

PLANNING COMMITTEE MEETING AGENDA

Monday 08 June 2015

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

*EMBSAY W EASTBY
26/2014/15224*

*OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO PROVIDE
EXTENSION TO PREVIOUSLY CONSENTED HOUSING SITE
(26/2014/14518)*

LAND OFF SHIRES LANE, EMBSAY.

APPLICANT NAME: N & P HARGREAVES & RN WOOLER & CO LTD
TARGET DECISION DATE: 13/02/2015
CASE OFFICER: Mark Moore

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

The application has been deferred from the previous meeting following allegations that local residents had not been notified of the date of the Planning Committee meeting. Council records indicate that letters were sent out via first class post (or email to those that corresponded by email) on 30th April 2015 to all those residents who had commented on the planning application. The agenda for the Committee meeting was not finalised and published until the 30th April and elected members, the applicant, and interested residents were notified of the meeting as soon as the agenda was published.

Since the last Committee meeting the Planning Policy team has published an updated Five Year Housing Supply Methodology and Report. This committee report has been amended to take into account the implications of the updated Housing Land Supply information. This Committee Report has been amended by the insertion of replacement paragraphs 9.7 & 9.8, and the inclusion of new paragraphs at 9.49, 9.50 & 9.51. Additional comments received from NYCC after the original report was written are now included at 6.9 and at 7.1 the total number of representations received has been updated.

1. Site Description
- 1.1 The application site comprises approximately 0.5ha area of undeveloped grassland located on the southern side of Shires Lane in Embsay. The site immediately adjoins a 0.98ha area of land fronting onto Shires Lane that has previously been granted planning permission for a residential development under planning Ref: 26/2014/14518.
- 1.2 The site forms part of a large open area of rough pasture that falls in level from north to south. In addition to the field to the north that now benefits from outline planning permission, the site is bounded by an open field to the south. To the east are allotment gardens and further open land to the west is a football pitch.
- 1.3 In terms of the wider landscape setting the site forms part of a larger 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.
- 1.4 The site is outside of Development Limits and the boundary of the Embsay Conservation Area runs part way along Shires Lane on the opposite side of the road to the north. The site is therefore located in the open countryside as defined in the Adopted Local Plan.

1.5 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

2. Proposal

2.1 This is an outline planning application in which all matters are reserved other than the principle of development.

2.2 It is proposed that the site would form an extension to the larger site that was granted outline planning permission under planning permission Ref: 26/2014/14518. The extant approval was for 34 dwellings (subject to approval of reserved matters) and it is anticipated the current proposal to extend the site could net an additional 11 - 12 dwellings.

2.3 Although the details of the proposed development are reserved the applicant's agents have discussed the layout at some length with the case officer and the Council's conservation advisor. As a result of this an illustrative plan has been submitted which shows both the extant site and proposed extended area. The plan, which is indicative and not for consideration as part of this application, shows development set back from Shires Lane and flowing into the extended site. The housing layout includes footpath links and areas of open space and indicates clusters of properties as opposed to a standard estate layout, shared surface courtyards and juxtaposed orientation of houses to create a visually interesting arrangement. It is proposed to provide an area of public open space at the southern end of the site adjacent to the football pitch. This would include landscaping and seating and would partially screen the southern end of the development from long range views southwards.

2.4 The mix of housing on the site, which is a reserved matter, would reflect local housing need and include a 40% provision for affordable housing to a specification agreed with CDC Strategic Housing Officers. This would equate to 40% affordable housing provision across both application sites.

2.5 The proposed access would be via the approved access for the larger site which would open onto Shires Lane and would incorporate visibility splays to NYCC Highways specifications. It is proposed to provide a parking barn/courtyard area within the site to accommodate some of the parking requirements for the extended application site.

3. Planning History

3.1 26/2014/14518: Outline application for residential development (circa thirty four dwellings). Approved July 2014.

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.

T2: Road Hierarchy.

4.2 In March 2012 the Council adopted an 'Interim Affordable Housing Policy that requires a 40% provision, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is considered to be in accordance with the NPPF). Although recent changes to national planning

policies have revised the thresholds for affordable housing contributions this site is unaffected by those changes.

4.3 **National Planning Policy Framework**

4.4 **National Planning Policy Guidance**

5. Parish/Town Council Comments

5.1 **Embsay with Eastby Parish Council:** The District Council will be aware from earlier Parish Council responses to various planning applications that this Council has adopted a formal 'Position Statement' with regard to proposed new development within the Parish.

5.2 From this Statement you will be aware that this Council is not opposed to additional housing within the Parish *per se*; the view of the Parish Council is that it must reasonably treat each application before it on its own merits and provide objective comments on the planning merits or otherwise as it sees them.

5.3 In this instance, the Parish Council acknowledges that outline planning permission has already been granted for residential development to the north of this application site. Nonetheless, this Council has some serious reservations about this new proposal. Not the least of these is that this is a completely new proposal about which there has been neither consultation nor community engagement. This application site was not included within or considered as part of the 2013 Community Engagement Event nor is it included within the CDC Consultation Draft Documentation; it is not one of CDC's preferred sites.

5.4 The Parish Council acknowledges that this application must be determined on its own merits. Nonetheless, they have considerable concerns about the ongoing intentions of the applicant. The site context plan leaves a further area of land to the south of this site which may well be the subject of yet another application for new housing. The Parish Council wishes to put their concerns about this and the piecemeal manner in which the wider site is being considered on record at this point in time.

5.5 With regard to the specifics of this application the Parish Council makes the following points:-

- Despite the application documentation providing a site layout for twelve new dwellings, it is noted that all matters are reserved for future approval. In essence, this is a simple outline application for residential development. It is strongly suggested that CDC should require that the applicants make their intentions clear and that they should be required to seek approval of the access and site layout at this stage. Without these details, CDC is being asked to approve the residential use of this site; nothing more, nothing less.
- Whatever the eventual layout the application proposes further encroachment of the urban form of the village into what is currently open countryside, which forms part of the essential rural setting of Embsay.
- The information (within the Planning and Design and Access Statement) about the applicant company and its business interests in Keighley is utterly irrelevant to the assessment of the proposal.

- The above Statement puts forward an advocacy case that is predicated to a large extent on the fact that approval of this application (along with the already approved outline scheme) will provide the forty five new dwellings envisaged by CDC. It is readily apparent that approval of this application will not prevent further applications coming forward and that this argument is disingenuous at best. The simple fact is that it is *not* a case of this site or others.
- This Statement also makes a number of assumptions without any evidence to corroborate them. For example, paragraph 4.12 2 where it is stated that ‘it is understood that the extension of the previously consented site is more favourable to Embsay Cricket Club than the potential location of new development at both sides of the cricket field’. This option is actually CDC’s preferred solution and that which has the most support within the village community. In any case, such sweeping assertions cannot simply be accepted without any evidence.
- There has been no consultation whatsoever with the Parish Council about the proposed new football pitch and the provision of the existing field to the west of the new housing ‘to the village’. Equally, there has been no debate with the Parish Council about the future maintenance of these areas. Notwithstanding these concerns, it is considered that these elements should be included with the ‘red line’ of the application site and be considered fully as part and parcel of this proposal for further new housing.

Additional Comments:

5.6 At the Parish Council meeting held on Thursday, 11 December 2014, members of the public were offered an opportunity to express their views on outline planning application 26/2014/15224. The Parish Council would like to draw attention to the following concerns that were expressed:-

- The addition of further housing will exacerbate an already serious road safety hazard at the crossing of Shires Lane and East Lane intersection, near the village shop. This is a major school walking route and it is therefore strongly suggested that the developer provide assurances that due concern will be addressed by the creation of an appropriate footpath and that any such proposal should be the subject of consultation with local residents and the Parish Council.
- The extension is not within one of CDC’s two preferred local housing sites.
- The proposed additional football fields are located within a poorly drained flood plain which regularly floods.
- The increased and inappropriate density of housing since the original application and an altered and, therefore, questionable layout from that proposed in the original outline planning application which represents a further encroachment of the urban form of the village into what is currently open countryside.

- A presumption by the developer that this application for 12 additional houses (in addition to the previously proposed 32 dwellings on this site) will provide all of the 45 new dwellings envisaged by Craven District Council.

6. Consultations

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

6.2 **CDC Strategic Housing Officer:** According to the 2011-2016 Strategic Housing Market Assessment (SHMA) the Embsay with Eastby Ward, within which this site falls, has a need for 17 affordable homes to be provided each year. To date no affordable homes have been delivered in this ward.

The Councils affordable housing target is 40% on site affordable housing provision on sites of 11 dwellings or more. The applicants planning and design and access statement confirms that the application will meet the 40% affordable housing requirement. The size, mix, tenure, siting and phasing of the affordable housing will be controlled by condition.

The homes will be provided in accordance with NPPF definitions and in accordance with the findings of the SHMA 2011. All homes will be transferred to a Registered Provider as advised by Craven District Council on completion, at set transfer values of £950 per m² irrespective of affordable tenure.

Proposals accord with the Interim Affordable Housing Position.

6.3 **CDC Sports Development Officer:** The previously consented housing site had a section of land to the south side of the senior football pitch for the development of a junior football pitch. This was requested by the SDO due to his assessment of current demand in the village for open space and the impact of the development on existing provision.

The new site is adjacent to a well organised and managed Cricket Club, adjacent to an allotment site, adjacent to a poor quality senior football pitch and a short walk away from a newly refurbished play and recreation ground. It is the opinion of the SDO that the existing play provision and cricket provision is adequate to cater for the impact of the development. However, there is a significant deficiency in quality and quantity of other sports pitches to cater for the demand, especially football.

Based upon this, the SDO recommends that the full requirements of both the previously consented housing and this new extension under saved policy SRC2 should be for the creation of new junior football pitches and improvements to the senior pitch.

For the full development of 45 houses policy SRC2 requires the provision of 2633m². In order to fully meet the policy the development can either fully develop the proposed pitch or make a financial contribution towards the costs of the provision. The developer has the following options:

1. Allocate land for a 9 v 9 junior pitch at 4000m² and make a financial contribution of either £40,400 for the 33 units or £63,100 for the 45 unit full scheme.

2. Allocate all of the residual land to the south of the site (ca 18,000) for the future provision of 12,500m² of playing field provision with no financial contribution.

The SDO recommends that if this extension of site application is approved, then planning officers should set an identical condition for open space as the original application: 26/2014/14518.

- 6.4 **Sport England:** The proposed residential development is not considered to be prejudicial to the use of the adjacent cricket or football pitches. Sport England welcomes the proposed junior football pitch and has requested that further details of its design and timescale for its implementation are conditioned for reserved matters approval.

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

Officer note: NYCC Highways has commented that the conditions attached to the extant planning permission for the adjoining site should be attached to this proposal.

- 6.6 **English Heritage:** Note that consent has previously been granted for the site immediately to the north of the present application site, bordering on Shires Lane, the north side of which is the boundary of Embsay's conservation area. English Heritage was not consulted on this application.

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 we recommend that your 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 your Council is minded to grant consent EH recommend that the proposals '*aspire to a quality of design and execution which may be valued now and in the future.*' (Conservation Principles page 9 para 14c).

EH urge CDC to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of CDC's specialist conservation advice.

- 6.7 **CDC Conservation Advisor:** Following the outline consent in July 2014 for the residential development of the land to the south of Shires lane the current proposal is for a southerly extension linking into the suggested road layout.

The consented site lies closest to the Conservation Area with the buffer of trees along the road helping to set back the housing scheme.

In response to the original illustrative layout the conservation advisor commented that suggestion with its southern extension is a logical extension of the consented site, although it will be more prominent from the railway area. It really needs to be 'once and for all' scheme, rather than being part of a future phasing into the remaining open countryside. To make it more acceptable and less likely to be extended further the road/housing layout should be less 'suburban estate' and more of a rural cluster of dwellings. Perhaps a loose group around an open space/landscaped area? The 'extension scheme' needs an identity to make it justifiable rather than more of the same.

In summary the Conservation Advisor considers that the proposal was acceptable in principle but would have preferred to have seen a proper rounding-off of the site.

Officer note: Further discussions have taken place between the case officer, the applicant's agents and the conservation advisor and further illustrative layouts have been proposed. The most recent has been viewed by the conservation advisor who has responded verbally and commented that the scheme was better, more organic and more interesting although he remarked that the illustrative plan indicated properties with hipped roofs which were unlikely to be appropriate.

The main purpose of the illustrative layout is to demonstrate that the extension to the site that currently has planning permission is capable of being developed in an appropriate manner and that it would have some design merit and not just read as a 'bolt-on' site. The conservation advisor has indicated that in his opinion the development of the additional land would enable a better layout to be provided than might be possible with the smaller site and that there is justification in design terms to allow the site to be developed.

6.8 **The Environment Agency:** As stated on the previously consented site the applicant should discharge surface water into soakaways if possible. Otherwise surface water run-off rates must be restricted to a maximum of 5 litres/second (greenfield rates).

6.9 **NYCC (Drainage):** The response outlines various detailed design matters for the drainage scheme that need to be complied with. The response indicates that it would be appropriate to require the necessary information prior to approval or alternatively by way of imposing a planning condition on any permission. In Officers opinion, as this is an outline application with all matters reserved, it is appropriate to control these details by condition.

7 Representations

7.1 A total of 28 representations from local residents have been received which register objections. Those objections are summarised as follows:

Principle of development

- Site is not part of the village plan or a preferred site for development.
- Smaller developments spread around the village would be preferable.
- Future of village needs to be planned in its entirety and not by piecemeal development.
- The site is located outside of development limits.
- The proposal would not be sustainable development.
- The National Park has not identified any need for housing in Embsay.

Visual Impact / Impact on Heritage & Landscape

- Development would detract from the character of the village, the conservation area and would urbanise it.
- Development would be detrimental to the environment and landscape.
- Bungalows would be better in the valley.
- Site is a Special Landscape Area and an Official Environmentally Protected Area.
- The proposed layout is inappropriate and properties should be set back from the road frontage.

Highway Safety

- Shires Lane is used by traffic other than local vehicles and is congested at times.

- Junction/crossing by the paper shop is dangerous.
- Footpath within site would emerge onto Shires Lane where there is no footpath. Increased foot traffic would therefore be a problem.
- Site is located on an official cycle route and a designated HGV route and there would be conflict from increased traffic.

Infrastructure

- Infrastructure in village cannot cope with increased population.
- School does not have the capacity to accommodate more pupils.
- Development would lead to increased flooding problems.
- Sewerage works is not adequate to deal with increased outflows.
- There are no employment opportunities or adequate facilities in the village.

Amenity considerations

- Loss of views and amenity of local residents..
- Loss of privacy for neighbouring houses.
- Construction of development would give rise to dust and noise and consequent disturbance to residents.

Other Matters

- Development would adversely impact on tourism in the village and at the steam railway.
- Bus services to and from the village are not adequate to serve the proposed development.
- Development would create precedent for further development of adjoining sites.
- Housing near to allotments would not be practical.
- There are affordable houses in the village and in Skipton and therefore the need does not exist. Previous developments in Embsay indicate that there is limited demand for such housing.
- There are plenty of houses for sale in the village.
- Maintenance of proposed open space would add further cost to Council.
- Development would result in loss of grazing land.
- Whole of village should have same restrictions on development as the parts within the National Park.
- Low-cost housing to the south of the site would be affected by stray footballs and would be better omitted.
- Developers are pushing a number of sites, in total over 120 houses.
- Application details are imprecise.

7.2 In addition to the above a letter has been submitted by a planning consultant on behalf of the owners of land located to the east of the application site (identified as EM013 in the Craven Local Plan –Preferred Sites for Consultation Document 2014). The landowners object to the proposal for the following (summarised) reasons:

- It is quite clear from the number of houses assigned to Embsay in the draft plan that the two preferred and locally consulted on sites can accommodate the published requirement. The logic of the plan making process to date clearly suggests that the current application should be refused.
- The site would be visible from the railway which is a tourist and heritage asset and the visual impacts are sufficiently detrimental to warrant rejection of the application.

7.3 There are 2 letters of support that comment as follows:

- Affordable housing is much needed and this development supports this.
- Proposed development would give locals a more extensive choice in terms of housing than has previously been available.
- The provision of a 9 a side football field in addition to betterment of existing recreation grounds would ensure that football and cricket continue for a number of years to come.
- Proposed sports provision would represent a major improvement for the parents and children and place sport back into the heart of the village community.
- Location of the site within close proximity of the quarry, the railway line and other housing makes it a far more suitable site than other areas surrounding the village which should remain natural and untouched.

8. Summary of Principal Planning Issues

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

9. Analysis

Planning policy and the principle of development:

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

- 9.2 The application site lies outside the existing development limits of Embsay, therefore, saved LP 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 LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In May 2015 the Council published a 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. The report indicates that the Council’s five year requirement (excluding any buffer) is 585 dwellings and the identified supply is 729 dwellings (i.e. an additional 144 dwellings). The Council is also required to provide an additional 20% buffer over and above the 5 year supply, but the report indicates that the Council has more than the five year requirement and can demonstrate 124.6% or 6.23 years, which also more than meets the NPPF requirement for an additional 20% buffer.
- 9.8 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. This assessment has identified that the Council needs to provide an average 117 dwellings per year. Both the Council’s assessment of the housing need for the area, and its ability to provide a 5 year land supply (plus a 20% buffer) to meet this need, are likely to be challenged through the Local Plan process. So whilst the Five Year Housing Land Supply Methodology and Report indicates that the Council can demonstrate a 5 year land supply, this has not yet been subjected to full independent examination. In Officers opinion, the existence

of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process.

- 9.9 The replacement local plan remains at an early consultation stage and therefore, the process still has some way to progress, and therefore it carries very minimal weight. At the Craven Spatial Planning Sub Committee meeting on 3rd June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late 2014. In Embsay the emerging minimum annual figure for development is 3 dwellings per annum to provide for 45 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that the application site which it is now proposed to extend was one of two preferred housing sites, Ref Nos: EM013 and EM016, the former being a site located further east along Shires Lane at the opposite side of the cricket ground.
- 9.10 The application site is therefore not a preferred site to be brought forward for development in Embsay. However, this emerging policy can be given very limited weight 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. Nonetheless, the scale of the scheme is sufficient to make a contribution to the housing land supply for the District, but not so substantial to have a cumulative effect that granting permission could prejudice the strategy of the emerging replacement local plan to a material degree.
- 9.11 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets.
- 9.12 With respect to Policy ENV1, this proposal is for the development of some 0.5 hectares which cannot be considered small scale and, therefore the proposal fails to accord with Saved Local Plan Policy ENV1. However, the NPPF's presumption in favour of sustainable development, and the need to demonstrate an NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can be now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.
- 9.13 With respect to the NPPF and the suitability of the site for development in principle, the application site is located at the southern end of a larger site that has extant (outline) planning permission for residential development. The site is located on the southern side of Shires Lane outside of the Development Limits for Embsay. The Development Limits follow tightly the established pattern of development clustered for the most part around the northern side of the main roads of East Lane and Shires Lane and terminating at the southern edge of Main Street to the north of the settlement. In common with the site that has extant planning permission the extended site would not represent 'rounding off' of the settlement or a form of infill but would see a continuation southwards of the development site that fronts along the southern edge of Shires Lane. The site would project further into the open

countryside but would nevertheless be within close proximity to the existing Development Limits and cannot therefore be considered to be 'isolated' or an unsustainable location.

- 9.14 The outline proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and would use land effectively. As such, it is held that the proposal is in line with the objectives of the NPPF in that it has economic benefits, reflects the general need and demand for housing in the area, and the development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives in the new local plan. Therefore, having regard to the advice in the Framework, taken overall the proposal is in principle considered to be a sustainable form of development.
- 9.15 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF, and the issues raised are addressed in the body of this report.
- 9.16 In conclusion, the application site is not located within the recognised development limits of Embsay, as defined in the 1999 Local Plan, but as part of an extended site that already has planning permission is located immediately adjacent to residential development in the village. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development.

Affordable housing provision:

- 9.17 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. Very recently a number of new / amended paragraphs have been inserted into the PPG and it is now the case that affordable housing cannot be sought for schemes of 10 dwellings or less, or for proposals below a combined gross floorspace of 1000 m². In this case the affordable housing requirements would be assessed across both this and the larger application site which would yield a total of approximately 48 dwellings. Affordable housing provision is therefore still required and 40% provision would equate to approximately 19 affordable units. The applicant's agent has completed an Affordable Housing Pro-Forma and confirms that it is the applicant's intention to provide 40% on-site affordable housing units in line with the Council's affordable housing policy.
- Officer note:** The pro-forma has not been signed by the Council's Affordable Housing Officer although they have provided a consultation response which is supportive of the proposal. This response is detailed at paragraph 5.2 above.
- 9.18 This proposal should provide affordable units on the application site to meet affordable housing needs and this contribution is a material consideration. Should it transpire at a later date that the affordable home requirement for the Ward has been met then it would be possible for the Local Planning Authority to enter into discussions with the developer at a later date, possibly at reserved matters stage, with a view to securing a commuted sum in lieu of on-site provision if necessary.
- 9.19 It is considered that in terms of the provision of affordable housing there are no grounds to object to the proposed scheme. If permitted, a condition can be used to

control the means and level of provision as part of subsequent applications for reserved matters.

Open Space:

- 9.20 The proposals, in conjunction with the larger site which has outline approval, indicate that areas of public open space will be provided throughout. The extended area subject to this application includes an additional area of open space at its southernmost point.
- 9.21 The Council's SDO has commented on the planning application and referred to the extant planning approval for the larger site that included a section of land to the south side of the existing senior football pitch for the development of a junior football pitch. Given the presence of the nearby cricket club, allotments, senior football pitch and proximity of a newly refurbished play and recreation ground the SDO has commented that existing recreation, play and cricket provision in the area is adequate but has identified a deficiency in the quality and quantity of football provision, in particular for juniors. With this in mind the SDO recommends that the full requirements under Saved Policy SRC2 of both the previous permission and the new extension should be for the creation of new junior football pitches and improvements to the senior pitch.
- 9.22 The application is made in outline only, with all matters reserved. The proposed layouts are provided for illustrative purposes only. It is therefore proposed to replicate the planning condition attached to the larger site under the extant planning permission. This would require a scheme of open space provision to meet the Local Plan Policy SRC2 requirements to be agreed prior to the commencement of any development that may be approved under a subsequent approval of reserved matters.

The impact on the character and appearance of the area:

- 9.23 The site on which the development is proposed is a sloping field that lies adjacent to existing development that runs partially along the southern side of Shires Lane and is adjacent to the edge of the Conservation Area.
- 9.24 The Embsay with Eastby conservation area was designated in June 1986 and the land south of Shires Lane was referred to in a Conservation Area Assessment produced in October 1997 which identified the large area of undeveloped frontage as '*a particularly valuable feature important to the character of the village*'. Notwithstanding, the land was not incorporated within the Conservation Area despite being under consideration when the original designation took place and therefore its value must be assessed on its wider landscape value and proximity to the Conservation Area rather than being a heritage asset in its own right.
- 9.25 In terms of the historic environment the NPPF sets out the broad policy requirement that the significance of any heritage asset that may be affected by development should be identified, in this case the nearby Embsay with Eastby conservation area, and that development should not result in any adverse impact upon that significance. Whilst the open spaces surrounding the village centre certainly contribute to its overall character it is debateable whether development in the location proposed would result in an adverse impact that would affect the significance of the conservation area to an unacceptable degree.
- 9.26 More specifically, this application is an extension of the larger site which has already been considered acceptable in terms of the impact on the conservation area and is located at the furthest point of that site relative to the boundary of that particular heritage asset. It is considered that there will be no loss of significance of

the heritage asset as result of the proposal and that it is therefore acceptable in respect of this issue.

- 9.27 Whilst the emerging preferred sites for consultation are of very limited weight it is the case that the site for which this application seeks an extension to is presently under consideration for potential allocation as a housing site in the emerging Local Plan. This provides some indication that the potential impact is considered to be limited and less intrusive than other sites that have been under consideration as part of the SHLAA process and are within the Development Limits of the village.
- 9.28 In this case the site is a further extension of the site located on the edge of the settlement and, although only indicative plans are submitted at this time and therefore there is no detailed layout for consideration, it is possible for a development to be provided that would have an acceptable visual impact.
- 9.29 Overall, it is considered that the proposal to develop the site for housing is acceptable and, based on the illustrative layout that has been submitted, could be designed in a way that would be compatible with the character of the area as required under Saved Local Plan Policy ENV2 and the broader policies set out in the NPPF.

Highways issues:

- 9.30 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’.*
- 9.31 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.
- 9.32 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, lack of footways and pedestrian safety. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.
- 9.33 A number of objections to the proposed development relate to congestion and road safety issues arising from the volume of traffic parking on Shires Lane and in particular the on-street parking generated by cricket and football matches. In planning terms such congestion would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road does not in itself mean that the road is impassable provided vehicles are not parked illegally and causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.
- 9.34 At the request of NYCC Highways the applicants have agreed to provide a footpath link that would connect the site to a crossing point adjacent to 5 East Lane as part of the extant planning permission. The extended application site is well linked to the larger site and it is not considered that the increased site size or number of

dwellings would have a sufficient impact in terms of highway safety to warrant refusal of planning permission.

Drainage and flood risk:

- 9.35 The site is not identified as being within a flood plain or an area of flood risk.
- 9.36 The applicant's agent has referred to the Flood Risk Assessment that was submitted with the application for the larger site which indicated that no flooding issues would result from that development. It is not considered that the extended site would raise any flooding issues over and above that of the extant planning permission that would warrant this matter forming the basis of a refusal of planning permission.
- 9.37 The previously submitted FRA stated that surface water would be disposed of to a watercourse lying approximately 200m to the southeast of the site at a green field run-off rate of 5 litres per second per hectare. It was also envisaged that a suitable surface water drainage scheme could be provided based on Sustainable Urban Drainage principles. Additionally, no specific objections to the proposal were made by the Council's Environmental Health team or the EA with respect to surface water drainage. YW's comments with respect to surface water drainage were that the sewerage network does not have the capacity to accommodate surface water drainage and therefore discharge of this water to a nearby watercourse would seem to be an appropriate way forward. It is therefore considered that, as with the approved site, a suitable drainage scheme could be agreed and secured by condition.
- 9.38 With regards to foul water the FRA states that a separate foul water system should be provided discharging either to the combined sewer on the site or in Shires Lane adjacent to the site. Yorkshire Water had previously indicated that there are combined sewers in the vicinity that could accept the discharge, although they have not responded directly to this application. Notwithstanding, If approved it is proposed to attach an appropriate condition to ensure a suitable means of drainage is agreed with the relevant authorities prior to development taking place.

Impact on amenity:

- 9.39 There are specific requirements under both Saved Local Plan Policies and the NPPF that new development should not adversely impact upon the amenity of any neighbouring property either through a significant loss of outlook, daylight or arising from a loss of privacy.
- 9.40 In this case the proposed housing layout is a reserved matter but it is clear that any subsequent development of the site could lie sufficiently distant from and be orientated such that there would be no significant loss of amenity to any of the existing neighbouring houses.
- 9.41 In terms of outlook, whilst there are concerns regarding the design and layout and the impact on the character of the area these issues do not impact on the amenity of the residents of neighbouring properties sufficiently to constitute grounds for refusal of planning permission.

Other matters:

- 9.42 Objections to the proposal state that the land is of agricultural value. The land is not identified as being of sufficient agricultural quality to justify its retention for that purpose and this matter therefore is not a reason to refuse the application.
- 9.43 Construction traffic, noise and disturbance to residents have been raised as a concern. Typically noise and disturbance are issues that would be dealt with under

Environmental Health legislation should they arise during the construction phase of development and do not provide grounds to refuse planning permission.

- 9.44 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is nearby and accessible to residents. With regards to the local school CDC has received no request from the NYCC Education Authority for a financial contribution.
- 9.45 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective viewpoint which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent.
- 9.46 Objections have also been raised on the grounds that the development is a further intrusion into the open countryside and would set a precedent that would lead to development of the land further to the south of the application site. Notwithstanding that it is necessary to consider each application on its own merits, a good part of the land to the south is located within Flood Zones 2 and 3. In such locations residential development proposals would need to pass both sequential testing and the exceptions test as set out in the EA advice and national planning policy guidance. In this case it is considered highly unlikely that those tests could be met and therefore development of the remaining land would not take place.
- 9.47 The applicant's agent has stated that his clients would be willing to enter into a Sn106 agreement to ensure legal protection in perpetuity of both the land to the south of the proposed development and the adjacent football pitch and this has been put forward as a benefit of allowing this application. For the reasons set out in the above paragraph it is considered that such an agreement is not necessary in respect of the undeveloped land to the south. In the case of the existing adjacent football pitch this would need to be assessed against the SRC2 policy requirements, the national planning policies and the policies of Sports England which are already protective of existing sports facilities and it is therefore considered that a legal agreement is not necessary to ensure the continued protection of the football pitch.
- 9.48 Finally, objections have been made on the grounds of incompatible land uses being within close proximity of each other. Specifically, the proposed housing is seen to be inappropriate in close proximity to the cricket field and allotment gardens. It is not uncommon to find such uses in close proximity and it is not considered that such uses are mutually exclusive, and that therefore there would be no basis for a refusal of planning permission over this issue.

Conclusions

- 9.49 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.'*
- 9.50 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The benefits of the development

include boosting the supply of housing and the economic developments that this can bring. Boosting the supply of housing remains an important planning consideration, but this also needs to be weighed against the publication of the Council's latest 5 Year Housing Supply Report (May 2015) that indicates the Council can now demonstrate a 5 year housing supply and buffer. The provision of affordable housing and open space are further benefits of the scheme.

9.51 With respect to the impacts, these would primarily be limited to the visual impact that would arise from a further incursion into the open countryside beyond the extent of the site which has previously been granted planning permission and an increase in the amount of traffic that would be generated by the development. However, as these adverse impacts would be limited to a relatively modest increase of 12 dwellings they are not considered to significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that having regard to planning policy set out paragraph 14 of the NPPF that the application should be approved.

10. Recommendation

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

Conditions

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

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

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

Reason: To ensure compliance with section 51 of the Planning and Compulsory Purchase Act 2004 and to safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2. An application for the approval of the reserved matters shall be made to the local planning authority before 2 July 2016.

3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason (for 2 & 3): Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years. Furthermore the time period to submit an application for reserved matters has been limited to ensure that this outline permission does not remain valid after the expiry of Planning Ref. 26/2014/14518.

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights, proposed measures to reduce noise disturbance for occupiers of the development from the adjacent railway, and proposed measures to prevent trespass onto the adjacent railway. The submitted reserved matters shall accord with the parameters and objectives laid out in the Indicative Design Information

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

Reason: To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in the National Planning Policy Framework.

5. Prior to the commencement of any development on site a scheme of phasing of the construction of the application site and that of the adjoining site for which outline planning permission has been granted under Planning Application Ref: 26/2014/14518 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the agreed scheme of phasing.

Reason: The application has been considered on the basis that the proposal forms an extension to the site for which outline planning permission has previously been granted. The Local Planning Authority would not support the development of the application site in isolation and therefore requires confirmation of phasing of the two development sites in order to ensure the comprehensive development of both the application site and the larger development site to which this application relates. It is essential to ensure this information is provided prior to the commencement of development to ensure development does not proceed on this site in isolation.

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

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

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

Reason: In the interest of satisfactory and sustainable drainage.

8. Prior to the commencement of development details of a surface water drainage scheme, which unless otherwise demonstrated as not being reasonably practicable is based on Sustainable urban Drainage Principles (SuDS), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall comprise: -

- Full technical details of the proposed surface water drainage solution.
- Details of the organisation responsible for the SuDS (unless demonstrated that SuDS is not practicable)
- Arrangements for how SuDS will be maintained in perpetuity (unless demonstrated that SuDS is not practicable).

The development shall be implemented strictly in accordance with the approved scheme and retained in accordance with its provisions thereafter.

Reason: Such details are required prior to the commencement of works to ensure satisfactory drainage and that SuDS are used where reasonably practicable.

Informative: Full details of the information required to meet the terms of condition 6 can be found on the website of the Lead Local Flood Authority (North Yorkshire County Council). <http://www.northyorks.gov.uk/article/25991/Flooding-anddrainage>

9. No development shall take place until details of the proposed means of foul drainage, including details of any off-site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: Such details are required prior to the commencement of works to ensure the proposed drainage solution is satisfactory.

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 and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: Such details are required prior to the commencement of works to ensure the development makes provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

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: Such details are required prior to the commencement of works to ensure the development makes adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

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

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 accordance with policy number and 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: In accordance with policy number and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

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

Footway between site and new crossing point near 5 East Lane, including crossing point.

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

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

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

Informative:

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

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

22. During construction works there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except

between the hours of 7.30 – 18.00 on Mondays to Fridays and 7.30 – 13.00 on Saturdays.

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

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

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

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

Informatives

1. 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.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

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

Statement of Positive Engagement: -

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

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

*BENTHAM
08/2015/15473*

*INSTALLATION OF SOLAR FARM AND ASSOCIATED INFRASTRUCTURE
(WITH A POTENTIAL CAPACITY OF 5MW OF ELECTRICITY AT ITS PEAK)*

*PROPOSED SOLAR PV FARM GRAZING LAND, RAVENS CLOSE BROW,
LOW BENTHAM.*

APPLICANT NAME: TAU SOLAR LTD
TARGET DECISION DATE: 20/05/2015
CASE OFFICER: Neville Watson

This application is reported to Planning Committee as a departure from the development plan.

1. Site Description

- 1.1 The application site comprises two separate fields in the Parish of Bentham to the south of Ravens Close Brow. The total site area extends to 10.8 ha. and is currently used for grazing.
- 1.2 The site is approximately 1.2 km south of Burton in Lonsdale, 700 m. north of Low Bentham and 2 km. north west of Bentham in open countryside. The site is not subject to any special designation such as National Park or Area of Outstanding Beauty.
- 1.3 There is a caravan site at Goodenbergh Farm some 250 m. to the west (at its closest point) and isolated residential properties on the Burton Road approximately 500 m. to the east.
- 1.4 The site is within an area of semi-enclosed lowland, rolling drumlin field pasture as described in the Landscape Appraisal 2002. The agricultural land classification is predominantly grade 3b with some grade 4. Field boundaries are defined by hedge rows with hedge row trees.
- 1.5 A network of Public Rights of Way (PRoW) exist in the vicinity of the application site with one PRoW running southwards from Ravens Close Brow following the western boundary of the site.

2 Proposal

- 2.1 The proposal is for a solar voltaic power (solar PV) plant of approximately 5 Megawatt. The development would provide a renewable source of electricity capable of supplying 1,375 homes which will be supplied to domestic and commercial consumers via the national grid.
- 2.2 The principal elements of the proposed development are as follows:-
- Fixed solar PV panels mounted on metal frames arranged in east-west rows tilted southward at approximately 25-30 degrees. The lower edge of the panels are some 700 mm- 900 mm. above ground with a maximum height of 2.7 m.
 - Inverters and transformers stored in cabinets 12.8 m. x 2.5 m. x 3.1 m. The solar panels produce direct current electricity (DC) that needs to be converted to alternating current (AC) electricity for the national grid. These cabinets are steel "containers" dark green in colour. Four cabinets are proposed

- Two sub stations 5.9 m. x 2.9 m. x 3.5 m. (steel “containers”, dark green, located in the north east corner of the site.
- Control room 12.2 m. x 4.1 m. x 2.9 m. A single storey steel building.
- Security/ deer fencing 2 m. high Welded mesh construction with steel/wood posts. The fence would allow the passage of small animals.
- No permanent lighting is proposed
- CCTV Infra-red security cameras at a height of 3.5 m located around the perimeter fence at 50 m. intervals.

2.3 The application is accompanied by the following that Members are invited to view on the Council’s web site:-

- Planning statement
- Design and access statement
- Landscape and visual impact assessment
- Flood risk assessment
- Ecology assessment
- Agricultural land classification report
- Heritage/archaeology assessment
- Topographical survey
- Transport assessment
- Construction management statement
- Site selection report
- Statement of community involvement.

3 Planning History

3.1 There is no relevant planning history

4 Planning Policy Background

4.1 NPPF

4.2 nPPG

4.3 Saved Local Plan Policies ENV1, ENV2, ENV10 and SRC12 are of some relevance but carry limited weight.

5 Parish/Town Council Comments

5.1 Bentham Town Council.

In summary, this Council is very concerned about the visual impact of the proposed site, particularly from Burton Road and more generally from the local landmark of Ingleborough, and would urge the District Council to consider refusing the application on these grounds. Should Craven consider giving planning approval then the Council would ask that water tight assurances be given that the whole site will be returned to green filed agricultural land and that Bentham will not have to live with a derelict site for years to come because the company or subsequent cannot be forced to clean up.

- 6 Consultations
- 6.1 **Yorkshire Dales National Park.** (consulted 7.4.15) Has no comment to make but advise that if permission is granted the panels, frames and mounting should be black and non-reflective YDNP also recommend that the northern and eastern boundaries be landscaped.
- 6.2 **Environment Agency.** No objections.
- 6.3 **NYCC Highway Authority.** No reply (consulted 25.2.15).
- 6.4 **National Grid.** No reply (consulted 25.2.15).
- 6.5 **Health and Safety Executive.** Does not advise on safety grounds against the granting of planning permission.
- 6.6 **Officer note:** Parts of the site are within the middle and outer zones of a gas pipeline to the north of the site. The proposal does not directly affect the pipeline.
- 7 Representations
- 7.1 Eighteen letters of objection have been received and one letter of support.
- 7.2 The issues raised in the objections are as follows:-
- Adverse visual impact including views from Ingleborough
 - Adverse impact on tourism (solar farm will make the area less attractive to tourists).
 - Adverse impact on ecology with consequent impact on wildlife and protected species
 - Concern about potential lighting
 - Lack of consultation
 - Health risks from the construction materials of the panels
 - Noise from the solar panels
 - Distraction to road users
 - Inefficiency of solar panels
 - Unsuitable topography (site is not flat)
 - Difficulty in recycling panels
 - Adverse impact on the quality of grass making it unsuitable for grazing
 - Amenity value of public footpath to the west will be lost
- 7.3 The letter of support from a long standing Member of Burton PC considers that it will be low to the ground, would not be visually intrusive; would allow sheep to graze, is no different to a field of greenhouses or farm buildings and should be supported.
- 7.4 Additionally, the Ramblers have stated that they have no objection providing the screening conditions set out in the Planning Statement are complied with.
- 8 Summary of Principal Planning Issues
- 8.1 Principle of Development
- 8.2 Landscape/visual impact
- 8.3 Other issues

9 Analysis

Principle of Development

- 9.1 Section 38(6) of the planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. However, the Craven Local Plan is somewhat aged and does not include directly applicable policies to this development proposal.
- 9.2 Policy ENV1 'Development in the open countryside' whilst not directly applicable to renewable energy developments is of relevance to any development proposals within open countryside locations. The policy states that small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character will only be permitted in the open countryside will only be permitted where it benefits the local economy; helps 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. The policy goes on to state that large scale development will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.
- 9.3 In this case the scale of the development is considered to be large scale and not small scale. However, the advice within policy ENV1 on how to consider such proposals is out of date and not in accordance with more recent planning policy and guidance for renewable energy proposals contained within the NPPF and PPG. It is therefore considered that no weight, or at best very minimal weight, should be given to the advice within policy ENV1.
- 9.4 Paragraph 14 of the NPPF states that:-
- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.*
- For decision taking this means:*
- *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 planning 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.*
- 9.5 With respect to this application, it is essentially the case that Local Plan policies to effectively assess the development proposal are absent or out of date. The development should therefore be considered in accordance with the advice at paragraph 14 of the NPPF; planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits, or policies in the NPPF itself indicate that development should be restricted.
- 9.6 With respect to Planning Policy within the NPPF one of the core planning principles set out in paragraph 17 is to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources which includes the development of renewable energy.

- 9.7 Paragraph 93 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
- 9.8 Advice within the NPPF indicates that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and approve the application, unless material considerations indicate otherwise if the impacts are (or can be made) acceptable (paragraph 98 of the NPPF).
- 9.9 Relevant advice on solar development that is directly applicable to the development proposal can be found in Planning Practice Guidance at paragraph 13 (updated on 27 March 2015). The PPG advises on the following particular planning considerations that relate to large scale ground mounted solar photovoltaic farms.
- 9.10 It states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 9.11 Particular factors a local planning authority will need to consider are set out in the PPG and these factors are listed below:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
 - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.
- 9.12 The PPG also advises that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
- 9.13 With respect to renewable energy developments on agricultural land the Planning Practice Guidance whilst not precluding such development it does require the applicant to demonstrate that the use of agricultural land is necessary. Supporting information does consider the issue of need and the applicants have made an assessment of alternatives to the use of agricultural land by considering brownfield land and commercial and industrial rooftops in the District. The applicant's have provided evidence from the National Land Use Database that identified only six previously developed sites over 0.5 ha were identified within the District. These included land at Firth Street Skipton, Backgate Ingleton, New Road Ingleton, The Bailey Skipton, Old Road Clapham and land north of Kings Mill Settle. The assessment reaches the conclusion that there are no viable non-agricultural alternatives as none of the sites are large enough to accommodate a 5MW solar farm and it is therefore necessary to use agricultural land.
- 9.14 The land is predominantly grade 3b and 4 and therefore is not the best and most versatile land. The proposal could allow for the continued use of the grazing. The application also indicates that the land will be sown with wild grasses and seed rich flowers aiding biodiversity around the arrays.
- 9.15 Taking into account the above planning policy and guidance it is concluded that as a matter of principle there is no objection to the proposed solar farm. However, this is not the only consideration.

Landscape/visual impact

- 9.16 The site lies within an area identified as Special Landscape Area in the Craven District Local Plan. However, Policy ENV4 is not a "saved" policy and therefore carries no weight. This does not in itself diminish the value of the landscape.
- 9.17 The Yorkshire Dales National Park is located approximately 5 km. to the north east of the site and the Forest of Bowland Area of Outstanding Natural Beauty to the south west is approximately 1.5 km away (in Lancaster City). Due to the local topography the actual distances to the site and its immediate context is physically and visually detached from both the National Park and the AONB which are afforded the highest status of protection in relation to landscape and scenic beauty (paragraph 115 of the NPPF refers).
- 9.18 The Landscape and Visual Impact Assessment that accompanies the application includes a Zone of Theoretical Visibility (ZTV) model. The ZTV incorporates a 10 km. study area which extends as far as Ingleborough to the east and the Forest of Bowland to the south. The modelling is based on a bare earth model (i.e. based solely on topography) and takes no account of buildings, woodland, trees and hedgerows. Within the 1-1.5 km radius of the application site there are theoretical views from much of the localised area but this does not take into account hedgerows and trees, which restrict views of the site. Even from Ravens Close Brow the whole site is not visible due to the topography. Between 1.5 km and 2.5 km theoretical views are greatly reduced to less than 50% as a result of the topography. Beyond 2.5 km the theoretical visibility of the site is more apparent in part due to the higher ground to the south in the AONB and to the north east from the National Park. However, this theoretical visibility is limited due to the

intervening vegetation and the undulating topography, combined with the distance involved.

- 9.19 It is considered that the site is located within a gently undulating, agricultural area with strong field boundaries, pockets of woodland and established vegetation. The areas of woodland hedgerows and undulating topography provide a degree of containment. The site will be visible from Ravens Close Brow and the public footpath that runs to the west of the site. Parts of the site will be visible from the eastern boundary of Goodenbergh Holiday Park. The eastern boundary of the site is visible from Burton Road but the topography of the land is such that it is not considered that the whole site of the site is visible. The most significant visual impact will be from the public footpath to the west of the site from which both fields are visible and will have a major impact until proposed boundary planting becomes established. The topography restricts views of the site from the public footpaths to the north. It is considered that due to topography and trees/hedging long distance views from the National Park and the AONB will be limited with no adverse impact.
- 9.20 It is considered that the proposals will not unacceptably affect the landscape character of the area and the proposal will not affect the existing field structure. There are no proposals to change the topography of the site although there may be a need for some localised levelling to allow for the siting of the transformer and control room structures.
- 9.21 Additional planting is proposed along the western boundary of the site in the form of a new hedgerow with hedgerow planting. A second hedgerow is proposed down the eastern boundary of the site to re-inforce the existing hedge. It is accepted that this planting will take some time to mature but once established will further limit the visibility of the site in the more sensitive shorter distance views and further mitigate any long distance views from the National Park and the AONB.
- The visual impact of the development may be affected by glint and glare. The solar PV panels absorb sunlight and the glass is coated with translucent coating materials to improve light transmittance into the glass. The proposed panels would have a dull sheen and do not reflect light as strong glint or glare. However, there are specific times of the year when there may be some direct reflection of the sun when the sun is at a particular angle. As these are fixed installations that do not track with the movements of the sun it is not considered that glint/glare is such to resist the development but the comments of the National Park are noted and if permission is granted it is recommended that the frames and mounts are reserved for subsequent approval.
- Other issues**
- 9.22 There is no permanent lighting, although there would be bulkhead lighting on the inverters which would be switched on in the event that emergency work in the dark but this would be for health and safety reasons only. The CCTV cameras for security purposes on the site boundary would use infra-red technology and therefore there would be no light pollution in the open countryside. The site would be further secured by a 2 m high deer/security fence.
- 9.23 The Planning Policy Guide advises that great care should be taken to ensure that heritage assets are conserved in an appropriate manner appropriate to their significance, including the impact of the proposals on views important to their setting. Careful consideration should be given to the impact of large solar farms on heritage assets. A large scale farm may cause substantial harm to the significance of the asset.
- 9.24 An assessment has been carried out by consultants on behalf of the applicant of the potential effects of the proposed development upon the settings of designated

heritage assets within the wider surroundings of the site. It concludes that due to the effects of screening provided by vegetation and topography, there will be no visual impacts upon the majority of the designated heritage assets, including mostly Grade II Listed Buildings, the Castle Hill Scheduled Monument and Burton in Lonsdale Conservation Area. Your Officers concur with those conclusions. The closest listed building is at Calf Cop Farm some 400 m. to the south east. Although some of the field within which the eastern part of the site is located forms part of the wider setting of this designated asset, the land to the north west of the listed building is not to be developed. The application site does not form part of the setting within which the asset can be appreciated and your Officers therefore do not consider the proposed development would have any adverse impact on the setting of the listed building. In conclusion, with respect to the visual impact, the proposal would not conflict with the local and national planning policy and guidance.

9.25 The Planning Policy Guide advises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when they are no longer in use and the land is restored to its previous use. This would address the concerns of Bentham Town Council in this respect.

9.26 Residents have raised concerns about ecological issues. The application also includes an ecological appraisal. If vegetation clearance took place, particularly across the access points and visibility splay to the road, there is potential for disturbance to breeding birds during the construction period. However, it is an offence to damage or destroy a bird's nest whilst in use under the Wildlife and Countryside Act. Several trees on the site have bat roost potential and their retention will retain foraging and commuting habitats. There is suitable habitat on site for foraging badger and other mammals. There is provision in the security fencing to raise it above ground at intervals of 100 m. to allow the movements of mammals across the site.

9.27 Residents have also raised concerns about the adverse impact the solar farm would have on tourism. The views expressed consider that the solar farm would make the area less attractive which would deter visitors from visiting the area. Taking into account the conclusions on landscape impact it is considered that this is not a significant issue that could justifiably lead to refusal of the application.

Conclusions

9.28 The saved policies in the Local Plan, referred to in paragraph 4.3, are for the purposes of this application considered to be out of date and not to offer any specific guidance on solar farms. Taking into account the guidance in paragraph 14 of the NPPF approval should be granted unless any adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or that specific policies in the Framework indicate that development should be restricted. The specific policies referred to include those sites protected as areas designated as National Park, AONB or designated heritage assets. In this particular case the adverse impacts are considered to be principally the landscape impact. Paragraph 98 of the NPPF advises that Local planning Authorities should approve the application unless material considerations indicate otherwise and the impacts are (or can be made) acceptable. The potential energy generating benefits must be balanced against the landscape impact. It is considered that the most significant adverse landscape impact is limited and most evident from Ravens Close Brow and the public footpath to the west. It is considered that this impact can be mitigated by hedgerow planting although it is accepted that this may take some time to establish and become

effective. It is not considered that the National Park, AONB or listed buildings would be adversely affected.

9.29 In conclusion it is considered that the adverse impacts do not outweigh the benefits in this case, and therefore planning permission should be granted.

10 Recommendation

10.1 That the application be approved.

Conditions

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

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

2. The approved plans comprise the following drawings included in the Tau Solar Design and Access Statement:-

- Site layout
- Solar Panel Detail
- Frame and Anchor Detail
- Site Track Detail
- Transformer Housing Detail
- Control Room Detail
- Substation Housing Detail
- Security Fence Detail
- Security System Detail

And the following drawings included in the Aspect Landscape and Visual Impact Assessment:-

- Landscape Strategy Plan
- Landscape Cross Sections

received by the Local Planning Authority on the 18 February 2015.

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

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

3. Prior to the commencement of the development hereby approved, full details of boundary planting shall be submitted for the written approval of the Local Planning Authority. These details shall include maintenance details for the landscaping including the height to which the boundary planting shall be maintained. The maintenance details shall also include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species and the replacement tree or shrub must be of similar size to that originally planted. The approved landscaping scheme shall be subsequently implemented in the first planting season following the first installation of the solar panels on any part of the site, and shall be maintained thereafter for the operational lifespan of the development to the satisfaction of the Local Planning Authority.

REASON: In the interests of the amenity of the area.

4. Before any site activity is commenced in association with the development barrier fencing shall be erected around all existing trees on the site in compliance with BS 5837 (2005) 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

5. All solar panels, ancillary structures and hard surfaced areas hereby approved shall be removed from the site by 30 June 2045 and the land reinstated to agricultural use. Alternatively, should the solar panels becoming redundant for their approved use prior to 30 June 2045 they shall be permanently removed from the site within 3 months of the date they became redundant and the land reinstated to agricultural use.

REASON: In the interests of the amenities of the area and in accordance with the national Planning Policy Guidance.

6. The frames and post supports of the solar panels hereby approved shall be finished in matt black

REASON: In the interests of the visual amenities of the area.

7. Details of the external colouring of the transformer housing, control room, substation, boundary fencing and CCTV cameras and support columns shall be submitted for the written approval of the Local Planning Authority prior to the first installation of the structures on site and shall thereafter be retained in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

GARGRAVE&
MALHAM
30/2014/15190

*ENGINEERING OPERATIONS TO IMPROVE LAND DRAINAGE INCLUDING
IMPORTATION OF INERT MATERIALS AND TOPSOIL AND RE-PROFILING
OF AGRICULTURAL FIELD (ADDITIONAL PLAN AND INFORMATION)*

KELBER HILL FARM, GARGRAVE.

APPLICANT NAME: MR J WHITELOCK

TARGET DECISION DATE: 30/01/2015

CASE OFFICER: Gemma Kennedy

This application has been referred to Planning Committee at the request of Councillor Myers as there is considerable Public interest and concern.

1. Site Description

- 1.1 The application site is a 1.8 hectare (or 18,000 square metre) section of field located to the south east of the main farmstead at Kelber Hill Farm, Gargrave. The site is part of a relatively low lying field, with the surrounding fields inclining to the north, east and south.

2. Proposal

- 2.1 It was brought to the Council's attention, in August 2014, that engineering operations were taking place on the land involving the importation of materials to re-profile the land. Operations have largely ceased on the land since that date, and now planning permission is sought for both the retention of the existing operations, and for continuing those operations to completion.
- 2.2 The applicant states that the engineering operations are to improve land drainage, and require the importation of inert materials and topsoil.

3. Planning History

- 3.1 5/30/70 - Erection of new farmhouse and farm buildings (outline) Approved Sept 1976
- 3.2. 5/30/70/B - Approval of reserved matters for detached farmhouse and garage. Approved Mar 1977
- 3.3. 5/30/70/C - New farmstead. (reserved matters) Approved Aug 1977
- 3.4. 5/30/70/D - Erection of Dutch barn. Approved July 1980
- 3.5. 30/2004/4388 - Agricultural worker's dwelling [NB- not on this site but nearby and for the same applicant] –Refused 22/07/2004 and dismissed on appeal
- 3.6. 30/2005/5169 - Agricultural worker's dwelling (resubmission). [NB- not on this site but nearby and for the same applicant] –Refused 30/08/2005
- 3.7. 30/2005/5994 – Agricultural workers dwelling. Approved 15/02/2006.
- 3.8. 30/2007/7115 - 'New farmhouse.' Approved 23/03/2007 (amendments to previously approved application 30/2005/5994)
- 3.2 30/2011/11884 – Proposed farm based Anaerobic Digestion facility. Refused 18/10/2011
- 3.3 30/2012/12339 - Farm based Anaerobic Digestion Facility (Re-submission of refused application 30/2011/11884). Refused 05/07/2012.

- 3.4 30/2012/12857 - Prior Notification for on-farm anaerobic digester. Prior approval of details refused 20/11/2012.
- 3.5 30/2012/13106 - Erect a concrete circular slurry store. Approved 10/01/2013.
4. Planning Policy Background
- 4.1 Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF) and national Planning Practice Guidance (nPPG).
- 4.3 Craven District outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal.
5. Parish/Town Council Comments
- 5.1 Gargrave Parish Council: "The Parish Council would like to advise that within the planning statement point 5.3 Policy ENV1 provides for development on open countryside and will only be permitted where it is essential for agriculture, and this is not." Received 08/01/2015.
6. Consultations
- 6.1 Environment Agency: "No objections." Received 11/12/2014.
- 6.2 CDC Environmental Protection: "Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern." Received 11/12/2014.
- 6.3 CDC Contaminated Land: "No known contaminated land implication regarding this proposed development." Received 09/12/2014.
- 6.4 NYCC Archaeology: "I have checked this application and can confirm that I will not be requiring any archaeological mitigation." Received 08/01/2015.
7. Representations
- 7.1 Three letters of representation have been received, one of which has been signed by 38 petitioners and one of which is anonymous. The following points have been raised;
- Application form is incorrect – work commenced before 14th July 2014 not 15th August 2014.
 - Applicant states site is not within 20 metres of a watercourse – there is a major stream that runs the full length of the south side site boundary that feeds the river Aire.
 - Applicant states there are no designated sites, important habitats etc. There is a wildlife strip 12m wide the full length of the southern boundary which was incorporated under (MAFF) Countryside Stewardship scheme in 1998 to encourage a natural habitat for biodiversity.
 - On the north side of the site and on the site itself are Medieval Lynches (man made terraces) that were a feature of Medieval Agriculture and are of significant historical importance.
 - Applicant states no trees or hedges on or adjacent to site. New hedgerows were planted the full length of the southern and western boundary's under (MAFF) Countryside Stewardship agreement 1998.
 - Applicant states the site can't be seen from a public road etc. Land can be openly viewed both from the Gargrave to Broughton Road and Skipton to Gargrave railway line.

- Land had already been subject to a land drainage scheme in 2000, with a new drain running to the southern stream. Field drainage seems to have been put forward by the applicant as an excuse to import a very substantial amount of soil and inert material to the site. In 50 years of farming I have never heard of anyone importing over 6000 tonnes of soil onto 1.8 ha to improve drainage. Introducing this amount can only cause soil compaction and damage to the soil structure and do nothing to enhance field drainage.
- We know from Mr Whitelocks website that he holds environmental permits to handle waste – this indeed is a substantial part of his business; to take 6000 tonnes of waste to landfill would be a considerable cost.
- Working through the figures provided in the planning statement, at an average depth of 0.3m – 0.6m over 1.8ha (18000m²) at 1.2 tonne/m³ then the weight is more likely to be 9720 tonnes.

8. Summary of Principal Planning Issues

8.1 The principle of development; the impact upon the character and appearance of the open countryside; neighbouring amenity and highway safety; archaeology.

9. Analysis

Policy background;

- 9.1 Paragraph 14 of the National Planning Policy Framework (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.
- 9.2 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.
- 9.3 Saved Policy ENV1 seeks to protect the open countryside from sporadic development that would harm its character and appearance. For large scale development planning permission will only be granted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. 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 the objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy in this respect does not conflict with the NPPF, as the framework includes similar aims and objectives, therefore the policy has some limited weight.

- 9.4 Saved Policy ENV2 follows on from Saved Policy ENV1, and sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF.
- 9.5 For the purposes of Saved Local Plan Policy ENV1 the proposal, as a 'major' application covering 1.8 hectares, cannot be described as small scale development, and must instead be considered as large scale. Saved Policy ENV1 states that planning permission will only be granted for large scale development where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. Saved Policy ENV1 would therefore appear to be restrictive of the development.
- 9.6 The restrictive nature of Saved Policy ENV1, in terms of defining development limits and restricting development outside those limits, is not shared by the NPPF. Instead the NPPF, at paragraph 7, sets out its support for sustainable development; referring to the three dimensions of sustainable development as economic, social and environmental. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.
- 9.7 The NPPF sets out 12 core principles at paragraph 17, one of which is that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 9.8 Paragraph 28 of the NPPF sets out that to support a prosperous rural economy the development and diversification of agricultural and other land-based rural businesses should be promoted.

The development in more detail;

- 9.9 Material already brought onto site: Originally (in January 2015) the applicant's agent advised that 2000 tonnes of material had been brought onto site. The most recent information from the applicant's agent (May 2015) has advised that 2000 tonnes of sub soil/clay and 2000 tonnes of top soil have been brought onto the site from off the farm – so a total of 4000 tonnes has been brought onto site. In addition other materials have been taken to the site from around the farmhouse, building and 'several other areas within the site', however the amount of these materials has not been recorded and is therefore unknown. So the amount of materials already used on the site is in excess of 4000 tonnes, but the exact quantity is unknown.
- 9.10 Material still to be brought onto site: The applicant has advised that it remains necessary to bring 4000 tonnes of material onto the site – which will result in the total amount of material involved in the engineering operations being in excess of 8000 tonnes; so in excess of approximately 6154 cubic metres of material.
- 9.11 In order to bring the remaining material onto site, the applicant's agent has advised that to take 4000 tonnes of material onto site in 20 tonne vehicles will require 200 trips to and from the site. The applicant's agent has advised that if 10 deliveries were allowed per day (at approximately 1 per hour), it would take 20 days to complete the importation of all remaining materials. However, taking account of potential weather conditions and time required to profile the land, the works could take approximately 3 months to complete.
- 9.12 The need for the development: The applicant has been asked for further information relating to the need for the development in terms of any historical flooding, why the amount of material brought on/to be brought on is required, and whether the development could not be achieved through land drains.

- 9.13** The applicant's agent has advised that the material is required to make a gradual slope from top to bottom, incorporating a new drainage system. A local silage contractor has advised the applicant that he has been unable to take silage of this part of Kelber Hill Farm over the past 15 years, and he advised the works would be best in order to make the land grazeable for cattle and to take crop off it. It is said that the previous farmer made an attempt to drain the land but that it didn't work.
- 9.14** That previous farmer was the previous owner of Kelber Hill Farm, Mr Falshaw, who has provided a representation to the application, and photographs showing drainage works that were previously carried out on the site (although from the photographs it is difficult to confirm that it relates to exactly the same part of the site as this application). However, Mr Falshaw has stated that a land drainage scheme was implemented on the site in 2000, consisting of a large 300mm double skinned perforated central drain, back filled with clean stone and being fed with 3 inch diagonal clay tiles also back filled with clean stone.
- 9.15** In May 2014, prior to any development commencing on site, a Council Officer visited the site following a pre-application enquiry – although this related to an enquiry for proposals considerably smaller than those which have taken place. The Council therefore have photographs of the site taken prior to any works commencing. The photographs show that the land subject of the application was lower lying than the rest of the field with areas of reeds which suggest that this part of the field is of a wet nature.
- 9.16** It is therefore accepted that the application field, prior to development commencing, was not able to function in the same way as the other parts of the farm, as it was a boggy area. However, the Local Planning Authority is not satisfied that the works that have taken place and will need to continue in order to complete the works, are necessary to achieve the purposes of improving the land. The amount of material brought onto site and needing to be brought onto site, is considered to be in excess of the that which is likely to be necessary to achieve the solution. The amount of works carried out seem to be excessive given that the poorly drained land only relates to an area of 1.8 hectares, where there is a total of 101 hectares available on the holding (half at Kelber Hill Farm, and half at the adjoining Low Green Farm) to farm.

Principle of development in relation to the three dimensions of sustainable development;

- 9.17** Paragraph 8 of the NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.18** In terms of economic gains, it can be argued that the works will improve the functionality of this area of agricultural land, and therefore improve the operations at the farm allowing it to contribute to the rural economy. This would also support paragraph 28 of the NPPF, which seeks to promote the development of agricultural businesses. However, the local planning authority is not satisfied that the extent of the works that have been carried out, and the continued work proposed, is reasonably necessary to achieve the economic gains as set out at paragraph 9.18 of this report.
- 9.19** With regards to the social role it could be argued that as with the economic role the improved operations of the agricultural holding would have a knock-on effect in terms of increasing the capacity of the farm to provide milk/crops and therefore support public health.
- 9.20** Paragraph 7 of the NPPF refers to the environmental role of sustainable development as contributing to protecting and enhancing our natural, built and historic environment. This will be assessed in the following section of the report.

Impact on character and appearance of open countryside;

- 9.21 Craven's Landscape Appraisal designates the application site as 'Rolling Drumlin Field Pasture.' The character of this landscape is described as strong, with undulating drumlin topography of interlocking rounded hills. The condition of the landscape is described as declining. In terms of sensitivity to change, views are said to be generally limited as a result of the varied topography although drumlin tops have expansive views across the rolling drumlin field landscape, with lowland areas are described as less sensitive to development.
- 9.22 The application site is visible from Church Street as you drop down towards the village of Gargrave, where much of the highway is elevated above the lower lying open countryside to the east. As described in the Landscape Appraisal, the landscape is characterised by drumlins, and is therefore undulating in nature.
- 9.23 As the works are taking place on a low lying area of land the engineering operations do not result in the alterations of any of the drumlin landforms. However, the completed operations will result in the creation of a 'ledge' whereby the new levelled land will be higher than the adjacent land to the east, by between 60 cm and 2.9 metres, introducing a man-made plateau into the natural landscape which fails to contribute to and enhance the natural environment.

Highway safety;

- 9.24 To complete the remainder of the works, the applicant's agent has advised that an additional 200 journeys with 20 tonne vehicles are expected to take place. This would inevitably result in some changes loss of amenity to local residents, particularly if the vehicles were travelling from the direction of Gargrave village. However, if the application was deemed acceptable in principle then such journeys could be justified. As with other development, such as building new housing, it is accepted that additional journeys with large vehicle will occur for a period of time, but once complete such journeys would cease. Such traffic movements could therefore be accepted as a short term 'means to an end', and if necessary a planning condition could be imposed to specify the maximum number of journeys able to take place per day, and the days and/or hours of such movements, in order to limit the impact on neighbouring amenity.

Archaeology;

- 9.25 A representation has been received raising concerns over the impact of the development on nearby Medieval Lynchets. NYCC Archaeology has been consulted on the application and has raised no concerns or objections.

Conclusion;

- 9.26 It may be the case that the material that has already been brought onto the site can be re-profiled in a manner that does not create such a difference in land levels, and once grassed over blends acceptably into the landscape. However, the plans submitted with the current application, showing the ledge of up to 2.9 metres in height above the adjoining land, are considered to result in unacceptable form of development in the open countryside, for which there is considered to be insufficient justification in terms of need for economic purposes. The proposal does not, therefore jointly and simultaneously achieve sustainable development through economic, social and environmental gains.
- 9.27 With regards to paragraph 14 of the NPPF it is considered that the adverse impacts of the development in terms of the harm to the character and appearance of the open countryside, would significantly and demonstrably outweigh the benefits. Those benefits being the contribution towards economic and social gains, for which there is considered to be insufficient justification.

10. Recommendation

10.1 Refuse

Reason for refusal

1. The completed operations would result in the creation of a man-made plateau, up to 2.9 metres in height above the adjoining land. The introduction of this feature into the natural landscape fails to contribute to and enhance the natural environment. Furthermore, the level of development that has taken place and is proposed to take place, particularly in terms of the amount of material required (which will total in excess of 8000 tonnes) is considered to be excessive and unjustified in terms of achieving the land drainage improvements. The proposal therefore fails to accord with paragraph 14 of the National Planning Policy Framework, as the adverse impacts of the development in terms of the harm to the character and appearance of the open countryside, would significantly and demonstrably outweigh any benefits.

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.

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

*SKIPTON NORTH
63/2015/15547*

*APPLICATION TO CHANGE THE USE OF AGRICULTURAL LAND TO GOLF
COURSE AND ALTERATIONS TO PRACTICE AREAS*

SKIPTON GOLF CLUB, SHORT LEE LANE.

APPLICANT NAME: SKIPTON GOLF CLUB

TARGET DECISION DATE: 12/06/2015

CASE OFFICER: Gemma Kennedy

This application has been referred to Planning Committee as it is a Departure from the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

1. Site Description

- 1.1 The application site relates to two fields located directly to the north west of Skipton Golf Course that cover an area of 7.97 hectares. The southern boundary of the site joins the golf course, with the northern boundary abutting Brackenley Lane. The northern part of the site rises quite steeply from the boundary with Brackenley Lane before levelling out approximately a third of the way along the field.
- 1.2 The northern of the two fields is agricultural; used for grazing and silage. The southern field is used by Skipton Golf Club as a practice area, although it's appearance remains agricultural.
- 1.3 The site is in close proximity to the Yorkshire Dales National Park, which is 20 metres (at the nearest point) to the north of site, roughly following the line of Eller Beck.
- 1.4 The Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal describes the landscape the application site is set in as 'Pasture with wooded gills and woodland.'
- 1.5 A high pressure mains gas pipeline runs to the north west of the application site (although not actually across it).

2 Proposal

- 2.1 The proposal is to develop the two fields to provide two new holes and a practice area for the existing Skipton Golf Course. The fields will be landscaped, including bunkers, new areas of planting with trees and shrubs, and ponds.
- 2.2 The application is made in response to works that are set to take place to part of the Golf Course as part of the Skipton Flood Alleviation Scheme (FAS). A dam is to be built near the Golf Course across Eller Beck, and as such the Golf Course will experience flooding during flood events that would affect three holes. The Skipton FAS will result in the permanent loss of one hole on the Golf Course, along with the shortening of another.

3 Planning History

- 3.1 None relating to the application site itself.

4 Planning Policy Background

- 4.1 Saved Policies ENV1 'Development in the open countryside', ENV2 'Requirements for development in open countryside' and SRC12 'Protection of public rights of way' of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF)

- 4.3 National Planning Practice Guidance
- 4.4 The Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal.
- 5 Parish/Town Council Comments
- 5.1 Skipton Town Council: “The Committee suggest that the Planning Authority consider setting a condition, prior to any approval being granted, stipulating that the much used ancient right of way is retained and protected. As the area is to be used as an extension to the Golf Course the footpath must be clearly marked to ensure the safety of the public using it.” “Please be aware that Skipton Town Council, as Custodian Trustee of Tarn Moor Estate, are the owners of this land.” Received 16/04/2015.
- 6 Consultations
- 6.1 **CDC Sports Development Officer:** “Fully supports this application for change of use and practice area alterations. The proposal safeguards the future of the golf club due to the impact of the Skipton flood alleviation alterations. Due to the right of way footpath running across the proposed extension, the club are minded to ensure the safety of users on this right of way, which I am sure they will do as a matter of course.” Received 13/04/2015
- 6.2 **Environment Agency:** “No objections.” Received 27/03/2015
- 6.3 **NYCC Highways Authority:** “No local highway authority objections.” Received 01/04/2015.
- 6.4 **NYCC Public Rights of Way Officer;** Recommends approval subject to conditions. Received 20/05/2015.
- 6.5 **Sport England:** “Does not wish to raise an objection.” Received 08/04/2015.
- 6.6 **Yorkshire Dales National Park:** “Objects to the application. The application site is immediately to the south of the Yorkshire Dales National Park boundary. The application site comprises agricultural land and an existing practice area that is raised above surrounding land levels, including the existing golf course. The current golf course use is confined to the lower land levels between Eller Beck and the A59 meaning it is not unduly prominent. In wider public views the informal existing practice field is seen in context with the adjacent agricultural land. The proposal would heighten the prominence of the golf course as seen in wider public views from within and into the Yorkshire Dales National Park, introducing an intensively managed sporting use that would detract from the open agricultural character of the adjoining landscape with the designated area.” Received 29/04/2015.
- 6.7 The **Health and Safety Executive** has been consulted as the site is within the vicinity of the a high pressure gas pipeline. The HSE response is that there no objections.
- 7 Representations
- 7.1 The only representation has come from the Ramblers Association who has commented: “We do not object to this application although we would prefer to see agricultural land retained as such rather than converted to a golf course. However we note the comment that this use should provide a better environment for wildlife and plants and hope that the amenity planting will ensure this. We take into account the reason for the application. We are concerned that no mention is made of public right of way 5.37/2 which passes through the site. Going north it is on the west side of the boundary of the existing practice area. It then goes into the present field and crosses it at an angle until it reaches the boundary and then follows the boundary to the track and exit. Looking at the new hole the tees are very close to the wall and a mis-hit from teeing off could easily reach the path and hit a walker. I am sure that the golf club will be well aware of this and will endeavour to ensure that members do not tee

off while there are walkers using the path. We would like extra assurance of this and would ask for a condition that a notice is erected at the tees to the effect that it is a public right of way and the hole should not be used whilst walkers are in the vicinity. If it is decided that the path should be diverted we would be happy to discuss an alternative route. We do not agree that the northern section of the path should be hemmed in by safety netting as this creates a narrow passage which is always difficult to maintain.” Received 01/04/2015.

8 Summary of Principal Planning Issues

8.1 The principle of development; the impact upon the character and appearance of the open countryside; impact upon the public right of way.

9 Analysis

Policy background;

9.1 Paragraph 14 of the National Planning Policy Framework (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.

9.2 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.

9.3 Saved Policy ENV1 seeks to protect the open countryside from sporadic development that would harm its character and appearance. For large scale development planning permission will only be granted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. 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 the objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy in this respect does not conflict with the NPPF, as the framework includes similar aims and objectives, therefore the policy has some limited weight.

9.4 Saved Policy ENV2 follows on from Saved Policy ENV1, and sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF.

9.5 One of the core principles of the NPPF is to take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. A further core

principle is to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 9.6 Paragraph 28 of the NPPF recognises that planning should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Principle of development;

- 9.7 For the purposes of Saved Local Plan Policy ENV1 the proposal, as a 'major' application covering 7.97 hectares, cannot be described as small scale development, and must instead be considered as large scale. Saved Policy ENV1 states that planning permission will only be granted for large scale development where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. Saved Policy ENV1 would therefore appear to be restrictive of the proposal to extend Skipton Golf Course.
- 9.8 The restrictive nature of Saved Policy ENV1, in terms of defining development limits and restricting development outside those limits, is not shared by the NPPF. Instead the NPPF, at paragraph 7 sets out its support for sustainable development; referring to the three dimensions of sustainable development as economic, social and environmental. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.
- 9.9 In terms of the economic role of sustainable development, the application proposes to extend the golf course to replace an area that is to be lost as a result of the Skipton Flood Alleviation works. The proposals would allow the Golf Course as a business to continue to operate in the same manner as it presently does, therefore contributing to the rural economy. Similar to the economic role the proposal, by allowing the existing function of the Golf Club to continue, would contribute to the health, social and cultural well-being of Craven residents by providing the continued accessibility and scale of this leisure use.
- 9.10 The final dimension of sustainable development is the environmental role, and providing this can be met then the proposal would achieve all three gains, and accord with the aims and objectives of the NPPF. The Environmental role will be considered in the following section of this report.

Impact on character and appearance of the open countryside;

- 9.11 The land is classified as Grade 4, which is considered to be poor quality agricultural land. So whilst the proposal would result in the loss of land for the purposes of grazing and silage, it would not result in the loss of high grade agricultural land.
- 9.12 The Craven District Landscape Appraisal describes the landscape the site is set within as having a strong character consisting of rolling pastoral landscape with distinctive pockets of woodland and wooded gills following the topography. The landscape is said to be in good condition, with some localised areas of decline. With a setting confined mainly to valley sides, this landscape area is said to be highly visible from large areas of the surrounding landscape, but has the potential to absorb new pockets of woodland planting.
- 9.13 The proposal would not result in built development such as buildings of other structures, however it would involve engineering operations (by way of creating bunkers), and would change the character of the land from pasture to a more manicured finish with mown grass. The proposal would also involve the addition of areas of landscaping (trees and bushes).

- 9.14 The Yorkshire Dales National Park Authority have objected to the application, considering that the introduction of an “intensively managed sporting use...would detract from the open agricultural character of the adjoining landscape within the designated area.” The applicants have been asked by the case officer whether other more visually acceptable sites have been considered, and whether the golf course could be shortened, and whether a landscaping buffer could be provided along the northern boundary, adjacent to Brackenley Lane. The applicants have advised that other sites have been considered, but due to dimensions and availability are not feasible sites to extend the golf course on. To shorten the course to the extent that public views from the north would be limited, or to provide a landscape buffer, the applicants (in consultation with their professional golf course designer) have advised that they could not provide adequate holes to replace those that will be lost as a result of the Skipton Flood Alleviation works.
- 9.15 Referring back to paragraph 14 of the NPPF the question to therefore consider is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The adverse impacts of the proposed development are the changes it would have on the character and appearance of the open countryside, particularly when viewed from the north and from the Yorkshire Dales National Park. However, these changes must be viewed in the context of the following. The proposal is not for a new Golf Course, but the extension of an existing one, and whilst much of the existing golf course has limited public views, it is nevertheless visible from public highways and footpaths in the immediate vicinity. The proposed extension would therefore be viewed in the context of the existing adjacent development when travelling along. Furthermore, the proposal is made in direct response to the Skipton Flood Alleviation works – the proposals to reduce flood risk in Skipton Town Centre would affect the size of the Golf Course. Finally, the applicants have considered alternative siting’s and landscaping, but consider that the application site in the design proposed is necessary.
- 9.16 The benefits of the proposal are the continued contributions the Golf Course would make to the economy, and to local residents by way of leisure and recreation.
- 9.17 It is therefore considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, and the proposal accords with paragraph 14 of the NPPF.

Impact upon public right of way;

- 9.18 A Public Right of Way runs along the western boundary of the northern application field, partly cutting across that field to continue along the western boundary of the southern field before continuing across the existing golf course to the south.
- 9.19 Both Skipton Town Council and the Rambler’s Association have made reference to this in their representations, raising concerns about public safety, and asking for the public footpath to be clearly marked, and the tees signposted to prevent Golf Club members from teeing off whilst there are walkers on the path.
- 9.20 The NYCC Public Rights of Way Officer has been consulted on the application, and has raised no objections to the application, but recommended conditions maintaining the public right of way. A condition requiring the tees to be signposted is not considered necessary; anyone using the public right of way would be able to clearly see that the footpath runs through a Golf Course, and therefore take care when walking through. On the case officer’s site visit it was noted that there are signs on the existing golf course warning walkers. The existing Golf Course already operates with a Public Right of Way running through it, and they (the owners and members) are therefore aware of constraints of this.

10 Recommendation

10.1 Approval

Conditions

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

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

2. The approved plans comprise Drawings 'Location Plan 1:2500' and 'sss-5456-Skipton Golf Club revision A' received by Craven District Council on (13th March 2015). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. Prior to the first use of the development hereby approved, a scheme for the landscaping of the open areas of the site shall be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted under the requirements of this condition shall include details of numbers, species and sizes of trees and shrubs to be planted and any arrangements for the future maintenance of the landscaped areas.

4. The landscaping scheme required by condition 3 above, shall be implemented during the first planting season following completion of the development hereby approved and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

Reason for 3 & 4: To ensure that the development is of attractive appearance in the interests of visual amenity and to accord with the NPPF.

5. Prior to first being undertaken, full details of any proposed changes to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The submitted plans do not detail with sufficient clarity any proposed changes to ground levels. Further information is necessary to ensure that finished levels are appropriate particularly in the northern part of the application site adjacent to Brackenley Lane.

Informatives:

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

2. 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 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has requested additional information to address the planning issues which have arisen in relation to dealing with this application.

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

**SKIPTON NORTH
63/2015/15622**

*ALTERATIONS TO EXISTING BANK FRONTAGE, INCLUDING ENLARGING
EXISTING WINDOW OPENINGS AND CHANGING EXISTING TIMBER
DOORS TO POWDER COATED ALUMINIUM GLAZED DOORS*

YORKSHIRE BANK, 46 HIGH STREET, SKIPTON.

APPLICANT NAME: C/O LAWSON HUBBARD LOWE

TARGET DECISION DATE: 20/05/2015

CASE OFFICER: Andrea Muscroft

The application is referred to Planning Committee at the request of Councillor Dawson due to the visual impact of the proposal on the conservation area.

1. Site Description

- 1.1 The application relates to a 2 Storey Victorian building within the Town Centre of Skipton. The building contains two external entrances, one leading to the ground floor area and one to first floor level with three window openings between. Moving up the building the windows openings provide a high level of symmetry with four columns position equally apart to the east and west of the building before projecting above the eaves.
- 1.2 The application site is lies within the development limits and designated conservation area of Skipton.

2 Proposal

- 2.1 The proposal is seeking permission for the internal and external alterations to the frontage of No. 46 High Street. These include the following:-
- Enlargement of existing window openings.
 - Extend existing columns between window openings.
 - Install new powder coated aluminium glazed windows (external finish white).
 - Change existing timber doors to powder coated aluminium glazed doors (external finish white).

3 Planning History

- 3.1 5/63/1237 – Installation of new shop front and fascia together with change of use of first floor flat to retail purposes – Approved April 1984
- 3.2 63/2003/3911 – New external disabled access ramp – Withdrawn October 2006.

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:- Strong objection to the proposal as the proposed works would have a severe detrimental effect on the High Street.

6 Consultations

- 6.1 None necessary.

7 Representations

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

8 Summary of Principal Planning Issues

8.1 Visual impact of the proposal on the designated conservation area.

9 Analysis

- 9.1 The application site is located within the historic core of Skipton Conservation Area with the medieval castle and parish church dominating the top of the High Street. Located with the historic core are a number of shops and other structures dating from the seventeenth to the twentieth century with ginnels between these buildings that historically would have provided access for pedestrians and movement of goods. Many of these building were formerly residential dwellings that changed to a commercial use in the late nineteenth century. The conservation and enhancement of the historical streetscene is an important consideration in the determination of this application.
- 9.2 With any proposal seeking to replace or alter an existing shop front the guiding principles behind the design is that the character of the original building should be retained. This involves following the architectural design principles of the building such as the vertical, horizontal rhythms, scale and proportions of the original or traditional architectural framework.
- 9.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPA when considering granting planning permission with respect to any buildings or other land in a conservation area, that special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.4 Paragraph 131 state that in determining planning application, LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. This theme is continued in paragraph 132 that 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 assets conservation as significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.5 The shop front was altered in 1984 with changes to the original window dimensions. In addition, there has been the installation of a cash point and drop off point under two of the window openings. Whilst this has resulted in some negative visual erosion to the conservation area, the remaining external features of the building still make a positive contribution to the character and appearance of the street scene. The proposal is seeking to drop the middle window cill down by approximately 600mm to match the height to the existing stone cills for the two windows either side and fully open the windows openings. In addition, the pilasters located to the east and west of the middle window would be extended to ground level. It is acknowledged that the proposal would result in a material change to the external appearance of the building. However, the proposal would continue the vertical emphasis currently present in the building and thus would continue the ground floor rhythm and proportions of the building.
- 9.6 The proposal seeks to replace the existing window frames with aluminium framed windows. It is considered that the use of powder coated aluminium frames with their slim proportions would have a minimal impact on the visual appearance of the building

and would not detract from the character and appearance of the surrounding conservation area.

- 9.7 Combined with the use of a matching the existing external finish it is considered that the proposal would result in an enhancement to the building, thereby contributing positively to the character and appearance of the conservation area. is therefore considered that the proposal would not result in any significant visual harm to the designated conservation area and therefore meets the aims and objectives of the NPPF and PPS5 that aims to preserve and enhance heritage assets such as buildings in a conservation area.

10 Recommendation

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

Conditions

1. The change of use 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
2. The approved plans comprise Drawing No 1 received by Craven District Council on 25th March 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.
Reason: To specify the permission and for the avoidance of doubt.
3. Prior to the installation of the windows and doors full details of the of the windows/doors including 1:20 scale sample elevations and 1:1 scale profiles of the windows/doors shall have been submitted to and approved in writing by the Local Planning Authority. The windows/doors shall be altered in accordance with the approved details shall be retained thereafter.
Reason: In the interest of the visual amenity of the designated conservation area.
4. Prior to the alterations to the pilaster and stone cills full details of the alterations including 1:20 scale sample elevations and 1.1 scale profiles of the pilasters/cills shall have been submitted to and approved in writing by the Local Planning authority. The pilasters/cills shall be altered in accordance with the approved details and retained thereafter.
Reason: In the interest of the visual amenity of the designated conservation area.

Statement of Positive Engagement: -

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

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

*SKIPTON NORTH
63/2015/15648*

*APPLICATION FOR ADVERTISEMENT CONSENT FOR A FULL COLOUR
LED BUILT IN DISPLAY AND THE INSTALLATION NON ILLUMINATED
LETTERING.*

TOWN HALL, HIGH STREET, SKIPTON.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 27/05/2015

CASE OFFICER: Andrea Muscroft

The application is referred to Planning Committee as Craven District Council is the applicant.

1. Site Description

- 1.1 The application site relates to the new toilet block extension and level access currently being constructed off the southern side elevation of the Town Hall a Grade II listed building.
- 1.2 The site lies within the conservation area of Skipton.

2. Proposal

- 2.1 The proposal is seeking advertisement consent for the installation of a colour LED built in screen on the new curved wall of the new contemporary single storey building projecting onto Jerry Croft and the installation of non-illuminated lettering.
- 2.2 The internally illuminated LED screen would be built into the external wall of the new toilet block being constructed on Jerry Croft.
- 2.3 The proposed LED screen would measure 4m x 6.4m with an 8mm pixel size.
- 2.4 Anti-tamper poly carbonate protective screen is to be applied to front of Led screen with anti-reflective coating. The LED screen would be removable for any maintenance.
- 2.5 The proposed letters would have a maximum height of 450mm and would be externally finished in stainless steel.

3. Planning History

- 3.1 5/63/1645/B/LB – Display of information and directional signs for Craven Museum - Approved August 1994.
- 3.2 63/2001/1403 - Erection of notice board on the front elevation of Skipton Town Hall - Approved June 2002.
- 3.3 63/2011/11648 – Erection of two wall mounted signs and one hanging sign for tourist information centre – Approved January 2012.
- 3.4 63/2013/13755 – Installation of 3no. Fascia signs – Withdrawn September 2013.
- 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 63/2015/15649 - Application for approval of conditions 4 & 5 of applications - 63/2014/14530 & 63/2014/14532. Not Determined.

3.7 **Officer Note:** Condition 4 of the Listed Building Consent approval 63/2014/14532 required further details to be provided for any signage to be attached to the external elevations of the permitted extension. These details have been provided through both this current application for advertisement consent and through the discharge of conditions application submitted under planning ref. 63/2015/15649 (presently undetermined). Should this application be approved it would then also be appropriate to agree under delegated powers the details under the discharge of condition application.

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 at the time of compiling this report.

6. Consultations

6.1 NYCC Highways Authority: No objection.

7. Representations

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

8. Summary of Principal Planning Issues

8.1 Visual impact of the proposed signage upon the general amenities of the surrounding area.

8.2 Highway safety.

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’.

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 Jerry Croft lies adjacent to a busy route running off the High Street to the High Street Car Park. In this location the area has been subject to considerable regeneration activity with surrounding buildings comprising of a mixture of retail premises and drinking/eating establishments.

9.4 The proposed LED screen would not be located on the original Grade II listed Town Hall but on a contemporary single storey building currently under construction projecting off the southern elevation of the Town Hall. However, the LED screen would be located within the designated conservation of Skipton and therefore it is appropriate to consider the visual effect of the proposed advertisement on the designated conservation area.

- 9.5 With regards to the visual impact of the LED screen, the proposed sign would be of an appropriate scale to the host building and would be integrated into the building, reflecting the curve of the façade of the contemporary building. It would therefore be viewed as an integral feature of the contemporary building and due to its scale would not appear overly prominent within the street scene. In addition, the placing of the modern LED screen on the contemporary building away from the principle elevations of the Town Hall would ensure that there was no visual harm to the appearance of the principal façade of the Town Hall.
- 9.6 The advantage of the screen is that it would allow changing events at the Town Hall to be advertised without the continual production of temporary signage. It could potentially reduce the need for banner advertisements to be displayed on the host building thus reducing any potential visual clutter. Planning Officers have however concerns about flashing or animated images being damaging to the character of the area and Highway safety and therefore conditions are recommended to limit this impact.
- 9.7 Therefore, the proposed LED screen with regards to its scale and appearance would not detract from the visual amenity of the surrounding conservation area.
- 9.8 The proposed lettering forms part of the overall regeneration of the Town Hall and is to highlight the new pedestrian access currently being constructed off Jerry Croft.
- 9.9 The lettering would be positioned on the contemporary single storey building approximately 350mm from the roof rim and would face towards Jerry Croft. The lettering would be non-illuminated. It is considered given the appropriate scale, appearance and materials that the lettering would also not detract from the visual amenity of the surrounding conservation area.

Highway Impact.

- 9.10 The proposed LED screen would be located set back but adjacent to Jerry Croft, an un-adopted road that runs off the High Street. Given the position of the proposed screen combined with the scale of the screen it is not considered that the proposal would have a negative impact on highway safety. Similarly, due to the limited impact of the proposed lettering it is not considered that this element would have a negative impact on highways safety. NYCC Highways have been consulted and have confirmed that they have no objections to the proposal on highway safety grounds.

10. Recommendation

- 10.1 To grant advertisement consent subject to conditions.

Conditions

1. The consent hereby granted is valid for only 5 years
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
2. 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
3. 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
4. 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

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, to render hazardous the use of any highway.

Reason for 1 - 5: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in accordance with advice contained within PPG 19 ' Outdoor Advertisement Control'

6. The approved plans comprise '7352' & '(300) 008 Received by Craven District Council on the 1st April 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

7. Other than transitions from one static image to another, the LED screen shall be used to display static images only, with no moving images, words, or emblems, and no amplified noise.

8. Displayed static images on the LED screen shall be displayed for a minimum period of 30 seconds. The transition from one static image to the next shall be achieved by fading out the existing image and fading in the replacement image over a period of between 2 to 3 seconds.

Reason (for 7 & 8): To avoid flashing or animated images that would be detrimental to the visual appearance and character of the area.

9. The maximum luminance for the LED screen shall not exceed 650cd.

Reason: To safeguard highway safety.

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.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SETTLE & RIBBLE
62/2015/15606***THE RE ORIENTATION OF PLOTS 1 & 2 OF APPROVED SCHEME
RESERVED MATTERS 62/2014/14965 AND OUTLINE CONSENT
62/2011/12180 AND RELOCATION OF PARKING SPACES FOR PLOT 3
AND ASSOCIATED WORKS**LAND OFF TOWN HEAD WAY, SETTLE.*

APPLICANT NAME: MR GARETH WOOLER

TARGET DECISION DATE: 28/05/2015

CASE OFFICER: Andrea Muscroft

This application is being referred to Planning Committee because the original outline (ref: 62/2011/12180) and reserved matters (ref: 62/2014/14965) applications were determined at Planning Committee.

1. Site Description

- 1.1 The application site is a vacant piece of land located between the residential development on Townhead Way and the grounds of the Holy Ascension Church close to the centre of Settle. Immediately to the south is the Health Centre.
- 1.2 The site is predominantly grassed with two accesses onto Townhead Way. The accesses are narrow onto Townhead Way with boundaries formed by stone walls. The properties to the east on Townhead Way are set at a significantly higher level than the majority of the ground level within the application site.
- 1.3 A public sewer runs through the site from north to south.
- 1.4 The Holy Ascension Church, a grade II listed Building, is located a short distance to the south of the application site with the church grounds bounding the application site to the west.
- 1.5 The application site is located within the development limits of Settle

2. Proposal

- 2.1 The proposal is seeking an amendment to previous approval 62/2014/14965. The previous approval was for reserved matters for 4 No dwellings, approving the appearance, landscaping and scale of the development.
- 2.2 The amendments are as follows:-
 - Re-orientation of plots 1 & 2.
 - Re-location and increase in parking spaces.
 - Amendment to landscaping to the rear of plots 1 & 2.
- 2.3 The application has been considered on the basis of it being a new full application for planning permission. If approved it will therefore be necessary to re-attach all conditions previously attached to both the outline and reserved matters planning permissions.
- 2.4 **Officers Note:** No changes are proposed to the vehicles access to and from the site or the scale, appearance or materials to the previously approved scheme.

3. Planning History

- 3.1 5/62/417 (17/6/91) Permission granted for change of use of land to burial ground.

- 3.2 5/62/417/a (9/1/95) Outline permission granted for residential development of land to rear of 1-11 Townhead Way (No reserved matters application was made).
- 3.3 5/62/135/b (12/6/96) Permission granted for creation of community cemetery, incorporating an area for the burial of cremated remains on the land north of Holy ascension Church.
- 3.4 62/2011/12180 - Outline application for 4 no dwellings - approval sought for access & layout of site – Approved Jan 2012.
- 3.5 62/2014/14965 - Application for reserved matters for 4 No dwellings, approval sought for appearance, landscaping and scale (outline consent reference 62/2011/12180 dated 17 January 2012) – Approved October 2014.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 Settle Town Council: Request that the screening proposed is improved.
6. Consultations
- 6.1 NYCC Highways – No objection subject to the attachment of appropriate conditions.
7. Representations
- 7.1 No third party representations received at the time of compiling this report.
8. Summary of Principal Planning Issues
- 8.1 Whether the orientation of the plots 1 & 2, the re-configuration of the parking spaces and landscaping is acceptable having regard to the parameters set out in the reserved matters application.
- 8.2 Impact of the proposal on the amenity of neighbouring properties.
- 8.3 Other issues.
9. Analysis
- 1. Principle of development.**
- 9.1 The principle of residential development on this site was established in January 2012 ref: 62/2011/12180; which also approved the means of access from Town Head Way and the site layout.
- Layout**
- 9.2 The previous approval showed the dwellings facing north to south. However, the current proposal shows the dwellings facing east to west and as a consequence the principle elevations of Plots 1 & 2 face towards No. 1 & 3 Town Head Way.
- 9.3 In this instance, it is considered that the proposed re-orientation and re-siting of Plots 1 & 2 would not have a greater impact than the previously approved scheme and due to its located would not have a negative impact on the wider area.
- Landscaping.**
- 9.4 The re-orientation and re-sitting of Plots 1 & 2 has resulted in the minor changes to the approved landscaping comprising of the omission of low level shrubs behind

previously approved parking spaces P – P3, and an area to Plot 4 on approved plan 1411-101(p) Rev B. However, as a consequence of the re-orientation and re-sitting of Plots 1 & 2 the indicated areas to be grassed for the private amenity areas have been increased in size.

- 9.5 It is considered that the effects of the minor changes to the approved landscaping scheme would be no greater than the approved scheme, particularly when viewed from outside of the site looking in. As such the proposed changes to the approved landscape scheme is considered acceptable.

Parking

- 9.6 The amendments to the approved parking spaces allow for two additional parking spaces to be provided within the site. The amendments to the approved parking arrangements are required to facilitate the re-orientation of Plot 1 & 2. No changes are proposed to the approved accesses.
- 9.7 The proposed amendment is not considered to have a significant impact upon the public highway or traffic flow through the site. NYCC Highways have been consulted and have raised no objections to the proposal on highway safety grounds. As such, it is considered that the re-configuration of the approved parking spaces to accommodate the re-orientation of Plots 1 & 2 is acceptable.

Impact of development on the amenity of neighbouring property.

- 9.8 The proposed change to the orientation of the buildings would maintain a 20m separation from the nearest dwellings situated to the east of the site. This distance is considered acceptable to maintain outlook and privacy. Furthermore, the side elevations would remain blank thus ensuring the privacy of the future occupiers of plots 3 & 4.
- 9.9 Existing properties 1 & 3 Town Head Way due to changes in ground levels are in an elevated position. No changes are proposed to the overall ground levels of the site and whilst the proposal would result in some overshadowing this would be limited to late afternoon and to the far end of the garden area. It is therefore considered that the proposed amendment would not result in any unacceptable level of overshadowing to warrant a refusal.

10. Recommendation

- 10.1 To recommend 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 Number:

1411-102(P) & Rev A received on the 24th April 2015.

1411-103(P) Rev B received on the 27th May 2015.

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows or other openings shall be inserted at any time in the eastern or western elevations of plots 3 or 4 hereby approved.

REASON: To safeguard the residential amenities of the occupiers of adjoining property and the privacy of the adjacent church property.

4. Prior to the commencement of development on the site precise details of the existing and proposed site levels shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with these submitted details and site levels retained as such thereafter.

REASON: The information is required prior to the commencement of development to ensure that the proposed development does not have an adverse impact on the amenities of neighbouring properties, for the avoidance of doubt, and to ensure compliance with Saved Policy H3 from the 1999 Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Prior to the first residential use of the site both the northern and southern accesses to the site shall be completed and signage erected on site, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, indicating a one way system with access to the site from the southern access and egress from the northern access. The signage shall be retained on site in accordance with the approved details thereafter.

REASON: In accordance with policy T2 and to ensure that the development has an acceptable relationship with the highway network

6. The development hereby permitted shall be drained on separate surface and foul water systems.

REASON: In the interests of satisfactory and sustainable drainage.

7. No development shall take place until a scheme for the disposal of foul and surface water drainage, which is based on sustainable drainage principles and includes details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

REASON: The information is required prior to the commencement of development to prevent the increased risk of flooding, to improve habitat and amenity of the surface water drainage system in accordance with Planning Policy statement PPS25: Development and flood risk.

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

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

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

(iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 10.

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

(vi) The final surfacing of any private access within 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.

(vii) Provision of tactile paving in accordance with the current Government guidance.

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

REASON: In accordance with Saved Local Plan Policy T2 and to ensure safe and appropriate access and egress to the dwellings in the interests of highway safety.

9. 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 Drawing no. 1411-103(P) Rev B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

REASON: In accordance with Saved Local Plan Policy T2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

REASON: The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby property. The site is also in a sensitive location adjacent to the Church grounds which may be detrimentally impacted on by un-neighbourly development.

11. The approved landscape planting scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: To ensure that the development is of attractive appearance and to safeguard the wider character and appearance of the site's surroundings, in the interests of visual amenity.

12. Notwithstanding the details submitted with the application, prior to the first use of building materials on the site samples of the external walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved details.

REASON: To ensure that the development is of good appearance and to safeguard the character of the locality, in the interests of visual amenity.

Informative

Attention is drawn to the planning conditions attached to the outline planning permission Ref 62/2011/12180 regarding the submission of site precise details of existing/proposed site levels; foul and surface water drainage details and highway authority requirements.

The submitted layout would be in close proximity to a public sewer and either the sewer would need to be moved or dwellings 1 and 3 would be subject to a Build Over Agreement in accordance with United Utilities requirements.

The applicant is reminded that any construction on the site should be carried out in consideration of the amenities of others and in particular consideration should be given to any funerals that may take place on the adjacent land. To avoid disturbance to neighbouring dwellings the Council's Environmental Health Department have advised that the construction site should only be operated from 7:30am to 6:pm Monday to Friday, 8:am to 1:pm Saturday with no working on Sundays or Bank 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.