSION OF WATER TREATMENT WORKS TO FORM  
THREE BEDROOMED DWELLING AND CONVERSION OF WATER TANK  
TO ANCILLARY GARAGE AND OFFICE/WORKSHOP*

*FORMER YORKSHIRE WATER TREATMENT WORKS, KEASDEN ROAD,  
CLAPHAM.*

APPLICANT NAME: MR A HARRIS  
TARGET DECISION DATE: 08/08/2016  
CASE OFFICER: Emma Howson

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**The application has been referred to Planning Committee by Councillor Lis as there is a significant amount of public interest.**

1. Site Description

- 1.1 The application site is located within the AONB and comprises a former Water Treatment Works previously run by Yorkshire Water but now redundant. There are presently two buildings on site, a stone building and a former storage tank, which is constructed of profile metal sheeting. The site is bound by a dry stone wall.
- 1.2 The site is outside development limit boundaries within an open countryside location. The site is access off Keasden Road and is located approximately 2 miles south of the junction of Keasden Road with Reebys Lane.

2. Proposal

- 2.1 The application seeks permission to convert the water treatment works to form a three bedroomed dwelling and to convert the water tank to form ancillary garage and office/workshop.
- 2.2 No extension to the stone building is proposed and the structure will be converted to a 3 bed dwelling. A limited number of new window and door openings are proposed to achieve the conversion.
- 2.3 The former storage tank is to be substantially reduced in size, and re-clad in cedar boarding to replace the metal sheeting. A green roof is also proposed. The resulting building is to be used for a garage, and workshop or office.

3. Planning History

- 3.1 18/2010/10324 – Change of use to bunk barn/outdoor activity centre. Withdrawn 29.4.13

4. Planning Policy Background

- 4.1 National Planning Policy Framework
- 4.2 Saved Policies ENV1, ENV2, H8, and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.

5. Parish/Town Council Comments

- 5.1 Clapham Parish Council have raised the following objections:
- Outside Development Limits
  - No proven housing need in the open countryside
  - Not environmentally sustainable development

6. Consultations

6.1 None

7. Representations

7.1 None received

8. Summary of Principal Planning Issues

- Principle of Development
- Suitability of residential use
- Impact on AONB
- Biodiversity
- Contamination

9. Analysis

**Principle of Development**

9.1 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies which relate to residential development and have been 'saved' (under the Planning & Compulsory Purchase Act 2004) include Policy ENV1 'Development in Open Countryside' and Policy ENV2 'Requirements for Development in Open Countryside'.

9.2 However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". While the Local Plan (LP) Policies are broadly in line with the Framework they were adopted in 1999 and were not prepared under the aforementioned Act. Consequently, there is more recently published (and therefore more up-to-date) national planning policy. Where there is conflict between the LP policies and the NPPF, the LP carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.

9.3 The application site is outside the development limit of Clapham and is situated in open countryside. The development is for the conversion of a traditional rural building for residential use and thus policy H8 applies.

9.4 Providing that the proposal meets the criteria set down in Policy H8 the proposal is acceptable in principle.

9.5 Paragraph 55 of the NPPF outlines that isolated new homes in the countryside should be avoided, but offers support for the residential re-use of redundant or disused buildings where development would lead to an enhancement of the area. This proposal is for the re-use of such a building.

**Suitability for Residential Use**

9.6 It is Council policy that rural buildings be re-used for employment purposes in the first instance. Policy H8 sets down the following criteria, whereby the conversion to residential use would be considered appropriate:

'The applicant has made every reasonable attempt to secure suitable business reuse and the application is supported by a statement of the efforts which have been made'

- 9.7 The applicant has supplied a business re-use feasibility statement which outlines the possible business uses for the site and the reasons why these would not be feasible or appropriate. No suitable business use has been found for the site.
- 9.8 Even if the applicant's case with respect to the business use was not accepted, it still remains the case that under paragraph 55 of the NPPF that the re-use of existing buildings for residential purposes is now in principle acceptable in the open countryside.

#### **Impact on the AONB**

- 9.9 The building is situated in an isolated location within the AONB and thus the conversion of buildings, particularly in such a location needs to be carefully considered to ensure that the proposal does not have an adverse impact on the character and appearance of the landscape.
- 9.10 The proposal comprises the conversion of the existing stone building to form residential living accommodation. The alterations required are minimal and would retain the character of the building.
- 9.11 The proposal also includes the re-use of part of the existing water tank to provide garaging and ancillary accommodation. This involves the demolition of half of the tank, cladding with vertical boarding and the creation of a grassed roof. This existing building does not sit well within the existing landscape, and whilst this type of development would not normally be considered appropriate, the proposal would improve the visual impact of the existing building on the surrounding landscape. It would however be considered expedient to remove all permitted development rights from the property to ensure that any future alterations to the property do not unduly impact on the surrounding landscape.
- 9.12 The curtilage of the proposal has been reduced from the original submission, thereby reducing the impact of future domestic clutter on the wider landscape.
- 9.13 The proposal is therefore considered to have an acceptable impact on the AONB.

#### **Biodiversity**

- 9.14 The application includes a wildlife survey. The survey concludes that there is no evidence of bats being resident in the buildings, however care would need to be taken during construction to ensure that due diligence is taken.
- 9.15 The survey does however highlight the need for a swallow nesting facility and this has been included in the amended scheme. The proposed development will therefore help to improve the biodiversity of the area.

#### **Contamination**

- 9.16 Due to the historical land use of the site, it is considered that there is a risk of contamination being found during the development. It is therefore considered appropriate to add a condition with regards to the reporting of any unexpected contamination during development.

#### **Other Issues**

- 9.17 There are no concerns with respect to highway safety. The development will provide a satisfactory standard of residential amenity for any future occupier and there are neighbours that would be unacceptable affected.

#### **Conclusion**

- 9.18 The property is situated in an isolated rural location, however the site has been used for a number of years by Yorkshire Water, and buildings already exist on this site.

9.19 The Council does not have a 5 year housing land supply and policy H8 of the Craven Local Plan accepts the use of rural buildings for housing under certain circumstances. The use of the site for a feasible alternative business use has been considered by the applicant, but no suitable use has been identified. Furthermore paragraph 55 of the NPPF identifies that the re-use of existing buildings for residential purposes is now in principle acceptable in the open countryside. The site is situated within the AONB, however the proposal would improve the visual impact of the existing buildings and improve the biodiversity of the site. The resulting use would have an impact on the character of the landscape, but the impact would not be so great to justify refusal of the application. Conditions are proposed that would help ensure that the impact of the change of use of the building could be controlled into the future.

9.20 It is therefore considered that the proposed development would be acceptable and would be in accordance with both national and local policy, subject to conditions.

## 10. Recommendation

10.1 That the application 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 development shall be completed in accordance with the approved plans ref: P1665/002a; P1665/006a and P1665/005a received by the Council on 27<sup>th</sup> September 2016 and drawing ref: P1665/003 and associated documents received by the Council on 13<sup>th</sup> June 2016.

**Reason:** For the avoidance of doubt

3. Notwithstanding the provisions of Class A, B, C, D, E, F, G, H to Schedule 2 Part 1 and Class A, B, C to Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or superseded), no extensions, garages, outbuildings, porches, dormer windows, alterations to the roof, means of enclosure, installation of hardstanding, windows, doors or other openings shall be permitted, without a subsequent application to the local planning authority.

**Reason:** To ensure that the character of the building is retained and that future development is controlled to protect the landscape character of the AONB.

4. The materials to be used for the implementation of the development shall be as specified in the design and access statement that accompanied the application and was received by the Local Planning Authority on 13 June 2016, and shall be so retained thereafter.

**Reason:** To protect the landscape of the AONB from unsuitable development.

### Informative

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 an lawful manner. Natural England can be contacted at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), or by calling 0300



0603900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

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: -

- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

**INGLETON & CLAP  
68/2016/17240**

*PROPOSED TOURING CARAVAN SITE INCLUDING ERECTION OF AN  
AMENITY BLOCK*

*LUND HOLME FARM, NEW ROAD, INGLETON.*

APPLICANT NAME: MR & MRS LUND

TARGET DECISION DATE: 30/09/2016

CASE OFFICER: Sam Binney

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**The application has been referred to Planning Committee at the request of Councillor Lis as there is significant local interest.**

1. Site Description

- 1.1 The application site lies to the south of the A65 to the west of Ingleton. The land forms part of a larger agricultural field which at some point in the past has been partitioned off by a post and wire fence. The northern and western boundaries of the site are formed by dry stone walls. There is some screen planting on the southern and eastern boundaries.
- 1.2 There is a holiday cottage to the south west of the site and a "Certificated Location" (CL) (5 touring caravans) to the west of the site. To the north west of the CL is a static holiday caravan adjacent to the farmhouse.
- 1.3 Access to the site from the A65 is through the farm complex.
- 1.4 There is a public footpath to the south of the site.
- 1.5 The site is in open countryside outside the development limit boundary.

2. Proposal

- 2.1 The application seeks permission for a nine pitch caravan site for touring caravans with an amenity block in the north-west corner. The single storey amenity block extending to 36 sq. m. would be constructed in natural stone with a reproduction stone flag roof.
- 2.2 Additional planting is shown to the north of the dry stone wall in the adjoining field.

3. Planning History

- 3.1 68/2003/3423 – To extend existing caravan site into adjoining field to create 12 additional touring caravan pitches with electrical hook-up and waste water disposal. Refused 17/09/2003.
- 3.2 68/2004/3928 - Extend the existing touring caravan site into the adjoining field to create 12 additional touring caravan pitches (re-submission of 68/2003/3423). Refused 03/03/2004.
- 3.3 68/2015/16152 - Proposed touring caravan site (9 pitches) along with construction of toilet/shower block. Refused 18/12/2015 for the following reason:

*'The extension of the "certificated location" caravan site into the field to the south east would have an unacceptable damaging impact on the character and appearance of the open countryside and landscape. Without the caravan site there is no requirement for an amenity building. The proposal therefore fails to accord with Saved Policies ENV1, ENV2, EMP17 and EMP18 of the Craven District (Outside the Yorkshire Dales National Park Local Plan). The Council considers that the proposal*

*fails to accord with the Environmental dimension of Sustainable Development as set out in the National Planning Policy Framework, as it fails to protect and enhance the natural, environment. The harm to the open countryside that would result is considered to significantly and demonstrably outweigh the benefits of approving development. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.'*

#### 4. Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).
- 4.2 National Planning Practice Guidance.
- 4.3 Saved Local plan policy ENV1. Development in then open countryside
- 4.4 Saved Local plan policy ENV2. Requirements for Development in the countryside.
- 4.5 Saved Local Plan policy EMP17. Camping and Touring Caravan Sites.
- 4.6 Saved Local Plan policy EMP18. Permanent Buildings on Caravan Developments.

#### 5. Parish/Town Council Comments

- 5.1 Thornton-in-Lonsdale Parish Council: Overall no objection but have some concerns outlined below;
  - The Parish has seen an increase in the number of Touring Caravan Sites over the last couple of years and asks CDC to take this into account when considering this application.
  - The access to and from this site is on an extremely busy and fast section of the A65 and vehicles coming over the brow will approach stationery and turning cars with caravans very quickly.
  - The Parish additionally acknowledged the additional landscaping and screening that was now included with this new application.

#### 6. Consultations

- 6.1 **NYCC Highways:** No objections.
- 6.2 **Environmental Health:** No issues of concern for Environmental Health.
- 6.3 **Trees Officer:** No objection but further planting required and to more detail. Recommended conditions regarding protective fencing for existing planting, and a detailed planting scheme to be submitted.

#### 7. Representations

- 7.1 One letter of representation has been received. A summary of the objection is outlined below;
  - The access to the site is hazardous when approached from the south.
  - The site is very visible from the A65, the footpath to the south of the site boundary, and the Ingleton-Bentham minor road.
  - There are already sufficient [camping] sites within the area.

#### 8. Summary of Principal Planning Issues

- 8.1 The key planning issues are the principle of the development, the impact on the character and appearance of the area, sustainability matters, highway safety considerations, residential amenity, environmental / wildlife issues, and drainage matters.

## 9. Analysis

### **Policy background**

- 9.1 The application site lies outside development limits, and therefore falls to be assessed under Saved Local Plan Policies ENV1 and ENV2. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development by restricting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the open countryside and other appropriate small-scale development having a rural character. Where this is the case, development must also clearly benefit the rural economy; help to maintain or enhance landscape character; be essential for the efficient operation of agriculture or forestry; or be essential to the needs of the rural community.
- 9.2 Where development is acceptable in principle under Saved Policy ENV1, it must also comply with Saved Policy ENV2, which sets out criteria relating to design, materials and traffic (amongst other things).
- 9.3 The other Saved Local Plan Policies applicable to this application are 'EMP17 'Camping and touring caravan sites' and 'EMP18 'Permanent buildings on camping, caravanning and chalet developments'. These policies are generally supportive of caravan site developments subject to certain criteria being met including, but not limited to; landscape impacts, screening and landscaping, neighbouring amenity, and highways.
- 9.4 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.6 With regards to Saved Policy ENV1, this policy places significant importance on the presence of development limits. As the development limits were defined in 1999 (and have not been reconsidered or altered since), this aspect of policy ENV1 is out of date, and the development limit boundaries that were defined in relation to this policy no longer carry any weight in the decision making process. However, Policy ENV1 also has an objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy does not conflict in this respect with the NPPF that includes similar aims and objectives and therefore the policy has some limited weight.

- 9.7 Saved Policy ENV2, whilst linked to Saved Policy ENV1, sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF. This policy therefore carries some weight in the decision making process.
- 9.8 With reference to Saved Policies EMP17 and EMP18 these policies relating to camping and caravanning development are considered to be in line with the NPPF in terms of supporting such development, subject to harm not being unacceptable. These policies therefore carry weight in the decision making process.
- 9.9 The criteria within the applicable Saved Local Plan Policies, and the NPPF, will be considered in further detail in the following sections of the report.

### **Principle of development**

- 9.10 The proposal is for development in open countryside. Saved Local Plan Policy ENV1 is not considered to preclude such development so long as the scenic qualities and landscape character of rural areas are not unacceptably impacted upon. Saved Policies EMP17 and EMP18 support the principle of the development of caravan and camping sites in the open countryside in the Craven area, subject to certain criteria being met.
- 9.11 Saved Policy EMP17 requires the site to be located in an area with local opportunities for informal countryside recreation, but should not itself be detrimental to those attractions. The site is located 1 km. to the west of Ingleton in an open countryside location. There is a network of public rights of ways in the immediate locality, the site is close to the Yorkshire Dales National Park and is within 5 km. of the Forest of Bowland Area of Outstanding Natural Beauty.
- 9.12 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. There are three dimensions to sustainable development; economic (supporting a strong and competitive economy), social (supporting strong, vibrant and healthy communities with regards to housing, health, social and cultural well-being) and environmental (protecting and enhancing the natural, built and historic environment).
- 9.13 Section 3 (paragraph 28) of the NPPF sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 9.14 In conclusion the development proposal is acceptable in principle. In particular, the development accords with the economic dimension of sustainable development, as set out in the NPPF. The proposal would allow an existing “certificated location” caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.
- 9.15 Whilst the proposal is considered to be acceptable in terms of the economic dimension of sustainable development, it must also meet the social and environmental

dimensions as set out in the NPPF, which will be considered in the following sections of the report.

### **Visual impact**

- 9.16 The application seeks planning approval for the expansion of the existing “Certificated Location” caravan site to provide 9 touring pitches and an amenity block.
- 9.17 In terms of policy background, most of the criteria set out in the Saved Local Plan Policies and the NPPF are applicable to the proposal, particularly in relation to landscaping.
- 9.18 Saved Local Plan Policies ENV1, EMP17 and EMP18 require that new development does not have an adverse effect on the character and appearance of the countryside, with the scale of development being in context with its surroundings. Saved Policy EMP17 requires that the scale of development should relate sensitively to its surroundings and EMP18 requires that development is of a good standard of design, satisfactorily blending into the landscape in terms of their siting, design and materials.
- 9.19 Saved Local Plan Policy ENV2 sets out requirements for development in the open countryside. Proposals should be compatible with the character of the surrounding area, not have an unacceptable impact on the landscape and safeguard landscape features, and the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.20 These objectives are supported by the NPPF, which defines the Environmental dimension of sustainable development as “contributing to protecting and enhancing our natural, built and historic environment” amongst other things. Furthermore, one of the core principles of the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 9.21 It should also be noted that the site is in close proximity to the Yorkshire Dales National Park. Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. However, the site is not so close to the Park to have any adverse impact.
- 9.22 Historically there had been objections to the use of this site for caravans on visual impact grounds. Tree planting has since taken place on the southern and eastern boundaries but this does not adequately screen the site from views from the A65 to the north and the public footpath to the south.
- 9.23 Saved Local Plan Policy EMP17 is the relevant policy for this part of the scheme, dealing with camping and touring caravan sites. In contrast to Saved Policy EMP16 for static caravans, which required the site to be well screened at the time of an application, EMP17 requires the site to be *potentially* well screened by landform and/or existing or additional landscaping from roads, elevated viewpoints and other public spaces. However, it is clear from the reasoned justification for Policy EMP17 that this does not mean that any site is acceptable in landscaped terms as it can be potentially well screened. Paragraph 17.1 of the reasoned justification explains that unless rigorously controlled, development may have an adverse impact on the countryside and landscape. Furthermore paragraph 17.2 explains that ‘*where landscaping is to form important screening it is essential that it is established before*

*development of the site. Any subsequent tree / foliage planting should complement existing landscaping’.*

- 9.24 Saved Local Plan Policy EMP18 permits permanent buildings on caravan sites subject to them not having an adverse effect on the character and appearance of the countryside and being of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials. EMP18 also requires that the any permanent buildings related to camping and caravanning sites are necessary for the operation of the site, and their size and nature relate to the needs of site residents.
- 9.25 In Officer’s opinion, due to the topography of landform particularly to the north and the lack of screening the site would be visible for many years from the A65. The planting on the southern and eastern boundaries does not effectively screen the site and again while there may be potential to plant additional screening the site would remain visually intrusive for many years.
- 9.26 Further to the refused planning application 68/2015/16152, amended plans have been received as well as a Landscape and Visual Impact Assessment which has been provided to try to address the reasons for refusal.
- 9.27 The amended plans are much the same as those refused under reference 68/2015/16152. The only noticeable amendment to the scheme is the proposed landscaping to the northern boundary of the site which has been moved further up the banking toward the A65. The scheme in regard to all landscaping to the other boundaries, as well as the proposed site plan for the location of the pitches has remained the same.
- 9.28 The Landscape and Visual Impact Assessment provided goes into great detail for background to the site including soil types and character appraisal, going further onto visual impacts of the development, constraints, landscape considerations, and concluding with a short section on how their assessment has impacted the design of the proposal from the previous refusal.
- 9.29 The main views of the site and landscape beyond are received from the A65 to the north as well as by foot along the public right of way running east to west situated to the south of the site. Screening is already in place around the site to the south and the east but the tree officer confirms that it will be necessary to provide further planting to adequately screen the site from the south.
- 9.30 While it is accepted that the screening proposed would be more acceptable than that previously proposed, the visual impact that the proposal would have on the area especially when viewed from the north is too great without the landscaping already in place and established. It is considered that while in principle it is possible in the long term to be effectively screened from public views and from elevated viewpoints, the landscaping and screening must be more effectively established prior to the LPA being in favour of this proposal from a visual impact perspective.

### **Neighbour amenity**

- 9.31 Saved Local Plan policy EMP17 states that development must not have an unacceptable impact on the character or setting of settlements or the amenity of local residents.
- 9.32 One of the core planning principles of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants. Section 7 of the NPPF

goes on to state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 9.33 The nearest residential property (that is also a guest house) is on the A65 some 100 m. to the north of the site. The physical separation distance in this case is such that the amenity of that property would not be adversely affected.

### **Highway Safety**

- 9.34 Concerns have been raised in objections and by the Parish about highway safety. However, NYCC Highways has been consulted and has raised no objections.

### **Conclusion**

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

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

- 9.36 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable (although it is worth noting that the relevant Saved policies are generally supportive of the proposal and do not greatly conflict with the advice within the NPPF). The development should therefore be permitted unless the adverse impacts of doing so would outweigh the benefits.

- 9.37 The benefits of the development principally relate to meeting the NPPF's objectives of supporting economic growth in rural areas. The proposal would allow an existing established "Certificated Location" caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.

- 9.38 The key adverse effect would be the additional visual impact of a total of a further 9 caravans to the site. It is considered that there are open public views of the site including from public rights of way, highways and elevated viewpoints. While there are no controls over the "Certificated Location" site adjacent, a further 9 touring caravans would be visually intrusive and harmful to the visual amenities of the area.

## **10 Recommendation**

- 10.1 To refuse planning permission.

## **11 Reasons for Refusal**

- 11.1 The extension of the caravan site into the field to the south east would have an unacceptable damaging impact on the character and appearance of the open countryside and landscape. Without the caravan site there is no requirement for an amenity building. The proposal therefore fails to accord with Saved Policies ENV1, ENV2, EMP17 and EMP18 of the Craven District (Outside the Yorkshire Dales National Park Local Plan). The Council considers that the proposal fails to accord



with the Environmental dimension of Sustainable Development as set out in the National Planning Policy Framework, as it fails to protect and enhance the natural environment. The harm to the open countryside that would result is considered to significantly and demonstrably outweigh the benefits of approving development. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.

Statement of Positive Engagement: -

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

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

*SKIPTON SOUTH  
63/2016/17187*

*DEMOLITION OF EXISTING GARAGE AND REPLACE WITH NEW BUILD  
DETACHED GARAGE. DEMOLITION OF EXISTING DORMER WINDOW  
AND REPLACE WITH 2 NO. NEW DORMER WINDOWS. BASEMENT  
CONVERSION TO FORM LIVING ACCOMMODATION.*

*23 DEVONSHIRE PLACE, SKIPTON.*

APPLICANT NAME: MR ALEX PALMER

TARGET DECISION DATE: 28/09/2016

CASE OFFICER: Sam Binney

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**The application has been referred to Planning Committee at the request of Councillor Heseltine due to the volume and depth of neighbours' objections.**

1. Site Description

- 1.1 The application site is a two-storey dwellinghouse that has a converted loftspace with dormer window, a basement, and a detached single garage. The principal elevation with main access door faces a footpath with pedestrian access to Devonshire Place. The main vehicular access however is obtained to the rear of the building from Goschen Street. The detached garage is therefore facing Goschen Street.
- 1.2 Due to the topography of the site, the dwellinghouse is set down into the slope of the hillside. The site is within the development limits and Conservation Area of Skipton.

2. Proposal

- 2.1 The application seeks permission for the demolition of the existing garage and to replace it with a new detached garage. Due to the slope of the site the existing garage is constructed on a raised plinth to provide a flat garage floor. This current application proposes to create a basement workshop / garden store beneath the new garage floor rather than simply building off a raised plinth. The replacement new garage will be approximately the same height as the existing even with the accommodation beneath it. The new garage will however be repositioned slightly further downslope (to the north).
- 2.2 The application also proposes demolition of the existing dormer window and its replacement with 2 No. new dormer windows. The existing basement is also to be converted to form additional living accommodation although this aspect of the proposal does not require planning permission.

3. Planning History

- 3.1 No planning history since 1974.

4. Planning Policy Background

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

5. Parish/Town Council Comments

- 5.1 **Skipton Town Council:** No objection but query the large shed in the garden about the size of a garage and whether it needs planning permission.

**Officer Note:** The “large shed” is in the garden of the neighbouring property so is therefore not relevant to the determination of this planning application. The issue has since been logged with the Planning Enforcement team who will look into the matter in due course.

6. Consultations

6.1 **NYCC Highways:** No objection but recommend conditions regarding car parking space retention and preventing conversion of the garage.

7. Representations

7.1 Two letters of representation have been received from neighbouring properties. A summary of their objections is outlined below;

- The plans of the development are not entirely clear.
- The garage will be detrimental to neighbouring residential amenities.
- The dwellinghouse could be used as two separate dwellings.

**Officer’s Note:** The application does not intend to split the dwelling into two and the proposal has to be considered on the basis of the application made.

- Development can’t be carried out without access to objector’s property who doesn’t intend to allow that access.

**Officer’s Note:** This is a civil matter and not a material planning consideration to this application.

- Concern regarding possible damage to neighbouring recently repaired hardstanding.
- The proposed garage would spoil neighbours view and devalue her house.

**Officer’s Note:** These are not material planning considerations.

- Concern for builders trampling the objector’s garden when digging up and laying foundations.

8. Summary of Principal Planning Issues

8.1 The visual impact of the proposal upon the surrounding conservation area.

8.2 The impact of the proposal upon the privacy and amenity of neighbouring properties.

8.3 Highways Issues.

9. Analysis

**Visual impact of the proposal on the surrounding conservation area.**

9.1 The garage is to remain a similar size in terms of the footprint it will have, though the side wall will move toward the existing dwelling to be at a total width of 3.6m. The eaves will be marginally higher but the roof pitch will be shallower meaning that the garage would be higher by only 0.1m.

9.2 The garage is to the side of the dwelling, with the entrance situated to the rear of the building onto Goschen Street. Visually the garage has very limited impact upon Devonshire Place, but it can be seen better from Goschen Street. The visual impact upon this street scene is minimal as the proposed garage is essentially a very similar height and is only 300 mm. wider and longer than the existing garage.

9.3 The proposed garage is also to be set back 1.7m from the front line of the existing garage. This will create a more open frontage when viewed from Goschen Street. The

materials used are deemed appropriate as it would re-use the stonework from the existing garage once demolished.

- 9.4 Appendix F of the Local Plan stipulates in policy 20A that except in special circumstances garages should be located to the side or rear of the house and a minimum distance of 6 metres from the edge of the highway and continues to state that garages to the side of dwellings will normally be expected to be set back at least 1 metre from the front wall of the house. The garage is positioned in such a way that it fulfils these criteria.
- 9.5 The existing property currently contains one dormer to the front of the property. The dormer is a traditional pitched roof dormer made of timber which is central to the roof of the property. The proposal would remove this dormer and replace with 2 dormers to the roof slope, each of which would be larger than the existing dormer. The design however would match the existing dormer being a traditional pitched roof dormer with blue slate roof and lead to the dormer cheeks. The windows would also be larger on the proposed scheme than currently in situ.
- 9.6 Visually, the dormers are only visible from certain angles and visible from the upstairs windows of some of the neighbouring properties. The increase in size of the dormers allows more light to enter the bedroom in the roofspace. Visually, the dormers would not set a new precedent within the area due to the existing dormer and others located nearby. Additionally, the dormers would receive limited public views so therefore are acceptable visually.
- 9.7 Finally, the application includes a basement level underneath the proposed garage. As the property is on a sloping site, the main garage appears single storey with a large back wall to the front of the property at a potential basement level. This area is therefore under-utilised currently being a large, blank concrete wall. The proposal therefore would include a basement level to be used as a workshop/garden store. Visually this would include the addition of a single door and window at basement level to the front elevation. These features will essentially only be seen from the applicant's own garden and are to be of a form and materials to match the host dwelling therefore making the proposal acceptable visually.
- 9.8 In summary it is considered that the development proposal does not harm the character and appearance of the conservation area within which the site is located.

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

- 9.9 The garage is close to the boundary of properties 2-8 Goschen Street to the South-East. The proposed garage is only 300 mm. longer than the existing garage and will be sited slightly further to the north. It essentially replaces an existing structure, albeit slightly amended, and it will not have an unacceptable impact upon the amenity of neighbouring properties. The proposed garage would cause little if any overshadowing to neighbouring properties.
- 9.10 The dormer windows proposed will be set 1.05m above the floor level of the bedroom accommodation in the roofspace. They are to the front elevation of the property so will face out toward the garden amenity space and further to across Waller Hill Beck and the properties at Brookside. There is significant screening to the bottom of the garden which will limit views from the north. The windows otherwise are not considered to increase overlooking or impact upon the privacy of neighbouring properties, especially with the existing open elements to the garden areas of the neighbouring properties.

#### **Highways Issues.**

- 9.11 The garage is to be set further back from the existing garage by 1.7m. This will allow for a full parking space to be utilised in front of the proposed garage door. The access is already established and increases the parking available for the property. NYCC

Highways additionally have no objection to the proposal but have recommended attaching conditions for car parking space retention and not converting the garage to a habitable room.

- 9.12 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be so harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. The living conditions of neighbouring occupiers would not be harmed by any unacceptable loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10. Recommendation

- 10.1 To grant planning permission.

Conditions

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

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

2. The approved plans comprise drawings 01, 02, 03, and 04 received by the Local Planning Authority on 21<sup>st</sup> July 2016. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The detailing of the windows shall be of the same form of construction, materials and finish as those on the existing building.

**Reason:** In the interests of the appearance and character of the building.

4. The workshop/garden store hereby permitted shall be used for purposes incidental to the enjoyment of the dwelling house only and shall not be used for trade or business purposes.

**Reason:** To safeguard residential amenity.

5. Notwithstanding the provision of the Town and Country Planning General Permitted Order 2015, or any Order revoking or re-enacting this Order, the areas shown on 182/03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

6. Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting this Order, the garage shall not be converted into domestic living accommodation without the prior written consent of the Local Planning Authority.

**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.

Statement of Positive Engagement: -

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

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

AIRE VAL W LOTH  
21/2016/17038

PROPOSED NEW DWELLING

LAND OFF NETHERGHYLL LANE TOWN HEAD FARM GIBSIDE LANE  
CONONLEY KEIGHLEY

APPLICANT NAME: MISS MARY NAYLOR

TARGET DECISION DATE: 04/08/2016

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee as it is a Departure from the Development Plan.**

1. Site Description

- 1.1 The application site is an 0.4ha area of land located in open countryside off the northern side of Gibside Lane, Cononley.
- 1.2 The site lies between Cononley Beck and Gibside Lane which is an un-adopted road that runs from Main Street, Cononley and connects to an extended single width track leading to Netherghyll Lane further to the west. At this point the track is connected to the main road via a wide access. The access to Main Street at the eastern end of Gibside Lane is narrow and has poor visibility particularly to the northern side where it immediately adjoins the village hall. The access road is also a Public Right of Way.
- 1.3 The application site lies adjacent to but not within the Cononley development limits but is located within the Cononley conservation area.
- 1.4 The northern and western parts of the application site lie within flood zones 2 and 3. The site is also identified as Low Risk former Coal mining area.
- 1.5 There is a 5m easement either side of an underground Yorkshire Water pipeline that runs across the north-eastern part of the application site.
- 1.6 Shackleton Gyhll Farmhouse is a grade II listed building located to the north-east of the site on the opposite side of the Gibside Lane.

This has the following listing description:

*'Former farmhouse, later C17 or early C18. Coursed rubble with stone slate roof. Two storeys. South front has to ground floor 2 double chamfered stone mullion windows with hoodmoulds, that to the left beside a later door, that to the right lacking its mullions. First floor has one double chamfered window formerly of 2-lights but lacking its mullion. At the rear (facing the lane) is an outshut with 2 small chamfered openings. Gable chimneys. Interior not fully accessible at time of survey.*

*Group Value'.*

2. Proposal

- 2.1 This is a full application seeking permission for a new 4 bedroom dwelling. The proposal would be a stone-built gable ended property measuring 10m x 7m with a ridged roof 7m in height falling to 5m at eaves level (maximum heights).
- 2.2 The design of the proposed house is traditional in appearance and it is proposed that it would be constructed in natural stone with imitation stone slate roofing incorporating stone corbels and tabling. Window surrounds would be locally sourced gritstone and the windows would be double glazed sashes with timber frames painted grey.

- 2.3 The proposed design incorporates a front entrance porch and a detached single garage adjoining the north-east elevation. The garage would be set back from the frontage of the property and there would be a private driveway forward of that with an overall parking provision for 2 vehicles (including the garage).
- 2.4 The proposal includes areas of private garden to the side (south-east) and rear of the house and there is a level patio area proposed around the property.
- 2.5 The site rises in level from the north-east to the south-west but also falls away sharply to the north towards a stream that runs along the site boundary. The land further to the west rises substantially and the site of the actual development therefore sits in a valley bottom in close proximity to a cluster of houses and farm buildings that form part of the main settlement.
- 2.6 There are a number of established trees and hedges to the northern side of the site.
- 2.7 The application site incorporates part of Gibside Lane and the extended track that connects to Netherghyll Lane to the west.
3. Planning History
- 3.1 There is no recent planning history connected with the application site.
4. Planning Policy Background
- 4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan:**
- ENV1: Development in the Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees and Woodlands.
- SRC12: Protection of Public Rights of Way.
- T2: Road Hierarchy.
- 4.2 **The National Planning Policy Framework**
- 4.3 **National Planning Practice Guidance.**
5. Parish/Town Council Comments
- 5.1 **Cononley Parish Council:** *'The council objects to this planning application as the proposed development is planned in an open green space and a boxed up part of the conservation area. Though the application states that there will be another access there is nothing to stop the owners and visitors of the development to use the current access which is already a very dangerous one.'*
6. Consultations
- 6.1 **CDC Environmental Health:** No objections subject to applicant being made aware of the need to limit construction times in order to minimise potential for loss of amenity to the occupiers of neighbouring properties.
- 6.2 **NYCC Highways:** No objections.
- 6.3 **NYCC Footpaths:** The footpaths officer has commented that there is a proposal to place a cattle grid on the PROW and that this should remain unobstructed which therefore means that the applicant must apply for a gate with the cattle grid running alongside it.
- Officer note:** There is no longer a cattle grid proposed as part of the application. An existing cattle grid exists across Gibside Lane to the north-east but lies outside of the application site.



6.4 **Yorkshire Water:** Initially YW objected as the proposal encroached upon a water pipe easement that ran to the north-east of the site. Revised plans have subsequently been submitted that indicates no encroachment would take place. YW has commented further regarding some details of the revised plans but these have been amended further and have now been addressed.

6.5 **Environment Agency:** No comments provided the development remains within flood zone 1.

**Officer note:** Although part of the application site falls within flood zones 2 and 3 the actual area to be developed remains outside of the flood zones 2 & 3.

6.6 **Ramblers Yorkshire:** Would prefer not to see a house in proposed location but have no objection to the plan as such. Concern over the new cattle grid proposed.

## 7. Representations

7.1 Two responses have been received both of which object to the application. The reasons for those objections are summarised as follows:

- Repeated attempts to build on land at Beech Mount close to the site have been refused. Site is equally as unsuitable for development being narrow, high and steep with any dwelling visible from houses in vicinity.
- Views will be lost and development would set precedent for further houses to be built.
- There is no shortage of housing in the village and proposed mill and other developments mean that the proposed development is not needed.
- There are problems with flooding and building would exacerbate run-off.
- Site is open countryside and should not be developed.
- Proposal would be incompatible with other properties.
- Increased traffic on road adjoining Main Street which is already dangerous.

## 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact and design/impact on heritage assets.

8.3 Impact on amenity.

8.4 Highway safety.

8.5 Impact on trees.

8.6 Flooding issues.

## 9. Analysis

### Principle of development:

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's Direction (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) in September 2007 the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.2 The application site lies outside of development limits and therefore, saved Local Plan policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the

open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

- 9.3 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated by the development can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations that fall broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. The guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires local authorities' to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations and indicates that the Council cannot demonstrate a 5 year supply of housing sites. It is considered therefore that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the overall assessment of this application.
- 9.8 In this case the proposal is for a single dwelling and therefore the benefit to be accrued from the development in terms of housing land supply would be minimal. However, the site is located within close proximity to an established cluster of housing and is capable of being developed in such a way that no significant harm would arise. The site is also considered to be both reasonably accessible and to be a sustainable location for residential development.
- 9.9 Saved Policy ENV2 seeks to ensure that any development that is located outside of the development limits but considered to be acceptable in principle; should be 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 weight that can be given to ENV2 is now limited, but

these aims are broadly in line with the NPPF, and will be addressed within the body of this report.

- 9.10 The overall conclusion in terms of the principle of development is that although the application site is not within recognised development limits as defined by the 1999 Local Plan it is located immediately adjacent to residential development and is in an accessible and sustainable location where there would be no significant harm caused by development. Consequently, residential development at this location is capable of forming sustainable development that would be in accordance with NPPF guidance and is therefore acceptable in principle.

Visual impact and design/impact on heritage assets:

- 9.11 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.
- 9.12 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.13 In this case Saved Local Plan Policies ENV1 and ENV2 are also of relevance to the consideration of this application.
- 9.14 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.
- 9.15 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the application site is within the Cononley conservation area and also lies within close proximity to the nearby grade II listed Shackleton Gyhll Farmhouse and consequently would affect the setting of both of those designated heritage assets.
- 9.16 At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.17 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits would derive primarily from the visual impact of the development and the potential impact on the setting of the conservation area and nearby listed building. In terms of planning balance it is the case that the provision of a single new property would be of limited benefit in terms of the overall supply of housing land but equally it is considered that no significant harm would arise from the proposal (i.e. there would be less than substantial harm to heritage assets). Additionally, it is considered that the development would represent an efficient use of a small area of land that is of

limited benefit in terms of its contribution to the overall character and appearance of the area. In coming to this view the site characteristics have been taken into account and the secluded location and natural screening of the site are considered such that the new dwelling would appear in no way incongruous or have a detrimental visual impact upon any area of important open space.

- 9.18 It is considered that the design and appearance of the proposed house is acceptable and that it is appropriate in scale relative to its immediate setting. Moreover, it is considered that the proposed dwelling would not appear in any way incongruous or overly dominant in the general context of the site. For these reasons it is considered that the proposal is consistent with NPPF policy in terms of design.
- 9.19 With regards to the location of the site within the conservation area and the grade II listed farm house it is considered that the proposals would not have any adverse impact upon the setting or significance of either of the designated heritage assets and that the proposed house, which would be located adjacent to a cluster of existing residential development, would be entirely consistent with the NPPF policy requirements.

Impact on amenity:

- 9.20 The proposed new dwellings would be sited immediately to the south (rear) of a row of existing houses that front onto Netherghyll Lane but would be positioned such that the site would be largely screened from view to those properties by existing planting and there would be sufficient interface distance (40m +) to ensure that no unacceptable loss of privacy or overshadowing of the existing housing would occur.
- 9.21 The buildings to the southern side of Gibside Lane are all located to the east of the site and are not considered to be impacted upon in any significant way.

Highway safety:

- 9.33 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:

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

- 9.34 In addition to the above the NPPF at paragraph 35 advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to *'give priority to pedestrian and cycle movements'* and to *'create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians'*.
- 9.35 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.
- 9.36 In this case the proposals do not require alterations to the site access onto Netherghyll Lane which meets the visibility splays recommended by NYCC Highways. It is also the case that adequate on-site car parking and manoeuvring is available for the proposed house. Moreover, no objections have been raised to the proposal by NYCC Highways.

- 9.37 It is acknowledged that the access to the property along an unadopted road is somewhat unusual given the length of the unadopted road, but this does not make the proposal unacceptable in highway safety terms.
- 9.38 It is concluded that the application is acceptable in terms of highway safety.

Impact on trees:

- 9.22 There are no objections to the proposals in terms of impact on the existing trees subject to a condition requiring that protective fencing be erected during construction works.

**Officer note:** Although no formal consultation response is on file the application has been subject to informal discussion with the Councils' Tree Officer who has confirmed that there are no objections to the proposals.

Flooding Issues:

- 9.23 Although parts of the site lie within flood zones 2 and 3 the area that is to be developed is outside of any flood zone and therefore there are no policy issues in respect of the development of the site or any need for the site to be shown to be sequentially preferable. The application has been accompanied by a Flood Risk Assessment that indicates some risk of flooding on the site but it is not sufficient to justify refusal of planning permission given that the flooding can be largely mitigated against.
- 9.24 Consultations have been undertaken with both the Environment Agency and Yorkshire Water neither of whom object to the application, the latter having originally requested revisions due to potential encroachment upon a water pipe easement at the eastern end of the site.

Conclusion

- 9.25 The proposed dwelling would be located in a sustainable location in close proximity to the facilities in the settlement of Cononley and it is considered that the proposal would contribute to the housing supply and would have a less than significant impact on heritage assets. Taking into account the guidance in paragraph 14 of the NPPF, i.e. the presumption in favour of sustainable development, it is considered that the development is acceptable and should therefore be approved.

10. Recommendation

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

Conditions

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

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

2. The approved plans comprise the following:

- Location plan.
- Drawing nos. P1729/001 revision C, 003 revision D, 006 revision D and 007 revision A received by the Local Planning Authority on the 29<sup>th</sup> September 2016.
- Drawing nos. 002 revision D and 005 revision D received by the local planning authority on 11<sup>th</sup> October 2016.
- Flood Risk Assessment received by the Local Planning Authority on 8<sup>th</sup> June 2016.

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

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

3. No work shall commence on any external walling of the proposed dwelling until such time as the following have been submitted to and approved in writing by the local planning authority:

- a sample panel of walling, of at least 2m<sup>2</sup> area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and;
- samples of the proposed roof slates have been made available for inspection

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenity of the locality.

4. Details of any proposed domestic bin store including screening shall be submitted for the written approval of the Local Planning Authority and thereafter provided and retained in accordance with the approved details.

**Reason:** In the interests of the visual amenities of the area.

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

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

6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

7. Before any site activity is commenced in association with the development hereby approved barrier fencing shall be erected around all existing trees on and adjoining the site in compliance with BS 5837 (2012) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

**Reason:** To prevent damage to trees during construction works.

**Informatives:**

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of

team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

2. The developer is advised that the site is located within close proximity to a watercourse and has been identified in a Flood Risk Assessment (dated 13<sup>th</sup> April 2016) as being highly vulnerable to flooding. It is the responsibility of the developer to incorporate appropriate flood resilience measures to mitigate the risk of flooding. Further advice on flooding can be found on the Environment Agencies' website using the following link: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

Discharge of Condition(s)

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

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

*EMBSAY W EASTBY  
26/2016/17297*

*APPLICATION TO VARY CONDITION NUMBER 2 OF PREVIOUSLY APPROVED APPLICATION REFERENCE 26/2015/16284 - REVISION TO THE APPROVED LAYOUT TO REMOVE HOUSE FROM SITE FRONTAGE ONTO SHIRES LANE AND REVISIONS TO ADJACENT HOUSES (NOW PLOTS 1 AND 2).*

*LAND OFF SHIRES LANE, EMBSAY.*

APPLICANT NAME: R N WOOLER & CO

TARGET DECISION DATE: 24/11/2016

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee as it seeks a variation to a major application that was a Departure and was previously determined at Committee.**

1. Site Description

- 1.1 The application site comprises a 2.80ha area of undeveloped grassland located on the southern side of Shires Lane in Embsay.
- 1.2 The site, which fronts onto Shires Lane, falls in level from north to south and lies between a detached property adjoining its north western corner and the grounds and club building of the village cricket club to the east. To the east, south and west the site is bounded by land uses comprising open fields, allotment gardens, and a football pitch.
- 1.3 On the opposite side of Shires Lane there is residential development comprised of detached houses set within large gardens, further east there are more densely developed detached residential properties.
- 1.4 In terms of the wider landscape setting the site forms part of larger a patchwork of fields that are situated to the south and east of the main settlement of Embsay. To the south the field pattern is truncated by the Embsay Steam Railway line whilst Skipton Quarry is located further south on the opposite side of the railway line.
- 1.5 The site is located adjacent to but is not within development limits and lies adjacent to but not within the Embsay Conservation Area the boundary of which runs part way along Shires Lane on the opposite side of the road. The site is located in the open countryside as defined in the Adopted Local Plan.
- 1.6 The wider landscape within which the application site is located is characterised as an '*Intermediate landscape of pasture with wooded gill and woodland*' in the Craven District Landscape Appraisal (2012).
- 1.7 There are no trees on the application site itself although there are a row of approximately 5 trees lying adjacent to the site frontage on the highway verge of Shires Lane as well as along the boundary of the cricket club.

2. Proposal

- 2.1 Following the recent planning approval for the erection of 51 houses on this site (ref: 26/2015/16284) the applicants have sought to address the following issues raised by the Ward Councillor and Parish Council:
  - The proximity of houses at the north-west corner of the site to existing properties on Shires Lane.
  - Concerns over drainage of the site and the adequacy of flood mitigation.



- The loss of car parking associated with the football field.

- 2.2 As a result of the above concerns permission is now sought for a variation of the scheme incorporating the following amendments:
- a. Deletion of house at north-west corner of the site adjacent to Shires Lane. This allows public open space to be incorporated along the whole of the site frontage.
  - b. Replacement of deleted house with an alternative new detached house at the southern end of the site.
  - c. The remaining houses at the north-west corner of the site reduced from 3 to 2 detached properties.
  - d. Revisions to plots 22 – 25. Originally there were 3 detached houses facing north towards the strip of open space fronting the development. The revision is for an increase to 4 properties which would be comprised of 2 detached and 2 semi-detached houses served by two pairs of garages set to the rear.
  - e. Provision of a larger dry detention basin to the south of the site.
  - f. An increased area of public open space around the revised dry detention basin.
  - g. Provision of additional car parking adjacent to the football pitch.

- 2.3 As the alternative dwelling at the southern end of the site, the larger detention basin, and the additional POS and car parking (bullet points b, e, f and g above) lie outside of the original site boundary these elements of the revised proposals are subject to a separate planning application (ref: 26/2016/17299) that is to be determined concurrently with this application. The proposals detailed in application 26/2016/17299 will result in an increase in the overall site area, in particular to accommodate the revised dry detention basin, but there would be no increase in the overall number of houses on the site which would remain at 51. Equally, no changes are proposed to the affordable housing on the site which would remain at 20 units equating to 40% provision.

- 2.4 This application proposal (26/2016/17297) has been submitted as a variation of condition no. 2 of planning permission ref: 26/2015/16284 i.e. to replace the approved site plan with the amended proposals described above at bullet points a, c, and d.

### 3. Planning History

- 3.1 26/2014/14518: Outline application for residential development (circa thirty four dwellings). Approved June 2014.
- 3.2 26/2014/15224: Outline application for residential development to provide extension to previously consented housing site (26/2014/14518). Approved May 2015.
- 3.3 26/2015/16284: Full planning application for residential development of 51 no. houses. Approved May 2016.
- 3.4 26/2016/17299: Provision of larger balancing drainage balancing pond, increased area of public open space, additional car parking to serve football pitch and siting of single dwelling to offset removal of approved dwelling from the Shires Lane frontage. Concurrent application.

### 4. Planning Policy Background

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

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

- ENV1: Development in Open Countryside.

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

### 3.2 **National Planning Policy Framework.**

### 3.3 **National Planning Policy Guidance.**

#### 5. Parish/Town Council Comments

5.1 **Embsay Parish Council:** Embsay Parish Council has confirmed that they have no objections to the application.

#### 6. Consultations

**Officer note:** The following covers the consultation responses for both applications nos. 26/2016/17297 and 26/2016/17299.

6.1 **CDC Environmental Health:** No objections. Recommends that developer has regard to construction times in order to minimise impact on the amenity of the occupiers of neighbouring properties.

6.2 **CDC Strategic Housing:** The alterations do not impact upon the provision of affordable housing on the site and therefore strategic housing has no comments to make.

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

6.4 **Sport England:** Do not wish to object providing the condition previously imposed to protect the occupants of the development from ball strike from the adjacent cricket field is still applicable to the revised scheme.

6.5 **Environment Agency:** The balancing pond appears to be located outside of Flood Zone 3. Provided this is the case and that there is no ground raising in Flood Zone 3 then the EA has no objections.

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

If the Council is minded to grant consent HE recommends that materials, details and landscaping are conditioned for agreement in writing with the Council.

#### 7. Representations

7.1 None received at the time of compiling this report.

#### 8. Summary of Principal Planning Issues

8.1 The acceptability of the proposed amendments to the approved scheme.

#### 9. Analysis

9.1 The applications under consideration seek revisions to an approved scheme on a site where the principle of residential development has now been established. Consequently the only matter for consideration is the acceptability of those revisions (which are set out at paragraphs 2.1 to 2.4 above).

- 9.2 It is considered that the proposed amendments are an improvement upon the approved scheme and will have the following benefits:
- Increased public open space across the site frontage and improvements to the interface of the proposed new housing with existing housing.
  - More car parking in association with the football pitch.
  - Improved drainage and flood mitigation.
  - Increased landscaping at the southern end of the site.
- 9.3 As set out above, the proposals will not result in any changes to the overall number of houses or to the provision of affordable housing across the development.
- 9.4 It is considered that the proposed revisions are acceptable and it is therefore recommended that planning permission is granted.

## 10. Recommendation

- 10.1 That the application to vary condition 2 of planning permission ref: 26/2015/16284 is granted. As approval will result in a fresh grant of planning permission it is necessary to ensure all conditions on the permission reflect the up-to-date position and therefore conditions in addition to condition 2 are amended.

### Conditions

1. **(Amended Condition).** The development hereby permitted shall be begun not later than 9<sup>th</sup> June 2019.  
**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. **(Amended Condition).** The development shall not be carried out other than wholly in accordance with the following:
  - Drawing nos. GA 11 and GA 50 revision L received by the local planning authority on 24<sup>th</sup> August 2016.
  - Drawing nos. GA00A, GA01, GA12A, GA20 revision A, GA21 revision A, GA22 revision A, GA23 revision A, GA24 revision A, GA25 revision A, GA26 revision A, GA27 revision A, GA28 revision A, GA29 revision A, GA30 revision A, GA31 revision A, GA32 revision A, GA33 revision A, GA34 revision B, GA35 revision B, GA36 revision A, GA37, GA38, 1013-001, 1013-100 and 1013-101 received by the local planning authority 9<sup>th</sup> October 2015 under planning permission ref: 26/2015/16284.
  - Drawing nos. GA13 revision J, GA51, GA52, GA53, GA54, GA55 and GA56, received by the Local Planning Authority on 12<sup>th</sup> April 2016 under planning permission ref: 26/2015/16284.
  - Design and Access Statement (April 2016), Ecological Appraisal (paras. 7.2 to 7.8), Boundary Risk Assessment and Flooding and Drainage Assessment under planning permission ref: 26/2015/16284.

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. **(Amended Condition).** Prior to their first use on site details of all building facing materials and finishes; surface material finishes for the highways, footpaths, private

drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels and proposed finished floor levels and building heights shall be submitted to and approved in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

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

4. **(Deleted Condition).**

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

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

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

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

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

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

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

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

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

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

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

The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% provision of housing units unless otherwise agreed with the Local Planning Authority following an assessment of financial viability;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
- (vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

**Reason:** To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's document 'Negotiating Affordable Housing Contributions' (October 2015) and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

11. No development shall take place until either:

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

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

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

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary.
  - (b) dimensions of any carriageway, cycleway, footway, and verges.
  - (c) visibility splays.
  - (d) the proposed buildings and site layout, including levels.
  - (e) accesses and driveways.
  - (f) drainage and sewerage system.
  - (g) lining and signing.
  - (h) traffic calming measures.
  - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level.
  - (b) the proposed road channel and centre line levels.
  - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths.
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels.
  - (c) kerb and edging construction details.
  - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

**Informative:**

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

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

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

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

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

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

The works shall be implemented in accordance with the approved details and programme.

**Reason:** In the interests of highway safety.

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
  - (iv) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

**Informative:**

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

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

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

**Informative:**

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

**Reason:** In the interests of highway safety.

17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres looking east measured along both channel lines of the major road Shires Lane from a point measured 37 metres

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

**Reason:** In the interests of road safety.

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

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

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

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

The required highway improvements shall include:

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

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

20. **(Amended Condition).** No part of the development shall be brought into use until the approved vehicle accesses, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

21. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or



building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

**Informative:**

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

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

22. During construction works there shall be no:

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

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

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

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

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

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

24. **(Amended Condition).** The development hereby approved shall not be occupied until full details of the design and specification of the mitigation, including details of management and maintenance responsibilities, as set out in the Lobosport Technical Report titled: 'Boundary Risk Assessment: Shires Lane, Embsay, dated 11/04/2016 and received under planning permission reference 26/2015/16284, have been

submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The approved details shall be installed in full before plots 37 to 41 are first occupied.

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

### **Informatives**

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

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

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

- engaged in pre-application discussions

### **Discharge of Condition(s)**

1. The developer should note that Condition Nos. 3, 6, 7, 8, 10, 11, 12, 13, 14, 16, 19, 21, 23 and 24 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. Please note that any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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

*EMBSAY W EASTBY  
26/2016/17299*

*PROVISION OF LARGER DRAINAGE BALANCING POND, INCREASED AREA OF PUBLIC OPEN SPACE, ADDITIONAL CAR PARKING TO SERVE FOOTBALL PITCH AND SITING OF SINGLE DWELLING TO OFFSET REMOVAL OF APPROVED DWELLING FROM THE SHIRES LANE FRONTAGE.*

*LAND OFF SHIRES LANE, EMBSAY.*

APPLICANT NAME: R N WOOLER & CO

TARGET DECISION DATE: 19/10/2016

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee as it seeks approval for a development that is a departure from the Local Plan, and furthermore it is related to another application that was originally approved by the Planning Committee as a departure from the Local Plan.**

1. Site Description

- 1.1 The application site comprises a 2.80ha area of undeveloped grassland located on the southern side of Shires Lane in Embsay.
- 1.2 The site, which fronts onto Shires Lane, falls in level from north to south and lies between a detached property adjoining its north western corner and the grounds and club building of the village cricket club to the east. To the east, south and west the site is bounded by land uses comprising open fields, allotment gardens, and a football pitch.
- 1.3 On the opposite side of Shires Lane there is residential development comprised of detached houses set within large gardens, further east there are more densely developed detached residential properties.
- 1.4 In terms of the wider landscape setting the site forms part of larger a patchwork of fields that are situated to the south and east of the main settlement of Embsay. To the south the field pattern is truncated by the Embsay Steam Railway line whilst Skipton Quarry is located further south on the opposite side of the railway line.
- 1.5 The site is located adjacent to but is not within development limits and lies adjacent to but not within the Embsay Conservation Area the boundary of which runs part way along Shires Lane on the opposite side of the road. The site is located in the open countryside as defined in the Adopted Local Plan.
- 1.6 The wider landscape within which the application site is located is characterised as an '*Intermediate landscape of pasture with wooded gill and woodland*' in the Craven District Landscape Appraisal (2012).
- 1.7 There are no trees on the application site itself although there are a row of approximately 5 trees lying adjacent to the site frontage on the highway verge of Shires Lane as well as along the boundary of the cricket club.

2 Proposal

- 2.1 Following the recent planning approval for the erection of 51 houses on this site (ref: 26/2015/16284) the applicants have sought to address the following issues raised by the Ward Councillor and Parish Council:
  - The proximity of houses at the north-west corner of the site to existing properties on Shires Lane.

- Concerns over drainage of the site and the adequacy of flood mitigation.
- The loss of car parking associated with the football field.

2.2 As a result of the above concerns permission is now sought for a variation of the scheme incorporating the following amendments:

- Deletion of house at north-west corner of the site adjacent to Shires Lane. This allows public open space to be incorporated along the whole of the site frontage.
- Replacement of deleted house with an alternative new detached house at the southern end of the site.
- The remaining houses at the north-west corner of the site reduced from 3 to 2 detached properties.
- Revisions to plots 22 – 25. Originally there were 3 detached houses facing north towards the strip of open space fronting the development. The revision is for an increase to 4 properties which would be comprised of 2 detached and 2 semi-detached houses served by two pairs of garages set to the rear.
- Provision of a larger dry detention basin to the south of the site.
- An increased area of public open space around the revised dry detention basin.
- Provision of additional car parking adjacent to the football pitch.

2.3 This application only relates to bullet points b, e, f and g above and the proposals are outside of the site boundary of the original planning approval ref: 26/2015/16284. The other elements of the revised proposals listed above are subject to a separate planning application (ref: 26/2016/17297) that is to be determined concurrently with this application. Ref: 26/2016/17297 has been submitted as a variation of condition no. 2 of planning permission ref: 26/2015/16284 (i.e. to replace the approved site plan with the amended proposals described above at bullet points a, c, and d).

2.4 The proposals subject to this application (26/2016/17299) will result in an increase in the overall site area, in particular to accommodate the revised dry detention basin, but there would be no increase in the overall number of houses on the site which would remain at 51. Equally, no changes are proposed to the affordable housing on the site which would remain at 20 units equating to 40% provision.

### 3. Planning History

- 26/2014/14518: Outline application for residential development (circa thirty four dwellings). Approved June 2014.
- 26/2014/15224: Outline application for residential development to provide extension to previously consented housing site (26/2014/14518). Approved May 2015.
- 26/2015/16284: Full planning application for residential development of 51 no. houses. Approved May 2016.
- 26/2016/17297: Application to vary condition number 2 of previously approved application reference 26/2015/16284 - revision to the approved layout to remove house from site frontage onto Shires Lane and revisions to adjacent houses (now plots 1 and 2). Concurrent application.

### 4. Planning Policy Background

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

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

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

#### 4.2 **National Planning Policy Framework.**

#### 4.3 **National Planning Policy Guidance.**

#### 5. Parish/Town Council Comments

5.1 **Embsay Parish Council:** Embsay Parish Council has confirmed that they have no objections to the application.

#### 6. Consultations

**Officer note:** The following covers the consultation responses for both applications nos. 26/2016/17297 and 26/2016/17299.

6.1 **CDC Environmental Health:** No objections. Recommends that developer has regard to construction times in order to minimise impact on the amenity of the occupiers of neighbouring properties.

6.2 **CDC Strategic Housing:** The alterations do not impact upon the provision of affordable housing on the site and therefore strategic housing has no comments to make.

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

6.4 **Sport England:** Do not wish to object providing the condition previously imposed to protect the occupants of the development from ball strike from the adjacent cricket field is still applicable to the revised scheme.

6.5 **Environment Agency:** The balancing pond appears to be located outside of Flood Zone 3. Provided this is the case and that there is no ground raising in Flood Zone 3 then the EA has no objections.

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

If the Council is minded to grant consent HE recommends that materials, details and landscaping are conditioned for agreement in writing with the Council.

#### 7. Representations

7.1 None received at the time of compiling this report.

#### 8. Summary of Principal Planning Issues

8.1 The acceptability of the proposed amendments to the approved scheme.

#### 9. Analysis

9.1 The applications under consideration seek revisions to an approved scheme on a site where the principle of residential development has now been established. Consequently

the only matter for consideration is the acceptability of those revisions (which are set out at paragraphs 2.1 to 2.4 above).

9.2 It is considered that the proposed amendments are an improvement upon the approved scheme and will have the following benefits:

- Increased public open space across the site frontage and improvements to the interface of the proposed new housing with existing housing.
- More car parking in association with the football pitch.
- Improved drainage and flood mitigation.
- Increased landscaping at the southern end of the site.

9.3 As set out above, the proposals will not result in any changes to the overall number of houses or to the provision of affordable housing across the development.

9.4 It is considered that the proposed revisions are acceptable and it is therefore recommended that planning permission is granted.

## 10. Recommendation

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

### Conditions

1. The development hereby permitted shall be begun not later than 9<sup>th</sup> June 2019.

**Reason:** A shorter time period is necessary to ensure consistency with Planning Ref. 26/2016/17297. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

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

- Drawing nos. GA 11 and GA 50 revision L received by the local planning authority on 24<sup>th</sup> August 2016.
- Drawing nos. GA00A, GA01, GA12A, GA20 revision A, GA21 revision A, GA22 revision A, GA23 revision A, GA24 revision A, GA25 revision A, GA26 revision A, GA27 revision A, GA28 revision A, GA29 revision A, GA30 revision A, GA31 revision A, GA32 revision A, GA33 revision A, GA34 revision B, GA35 revision B, GA36 revision A, GA37, GA38, 1013-001, 1013-100 and 1013-101 received by the local planning authority 9<sup>th</sup> October 2015 under planning permission ref: 26/2015/16284.
- Drawing nos. GA13 revision J, GA51, GA52, GA53, GA54, GA55 and GA56, received by the Local Planning Authority on 12<sup>th</sup> April 2016 under planning permission ref: 26/2015/16284.
- Design and Access Statement (April 2016), Ecological Appraisal (paras. 7.2 to 7.8), Boundary Risk Assessment and Flooding and Drainage Assessment under planning permission ref: 26/2015/16284.

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 details of all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels and proposed finished floor levels and building heights shall be submitted to and

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

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

4. **(Condition 4 now deleted).**

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

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

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

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

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

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

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

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

9. **(Condition 9 omitted as not relevant to this application).**

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

The scheme shall include:

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

- (vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

**Reason:** The application site forms an extension to a larger development site (approved under extant planning permission ref: 26/2015/16284 and subsequent variation ref: 26/2016/17297) and therefore the condition is necessary to make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's document 'Negotiating Affordable Housing Contributions' (October 2015) and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

11. No development shall take place until either:

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

**Reason:** The application site forms an extension to a larger development site (approved under extant planning permission ref: 26/2015/16284 and subsequent variation ref: 26/2016/17297) and therefore the condition is necessary in the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary.
  - (b) dimensions of any carriageway, cycleway, footway, and verges.
  - (c) visibility splays.
  - (d) the proposed buildings and site layout, including levels.
  - (e) accesses and driveways.
  - (f) drainage and sewerage system.
  - (g) lining and signing.
  - (h) traffic calming measures.
  - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - (a) the existing ground level.
  - (b) the proposed road channel and centre line levels.
  - (c) full details of surface water drainage proposals.



- (3) Full highway construction details including:
  - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths.
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels.
  - (c) kerb and edging construction details.
  - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

**Informative:**

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

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

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

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

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

**Reason:** In the interests of highway safety.

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
  - (iv) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

**Informative:**

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

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

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

**Informative:**

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

**Reason:** In the interests of highway safety.

17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres looking east measured along both channel lines of the major road Shires Lane from a point measured 37 metres looking west down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of road safety.

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

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

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
  - (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

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

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

20. No part of the development shall be brought into use until the approved vehicle accesses, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason:** To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

21. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (i) tactile paving
  - (ii) vehicular, cycle, and pedestrian accesses
  - (iii) vehicular and cycle parking
  - (iv) vehicular turning arrangements
  - (v) manoeuvring arrangements

(vi) loading and unloading arrangements.

**Informative:**

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

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

22. During construction works there shall be no:

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

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

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

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

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

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

24. **(Condition 24 omitted as not relevant to this application).**

**Informatives**

- 1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. These precautions may include the provision of wheel washing facilities where considered appropriate. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order during the construction period.

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3, 6, 7, 8, 10, 11, 12, 13, 14, 16, 19, 21, 23 and 24 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. Please note that any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.