

PLANNING COMMITTEE MEETING AGENDA

Monday 06 July 2015

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SKIPTON EAST
&
SKIPTON NORTH
63/2015/15837

AMENDMENT TO APPROVED FLOOD ALLEVIATION
SCHEME INVOLVING ALTERATIONS AT SPINDLE MILL
SITE, AND CHANGES AT WALLER HILL BECK SITE
INCLUDING REPOSITIONING OF SITE COMPOUND AND
CREATION OF NEW ENTRANCE TO SITE COMPOUND
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PREVIOUS APPLICATION 63/2013/14200).

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WALLER HILL BECK AND SPINDLE MILL, SKIPTON.

APPLICANT NAME: ENVIRONMENT AGENCY
TARGET DECISION DATE: 11/09/2015
CASE OFFICER: Gemma Kennedy

BENTHAM
08/2015/15552

OUTLINE PLANNING PERMISSION FOR THE
CONSTRUCTION OF A DETACHED FOUR BEDROOM
DWELLING/INTEGRAL DOUBLE GARAGE WITH DETAILS
RELATING TO SCALE AND ACCESS INCLUDED FOR
CONSIDERATION. (ALL OTHER MATTERS RESERVED
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GREENHEAD LANE, LOW BENTHAM.

APPLICANT NAME: MR EDWARD METCALFE
TARGET DECISION DATE: 13/05/2015
CASE OFFICER: Andrea Muscroft

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****COWLING
22/2015/15770***RESERVED MATTERS APPLICATION TO PREVIOUS PLANNING
APPLICATION REF: 22/2013/13614 FOR APPEARANCE AND
LANDSCAPING (RESUBMISSION OF WITHDRAWN APPLICATION
22/2014/15325)**LAND ADJACENT TO DICK LANE, COWLING.*APPLICANT NAME: MOOR DEVELOPMENTS
TARGET DECISION DATE: 24/06/2015
CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a reserved matters submission relating to an outline planning approval that was previously considered by the Committee and was a departure from the Development Plan.

1. Site Description

- 1.1 The application site comprises a rectangular area of grazing farmland located on the eastern side of Dick Lane, Cowling.
- 1.2 The site measures approximately 76m x 26m and is 0.197 ha in area. It lies to the south of an existing cluster of residential properties that are located adjacent to the junction of Dick Lane with the A6068 Keighley/Colne Road. These comprise two two-storey properties, one a traditional stone built property fronting Dick Lane, the other a part rendered/part stone built house set back along a shared access and a small group of dwellings, 'Craven Court'. There is a further terraced row of properties to the north-east of the group that fronts onto the main road. The northern end of the application site is segregated from the houses by the shared access to the existing residential properties and a small vegetable patch.
- 1.3 There is a ribbon of residential properties located opposite the site which comprise bungalows at the southern end, two of which were built sometime in the early 1990's, and a two storey development at the northern end nearer to the junction with the main road. Beyond the residential development and the application site to the west, east and south there is open countryside comprised mostly of farmland whereas to the north lies the main road and the easternmost part of the settlement of Cowling.
- 1.4 The site is bounded along its frontage by an established hedgerow, which has recently been translocated, and runs along a substantial part of the eastern side of Dick Lane. There are some trees located within the hedgerow towards the southern end of Dick Lane which are well outside of the application site. The remainder of the site is grassed over and generally rises from north to south with its eastern boundary defined by a post and wire fence.
- 1.5 The site lies outside of the Development Limits of Cowling in an area defined as open countryside in the Local Plan (the actual boundary of the development limits lies further to the west running to the rear boundaries of properties on Collinge Road and the neighbouring Welbeck House).
- 1.6 The western side of Dick Lane, immediately opposite the site, is located within the Cowling conservation area.
- 1.7 The site is within a landscape area identified as 'Semi-enclosed Intermediate - Pasture with Wooded Gills & Woodland' in the Craven District Landscape Appraisal (October 2002). This is described as having a strong character in a 'good-declining' condition i.e. '*generally good landscape condition with signs of localised decline in some areas, for example sections of dry-stone walls*'. In terms of sensitivity to change the Landscape Appraisal identifies that with a setting confined mainly to valley sides the landscape area is

highly visible from large areas of the surrounding landscape and that sites of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

2. Proposal

2.1 This is a reserved matters planning application seeking approval for the appearance and landscaping of three detached bungalows that would be located in a linear configuration running north-south along the site and parallel to the road.

2.2 The access, layout and scale of the development have already been approved as part of an outline planning approval that was granted on appeal in July 2014 (Ref: 22/2013/13614). These details are not for consideration as part of this application as they have already been approved but are as follows:

Access

2.3 The outline permission established two access points, the northern being a double width (9m) opening leading to two vehicle turning areas and the southern a single width (4.5m).

2.4 Following discussion with the NYCC Highways Engineer on the previous submission it was agreed to incorporate a pedestrian footpath along the frontage of the site. Visibility splays have also been indicated on the approved access points to comply with the highway engineers' specifications.

Layout

2.5 The approved layout details three detached bungalows set in a row and has a pair of detached garages to serve the northernmost bungalows whilst it is proposed to have an attached garage to the northern side of the southern bungalow.

Scale

2.6 The bungalows approved on the outline permission were 6m in height to the ridge falling to 2.5m at eaves level.

2.7 **Officer note:** The bungalows detailed on the current application have very slightly higher ridge heights than those of the outline permission (6.25m). Such a difference is not materially significant and can be accepted as being within the scope of the original outline planning permission. It also should be noted that the footprints of the bungalows are marginally less than that of the approved outline permission.

2.8 The reserved matters for which permission is now sought are as follows:

Appearance

2.9 The applicant's original proposals have been amended to simplify the palette of materials, reduce the width of the oak framing for the porches and to incorporate more conventional fenestration in line with the recommendations of the Council's Conservation Advisor

2.10 It is proposed to construct three detached bungalows which would be gable ended with ridged roofs 6.25m in height falling to 2.5m at eaves level.

2.11 The bungalows would be constructed in dressed natural stone with stone quoins, window sills and heads and would feature oak framed entrance porches to the front elevation. Roofing materials would be blue slate and the windows UPVC in a grey colour. Each property would have a timber entrance door, an external chimney on the gable end and incorporate roof lights to the roof plane facing the road (west).

2.12 It is proposed to use a rendered finish on the external elevations of the adjoined garages serving the northernmost garages. The attached garage to the southernmost property would be constructed in stone. Roofing materials to all the garages would match the roofing of the proposed bungalows.

Landscaping

2.13 Each of the proposed bungalows would have grassed front and rear gardens with planted areas and sections of the transplanted hedgerow forward of each property. Each would

incorporate driveways and turning areas laid with charcoal coloured permeable block paving. To the rear of each of the properties there would be individual hard surfaced areas. The rear gardens would incorporate tree planting.

2.14 Proposed boundary treatments would be:

- The translocated hedgerow to the site frontages.
- Dry stone walling to the north and south boundaries.
- Newly planted hedges set inside a mix of existing post and wire and new timber post and rail boundary fences to the rear (east) boundary.

Officer note: Although appearance and landscaping have been applied for as reserved matters, planning conditions attached to the outline permission also require approval of these details. A separate planning application to discharge the conditions has been submitted (Ref: 22/2015/15868) that provides more detail on the proposed landscaping. This application has yet to be determined

3. Planning History

3.1 22/2013/13463: Construction of 2 no. houses & 1 no. bungalow with garages. Withdrawn May 2013.

3.2 22/2013/13614: Construction of 2 no. houses & 1 no. bungalow with garages. Refused planning permission in September 2013, but subsequently granted on appeal.

3.3 Officer Note: Planning Committee expressed concerns about the translocation of the hedgerow and the impact that this would have on the character of the area. On consideration of this issue in the subsequent appeal the Planning Inspector concluded that, in his opinion, translocation was a feasible option and the Councils reason for refusal of planning permission was therefore not upheld.

3.4 The outline planning permission that was granted on appeal included a condition that required submission of the details of a hedgerow translocation scheme including; a comprehensive method statement, a chronology for the proposed works; a replanting strategy and; an irrigation plan. The condition was subsequently discharged in March 2015 under application Ref: 22/2015/15510.

3.5 22/2014/15325: Reserved matters application to previous planning application Ref: 22/2013/13614 for appearance and landscaping. Withdrawn March 2015.

3.6 22/2015/15414: Full application for 3 No. bungalows with garages and first floor dormers. Withdrawn March 2015.

3.7 22/2015/15510: Application to discharge conditions 13 and 14 of appeal decision ref. APP/C2708/A/14/2213630 granted 23 July 2014. Approved March 2015.

3.8 22/2015/15767: 3 no. bungalows with garages and first floor dormers (re-submission of withdrawn application 22/2015/15414). Decision pending.

3.9 22/2015/15868: Discharge of conditions 5,6,7,10,11 & 12 to previous application 22/2013/13614. Under consideration.

4. Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

5. Parish/Town Council Comments

5.1 **Cowling Parish Council:** Object to the application for the following reasons:-

This application is for reserved matters, specifically 'Appearance and Landscaping.' On appearance, the applicant states that Dormer windows have been chosen as this matches the properties directly opposite. This is both inaccurate and misleading as those properties do not have Dormer windows.

Dormer windows are not acceptable in the view of the Parish Council, and the developer should abide by the consent given at appeal, specifically that given in Paragraph 5.

On Landscaping, the applicant states that the hedgerow will be translocated in accordance with the specialist recommendations and method statement as provided for the appeal. This has already been breached by the developer in many ways, not least of which is the reduction in length of part of that hedgerow.

The Parish Council requests that enforcement action is taken to reinstate the hedgerow as per the specialist recommendations and method statement.

Officer note: The Planning Statement accompanying the application erroneously refers to 'Dormas'. The statement has been submitted in support of two applications, the other seeking full planning permission for a development that includes front dormer extensions (Ref: 22/2015/15767), and is clearly not intended to apply to this application.

The PC also refers to translocation of the hedgerow which has been the cause of a number of complaints from local residents. This matter is subject to an ongoing enforcement investigation and was subject to a planning condition attached to the outline planning permission that has been formally discharged.

6. Consultations

6.1 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to the construction of the access/vehicle crossings and suitable visibility splays and restrictions to ensure that the garages are retained for parking of vehicles.

6.2 **CDC Environmental Health:** No contaminated land or environmental protection issues associated with the proposed development.

6.3 **CDC Tree Officer:** Although there seems to be concern that large trees will be affected by the proposals, these all appear to be off site and are unlikely to be affected.

6.4 **Yorkshire Water:** Drainage information on the site layout is inadequate due to lack of detail.

Officer note: It is a requirement of condition 9 of the outline planning permission that drainage details be submitted for approval prior to the commencement of development.

6.5 **Environment Agency:** As the proposal falls outside the scope of issues on which the EA wish to be consulted, the EA recommend using their standing advice in respect of this application. Since the site is not located within a flood zone the EA's standing advice provides no comments. However, having regard to the comments from objectors regarding the presence of a water course near to the site it is proposed to advise the developer that any development needs to comply with the EA standard requirements in relation to flood risk, management of surface water and other sources of flooding.

6.6 **Natural England:** No comments.

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

7. Representations

7.1 A total of 3 objections have been received. Two of the letters express confusion due to the number of applications that have been submitted recently. One letter raises objections to the proposal as follows:

- All the dwellings should be built in stone as are the dwellings opposite.
- The dwellings should be in accordance with the original planning application with regard to size and where they actually appear on site.
- Applicant states that they wish to include dormers on the front elevation to match those directly opposite. This statement is untrue as there are no dormers on the properties opposite.
- Dormers would create larger dwellings which could result in them being occupied by families with three or four vehicles and there is insufficient parking for this number.
- Applicant states that the hedgerow has been moved back when in fact only part of the hedgerow has been moved back at this time. The part remaining at the northern end of the site must be moved back to enable correct visibility splay to be constructed and there is already a dispute about the fact that too much hedgerow has been removed at the southernmost exit which has resulted in the destruction of too much hedgerow at this point and must be remedied.
- Exits must be strictly adhered to as Dick Lane is a narrow road where car parking would be unacceptable.
- The 2m walkway which has to be constructed along the length of the site is intended for pedestrian use and not for extra parking for vehicles that cannot be accommodated on site.

8. Summary of Principal Planning Issues

8.1 As this application already has outline planning permission in which the access layout and scale of the development have been approved it is only necessary to consider the impacts of the reserved matters that have been applied for. In this case those are the appearance and landscaping of the proposed development.

8.2 Comments have been made regarding the translocation of the hedgerow. The acceptability of this, and conditions relating to the translocation, was a matter that was considered at the outline stage. However, the hedgerow does form part of the landscaping of the site and it is therefore considered appropriate to consider the hedge in this respect.

8.3 The issues are therefore:

- Appearance and landscaping.
- Impact on amenity.
- Hedgerow.

9. Analysis

Appearance and landscaping:

9.1 Saved Local Plan Policy ENV2 requires that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in this policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.

9.2 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to

ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.

- 9.3 Given the proximity of the site to the Cowling Conservation Area it is also necessary in this case to consider the implications of the proposed appearance and landscaping on the setting of that particular heritage asset.
- 9.4 The proposals are for modern bungalows that would be constructed for the most part in traditional materials that would be appropriate given the context of the site. Specifically, the use of stone, slate and some rendered finishes (on two of the proposed garages) is considered to be acceptable as are the timber front entrance doors.
- 9.5 The proposed use of UPVC windows in this location is not considered to be inappropriate as this material has been used on some of the existing neighbouring housing. The proposed grey finish is equally considered to be acceptable as it has been used successfully on other developments in the district. Similarly, the oak framed entrance porches that are proposed are considered to be an acceptable detail.
- 9.6 The design and materials, and hence the appearance, of the proposed bungalows has been revised from what had originally been proposed to take on board the advice of the Council's Conservation Advisor which was to simplify the palette of materials, reduce the width of the oak framing for the porches and to incorporate more conventional fenestration. The Conservation Advisor has informally commented that taking into account the location of the site and the variation of house design in the area he considers the proposals to be acceptable.
- 9.7 It is considered that the proposed landscaping of the site is capable of being acceptable, subject to the imposition of further conditions. Landscaping information submitted with this application is somewhat limited, but relevant conditions controlling such matters are already attached to the outline planning permission. The applicant has therefore already submitted a separate application that seeks to provide additional landscaping information as a discharge of conditions application (planning ref. 22/2015/15868).
- 9.8 However, the conditions on the outline planning permission, as drafted by the Planning Inspectorate, technically indicated that the information required should be provided as part of the reserved matters submission (rather than through a discharge of conditions application). To protect the Council's position, and ensure it retains control over such matters, it is therefore necessary to again attach planning conditions relating to landscaping, boundary treatment, and materials. Such matters can then be correctly addressed through a discharge of conditions application. Notwithstanding this technicality, the information that already has been submitted to discharge the planning conditions on the outline permission indicates that the development is capable of being undertaken in a satisfactory manner.

Impact on amenity

- 9.9 The orientation and overall height of the proposed bungalows are such that no issues of overshadowing would occur to any of the existing properties in the immediate vicinity of the site. Interface distances to the houses on the opposite side of the road are considered to be acceptable and would not give rise to any problems from loss of privacy or result in an overbearing relationship.

Hedgerow

- 9.10 The proposals have entailed the relocation and partial removal of an existing hedgerow that fronted the application site and was linked to a larger hedgerow extending to the south.
- 9.11 As detailed above this matter was considered on appeal and planning permission was granted subject to conditions that required approval of a detailed method statement as to how the translocation of the hedgerow would take place. This application has been submitted (Ref: 22/2015/15510) and, with the advice of the Council's Arboriculturist, has been discharged.

9.12 With regards to the complaints regarding the actual translocation works that have taken place the Councils Enforcement Officers have commented as follows:

'With regards to the translocation of the hedgerow the Council's Planning Enforcement Team investigated this issue on receipt of concerns received in April 2015. A site visit was undertaken by the Planning Enforcement Team Leader and the Trees Officer to inspect the translocation which had taken place and we have liaised with the ecologist whose report was followed and who monitored the work taking place.

Currently the main issue to be addressed is that approximately 3.2 metres more hedge has been removed than is shown on the approved plans. The ecologist monitoring translocation has explained that 'as much of the hedgerow as possible was replanted during the translocation with plants being placed as close as possible together while still maintaining some root spacing for each plant. Unfortunately, it was inevitable that some plants would be lost to allow for the two driveway accesses. As the root balls from the old hedging plants were 1m wide, plants used on the end of the existing gap would have likely been impacted/crushed by large machinery accessing the site. It is expected that the ends of the hedgerow will be planted up with new plants (as per the hedgerow translocation method statement) on completion of the construction works to buffer the ends of the hedge to either side of the access.

9.13 *The approved method statement did allow for additional hedgerow planting and maintenance and the Council's Planning Enforcement Team will continue to monitor the development taking into account the tree planting season runs from 1st November to 31st March each year'.*

9.14 In terms of the consideration of the reserved matters application it is considered that the ongoing issues in relation to the hedgerow translocation, whilst clearly of relevance to the development of the site, are not material to the determination of the reserved matters application

10. Recommendation

10.1 That planning permission is granted for reserved matters subject to the following conditions.

Conditions

1. The development hereby permitted shall not be carried out other than wholly in accordance with Drawing Nos: 2014-065-B002A, B003A, B004A, B005A, B006B, B010A, B011B, B012B, B020A, B021B, B022B, B030A, B031B and B03B and supporting information received by the Local Planning Authority on 29th 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 for the avoidance of doubt.

2. Prior to their first use on site full specifications for all materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. Prior to the commencement of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours and specifications of all hard landscaping materials, including the surfacing materials of any hard-standing, drives or footpaths. The development shall then be carried out in accordance with those details.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development hereby approved full details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

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**

COWLING
22/2015/15767

3 NO. BUNGALOWS WITH GARAGES AND FIRST FLOOR DORMERS
(RESUBMISSION OF WITHDRAWN APPLICATION 22/2015/15414)

LAND ADJACENT TO DICK LANE, COWLING.

APPLICANT NAME: MOOR DEVELOPMENTS

TARGET DECISION DATE: 24/06/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a departure from the Development Plan. The application also relates to a site that has an outline planning approval that was previously considered by the Committee.

1. Site Description

- 1.1 The application site comprises a rectangular area of grazing farmland located on the eastern side of Dick Lane, Cowling.
- 1.2 The site measures approximately 76m x 26m and is 0.197 ha in area. It lies to the south of an existing cluster of residential properties that are located adjacent to the junction of Dick Lane with the A6068 Keighley/Colne Road. These comprise two two-storey properties, one a traditional stone built property fronting Dick Lane, the other a part stone, part rendered/part stone built house set back along a shared access and a small group of dwellings, 'Craven Court'. There is a further terraced row of properties to the north-east of the group that fronts onto the main road. The northern end of the application site is segregated from the houses by the shared access to the existing residential properties and a small vegetable patch.
- 1.3 There is a ribbon of residential properties located opposite the site which comprise bungalows at the southern end, two of which were built sometime in the early 1990's, and two storey development at the northern end nearer to the junction with the main road. Beyond the residential development and the application site to the west, east and south there is open countryside comprised mostly of farm land whereas to the north lies the main road and the easternmost part of the settlement of Cowling.
- 1.4 The site is bounded along its frontage by an established hedgerow which has recently been translocated, and runs along a substantial part of the eastern side of Dick Lane. There are some trees located within the hedgerow towards the southern end of Dick Lane which are well outside of the application site. The remainder of the site is grassed over and generally rises from north to south with its eastern boundary defined by a post and wire fence.
- 1.5 The site lies outside of the Development Limits of Cowling in an area defined as open countryside in the Local Plan (the actual boundary of the development limits lies further to the west running to the rear boundaries of properties on Collinge Road and the neighbouring Welbeck House).
- 1.6 The western side of Dick Lane, immediately opposite the site, is located within the Cowling conservation area.
- 1.7 The site is enclosed within a landscape area identified as 'Semi-enclosed Intermediate - Pasture with Wooded Gills & Woodland' in the Craven District Landscape Appraisal (October 2002). This is described as having a strong character in a 'good-declining' condition i.e. '*generally good landscape condition with signs of localised decline in some areas, for example sections of dry-stone walls*'. In terms of sensitivity to change the Landscape Appraisal identifies that with a setting confined mainly to valley sides the landscape area is highly visible from large areas of the surrounding landscape and that sites of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

2 Proposal

- 2.1 This is a full planning application seeking approval for a development of three detached bungalows located in a linear configuration running north-south parallel to Dick Lane.
- 2.2 The application effectively seeks a variation on a scheme that has been granted outline planning permission (on appeal) under Ref: 22/2013/13614 and is subject to a reserved matters application (Ref: 22/2015/15770) that is also being put before the Planning Committee for consideration as part of this Agenda.
- 2.3 The variation comprises the incorporation of dormer extensions to the front elevations and additional roof lights to the rear elevations of the proposed bungalows. The applicants have submitted this as a full application as the original outline planning permission did not approve dormer extensions.
- 2.4 It is proposed to construct three detached bungalows which would be gable ended with ridged roofs 6.25m in height falling to 2.5m at eaves level.
- 2.5 The proposed layout details a pair of detached garages to serve the northernmost bungalows whilst it is proposed to have an attached garage to the northern side of the southern bungalow. There would be two access points, the northern being a double width (9m) opening leading to two vehicle turning areas and the southern a single width (4.5m).
- 2.6 The bungalows would be constructed in dressed natural stone with stone quoins, window sills and heads and would feature oak framed entrance porches to the front elevation. Roofing materials would be blue slate and the windows UPVC in a grey colour. Each property would have a timber entrance door, an external chimney on the gable end and incorporate roof lights to the roof plane facing the road (west).
- 2.7 It is proposed to use a rendered finish on the external elevations of the adjoined garages serving the northernmost garages. The attached garage to the southernmost property would be constructed in stone. Roofing materials to all the garages would match the roofing of the proposed bungalows.
- 2.8 The proposed dormers would have pitched roofs set approximately 0.5m below the ridge and would be 2.2m in width projecting by a maximum of 3.2m. The dormers would be roofed to match the main roof (blue slate) and would have a single ply membrane cheeks which is stated would give the appearance of lead.
- 2.9 Following discussion with the NYCC Highways Engineer on the previous submissions it has been agreed to incorporate a pedestrian footpath along the frontage of the site. Visibility splays have also been indicated on the two proposed access points to comply with the Highway Engineers' specifications.
- 2.10 Each of the proposed bungalows would have grassed front and rear gardens with planted areas and sections of the transplanted hedgerow forward of each property. Each would incorporate driveways and turning areas laid with charcoal coloured permeable block paving. To the rear of each of the properties there would be individual hard surfaced areas. The rear gardens would incorporate tree planting.
- 2.11 Proposed boundary treatments would be:
 - The translocated hedgerow to the site frontages.
 - Dry stone walling to the north and south boundaries.
 - Newly planted hedges set inside a mix of existing post and wire and new timber post and rail boundary fences to the rear (east) boundary.

3 Planning History

- 3.1 22/2013/13463: Construction of 2 no. houses & 1 no. bungalow with garages. Withdrawn May 2013.
- 3.2 22/2013/13614: Construction of 2 no. houses & 1 no. bungalow with garages. Refused planning permission in September 2013, but subsequently granted on appeal.

- 3.3 Officer Note: Planning Committee expressed concerns about the translocation of the hedgerow and the impact that this would have on the character of the area. On consideration of this issue in the subsequent appeal the Planning Inspector concluded that, in his opinion, translocation was a feasible option and the Council's reason for refusal of planning permission was therefore not upheld.
- 3.4 The outline planning permission that was granted on appeal included a condition that required submission of the details of a hedgerow translocation scheme including; a comprehensive method statement, a chronology for the proposed works; a replanting strategy and; an irrigation plan. The condition was subsequently discharged in March 2015 under application Ref: 22/2015/15510.
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- 3.6 22/2015/15414: Full application for 3 No. bungalows with garages and first floor dormers. Withdrawn March 2015.
- 3.7 22/2015/15510: Application to discharge conditions 13 and 14 of appeal decision ref. APP/C2708/A/14/2213630 granted 23 July 2014. Approved March 2015.
- 3.8 22/2015/15770: Reserved matters application to previous planning application Ref: 22/2013/13614 for appearance and landscaping (re-submission of withdrawn application 22/2015/15325). Decision pending.
- 3.9 22/2015/15868: Discharge of conditions 5,6,7,10,11 & 12 to previous application 22/2013/13614. Under consideration.

4 Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

5 Parish/Town Council Comments

- 5.1 **Cowling Parish Council:** The application states that the substitution of dormer bungalows for 'ordinary' bungalows is to more closely match the houses on the opposite side of Dick Lane. Those houses do not have dormers. Paragraph 1 of the Appeal states that consent was given for bungalows – not dormer bungalows with rear velux windows. Paragraph 5 of that same report indicates the importance of this development's relationship to the others in that conservation area. The application also makes reference to the views of local estate agents – an irrelevance.

The inclusion of dormers is stated to match those opposite, this is untrue, there are no dormers on properties opposite this site. The construction of any bungalows must be, as stated above, to match with close proximity properties – i.e. dormer windows should not be used.

The appeal document is very precise (*appended below) and the Parish Council very strongly wishes to see the development follow the conditions imposed by that successful appeal, and for the same reasons as the planning inspectorate.

A further point made is that there is to be a 2 metre wide walkway provided for the whole of this site. Whilst the hedgerow has indeed been moved back for the most part, a section to the north has not been moved. It is difficult to imagine how this may now be achieved.

It is noted that the applicant has stated that in the 'Planning Statement':

'LANDSCAPING

We attached (sic) a landscape proposal done by our landscape architect. ---This will be done in accordance with a specialist's recommendations and method statements'.

The developer has not apparently abided by the recommendations and the method statements, there are many apparent breaches of the consent gained at appeal, and a complaint was entered by the Parish Council on the 20th April.

6 Consultations

- 6.1 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to the construction of the access/vehicle crossings and suitable visibility splays and restrictions to ensure that the garages are retained for parking of vehicles.
- 6.2 **CDC Environmental Health:** No contaminated land or environmental protection issues associated with the proposed development. Regard should be had for the incorporation of a sustainable drainage system (SuDS) provision as detailed in the National Planning Policy Framework: Meeting the challenge of climate change, taking full account of flood risk as part of planning obligations. A SuDS scheme should be submitted and approved by Craven District Council prior to the commencement of construction.
- 6.2 **Yorkshire Water:** For previous planning consultations for this site we have indicated that the public sewer network does not have the capacity to accept any surface water from the site. We note this planning application indicates; Foul water to public sewer, and surface water disposal to a 'watercourse'. Therefore, on the basis that no surface water will discharge to public sewer we have no further comments to make on drainage.
- 6.3 **Environment Agency:** As the proposal falls outside the scope of issues on which the EA wish to be consulted, the EA recommend using their standing advice in respect of this application. Since the site is not located within a flood zone the EA's standing advice provides no comments. However, having regard to the comments from objectors regarding the presence of a water course near to the site it is proposed to advise the developer that any development needs to comply with the EA standard requirements in relation to flood risk, management of surface water and other sources of flooding.
- 6.4 **Natural England:** No objections. They advise that there would be no impact on South Pennine Moors SAC or SSSI and note that a survey for European Protected Species has been undertaken. On the basis of the information submitted NE advise that the proposed development would be unlikely to affect bats and advise that there are a number of species that are protected by domestic legislation which should be considered. They recommend that opportunities be taken to incorporate features into the design which are beneficial to wildlife if the Authority is minded to approve the application.

7. Representations

- 7.1 Six letters of objection have been received. One letter expressed confusion arising from the number of planning applications that have been submitted. The rest are summarised as follows:
- The application for properties with dormer bedrooms is inappropriate as this has already been rejected on one occasion. The properties opposite do not have dormer windows and the new application is therefore not in keeping with the area.
 - The height of the bungalows is not as approved by the planning inspector.
 - Proposed dormer bungalows are effectively two storey houses and would overlook existing properties and affect privacy.
 - The new application increases the size of the dwellings thereby reducing available space for car parking. It is safe to assume that 4/5 bedroom properties will have two or three

cars plus occasional visitors and there is not sufficient space allocated for parking. This is a narrow country lane and on road parking is not practical and would constitute a traffic hazard.

- A 2 m wide pavement is supposed to be part of the development and that seems to have disappeared, but this again should not be seen as a place for “half on half off” the road parking.
- The stonework and roof tiles/slates should mirror that of surrounding properties.
- Planning statement is inaccurate as largest bungalow is in middle, not south.
- The drawings cannot be relied on to represent the true size and height of the dwellings.
- The 2m footpath required as part of the permission granted at appeal cannot be provided if the hedgerow is not moved back in its entirety.
- Proposed dwellings will be built within a habitat of principal importance and regard must be had to the planning inspector’s statement that he had a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and its setting.

8. Summary of Principal Planning Issues

- 8.1 This application relates to a site that has an extant outline planning permission in which the access, layout and scale of the development has been approved.
- 8.2 The outline planning permission is a material consideration that has established the principle of the site being developed. Similarly, the access, layout and scale of the development, which are the same as the outline planning permission, are matters that have already been approved, albeit not on this specific planning application.
- 8.3 For these reasons it is proposed to address the issues that differ on this application and have not been previously approved which are:
- The inclusion of front dormers and additional roof lights to the rear.
 - Appearance and landscaping.
 - Impact on amenity.
 - Hedgerow.

9. Analysis

The inclusion of front dormers and additional roof lights to the rear:

- 9.1 It is considered that the proposed front dormers and additional roof lights to the rear are acceptable additions to the bungalows that would not detract from the overall character of the area or result in an unacceptable visual impact.
- 9.2 In coming to this view it is considered that the presence of dormer extensions on the existing properties that neighbour the site is of limited significance in the determination of this application which falls to be considered on its own merits. In any case a small dormer roof light does exist on the front elevation of Stonegate House which lies on the opposite side of Dick Lane to the south of the site.
- 9.3 Notwithstanding the above, front dormers feature elsewhere throughout the district on properties that lie both within and adjacent to conservation areas and are moreover not an uncommon addition to properties located in rural areas. Equally, there are no specific grounds for refusing planning permission unless the design of the proposed dormer is considered to be inappropriate either on visual amenity grounds or if the amenity of a neighbouring property were to be unduly impacted upon. Neither of these is applicable in this particular case as the dormers are of an appropriate design and would be sufficiently distant from the neighbouring properties that loss of privacy is not considered to be an issue.

- 9.4 The proposed roof lights to the rear of the bungalows are considered to be acceptable additions that would not be readily visible from the public domain and would not have any significant visual impact.
- 9.5 **Officer note:** Both the Parish Council and local residents have commented that the dormer extensions should not be approved. The basis of the objections includes an assertion that dormers were expressly ruled out as part of the outline planning application and the Parish Council has specifically remarked that the planning inspector considering the appeal *'in Paragraph 1 of the Appeal states that consent was given for bungalows – not dormer bungalows with rear velux windows'*. The fact of the matter is that the outline application did not include dormers and was determined on that basis. The Council did not accept an application that included dormers as reserved matters because it had expressly been stated on the outline application that the bungalows were one storey and therefore would not include a first floor which would require a dormer. At no time was the matter of whether dormers were acceptable or not a factor in the determination of the outline application. Similarly, the planning inspector who determined the planning appeal has at no time made any reference whatsoever to dormers in the appeal decision and would not have done so given that his remit was to determine the application that had been submitted.

Appearance and landscaping:

- 9.6 Saved Local Plan Policy ENV2 requires that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in this policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.7 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.
- 9.8 Given the proximity of the site to the Cowling Conservation Area it is also necessary in this case to consider the implications of the proposed appearance and landscaping on the setting of that particular heritage asset.
- 9.9 The proposals are for modern bungalows that would be constructed for the most part in traditional materials that would be appropriate given the context of the site. Specifically, the use of stone, slate and some rendered finishes (on two of the proposed garages) is considered to be acceptable as are the timber front entrance doors.
- 9.10 The proposed use of UPVC windows in this location is not considered to be inappropriate as this material has been used on some of the existing neighbouring housing. The proposed grey finish is equally considered to be acceptable as it has been used successfully on other developments in the district. Similarly, the oak framed entrance porches that are proposed are considered to be an acceptable detail.
- 9.11 The design and materials, and hence the appearance, of the proposed bungalows has been revised from what had originally been proposed to take on board the advice of the Council's Conservation Advisor which was to simplify the palette of materials, reduce the width of the oak framing for the porches and to incorporate more conventional fenestration. The Conservation Advisor has informally commented that taking into account the location of the site and the variation of house design in the area he considers the proposals to be acceptable.
- 9.12 It is considered that the proposed landscaping of the site is capable of being acceptable, subject to the imposition of further conditions.

Impact on amenity

- 9.13 The orientation and overall height of the proposed bungalows are such that no issues of overshadowing would occur to any of the existing properties in the immediate vicinity of the site. Interface distances to the houses on the opposite side of the road are considered to be acceptable and would not give rise to any problems from loss of privacy or result in an overbearing relationship.

Hedgerow

- 9.14 The proposals have entailed the relocation and partial removal of an existing hedgerow that fronted the application site and was linked to a larger hedgerow extending to the south.
- 9.15 As detailed above this matter was considered on appeal and planning permission was granted subject to conditions that required approval of a detailed method statement as to how the translocation of the hedgerow would take place. These details were submitted (Ref: 22/2015/15510) and, with the advice of the Council's Arboriculturist, were subsequently approved. If this scheme is approved the Council needs to ensure that the approved translocation measures continue to have effect for this revised planning permission. An appropriate planning condition is therefore recommended.
- 9.16 With regards to the complaints regarding the actual translocation works that have taken place the Council's Enforcement Officers have commented as follows:

'With regards to the translocation of the hedgerow the Council's Planning Enforcement Team investigated this issue on receipt of concerns received in April 2015. A site visit was undertaken by the Planning Enforcement Team Leader and the Trees Officer to inspect the translocation which had taken place and we have liaised with the ecologist whose report was followed and who monitored the work taking place.

Currently the main issue to be addressed is that approximately 3.2 metres more hedge has been removed than is shown on the approved plans. The ecologist monitoring translocation has explained that 'as much of the hedgerow as possible was replanted during the translocation with plants being placed as close as possible together while still maintaining some root spacing for each plant. Unfortunately, it was inevitable that some plants would be lost to allow for the two driveway accesses. As the root balls from the old hedging plants were 1m wide, plants used on the end of the existing gap would have likely been impacted/crushed by large machinery accessing the site. It is expected that the ends of the hedgerow will be planted up with new plants (as per the hedgerow translocation method statement) on completion of the construction works to buffer the ends of the hedge to either side of the access.

The approved method statement did allow for additional hedgerow planting and maintenance and the Council's Planning Enforcement Team will continue to monitor the development taking into account the tree planting season runs from 1st November to 31st March each year'.

- 9.17 In terms of the consideration of this application it is considered that the ongoing issues in relation to the hedgerow translocation, whilst clearly of relevance to the development of the site, are not material to the determination of the application.

10 Recommendation

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

Officer note: The following conditions are based on those attached to the outline planning permission as per the decision of the Planning Inspectorate.

Conditions

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

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

2. The development shall not be carried out other than wholly in accordance with Drawings Nos: 2014-A002 2014-065-B002A,B003A,B004A, B005A, B006B,B010A, B011B, B012B, B020A,

B0212B, B022B, B030A, B031B, B032B, and the supporting information received by the Local Planning Authority on 29th April 2015 and the Site Plan No: 2014-065-C020 received 24th June 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 for the avoidance of doubt.

3. Prior to their first use on site full specifications for all materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours and specifications of all hard landscaping materials, including the surfacing materials of any hard-standing, drives or footpaths. The development shall then be carried out in accordance with those details.

Reason: In the interests of visual amenity.

5. Prior to the commencement of the development hereby approved full details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto the road.

Reason: In the interests of visual amenity

7. No development shall take place until details of a sustainable drainage scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure proper drainage of the site.

8. No development shall take place until details showing the verge and footway crossings, including the provision of tactile paving, have been submitted to, and approved in writing by, the Local Planning Authority. All development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

9. Development shall not begin until the access to the site has been set out and constructed in accordance with the following requirements:

- i) Any gates or barriers shall be erected a minimum distance of 4.5m back from the existing highway and not open in such a way that they would cause an obstruction to the carriageway;
- ii) The gradient of the two proposed access points from the highway shall not exceed 1 in 10 over a distance of 4.5m from the point at which they join the highway;
- iii) No unbound material capable of being dragged onto the highway shall be used in the surface of the site access within 4.5m of the highway boundary;

and:

- iv) Provision to prevent the discharge of surface water from the development onto the highway shall be constructed in accordance with details submitted to, and approved in writing by, the Local Planning Authority and maintained thereafter for this purpose.

Reason: In the interests of highway safety.

10. No development, including construction or related ground works but excluding any works necessary to construct the proposed accesses or to undertake replacement hedgerow planting, shall take place until the visibility splays specified on the approved plan are provided. Once created the approved visibility splays shall be maintained clear of any obstruction and retained thereafter.

Reason: In the interests of highway safety.

11. The requirements of the hedgerow translocation scheme, and hedgerow maintenance scheme that were approved under discharge of conditions application 22/2015/15510 shall be strictly complied with and adhered to with respect to this alternative grant of planning permission for residential development on the site.

Reason: In the interests of visual amenity.

Informatives:

1. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles. It should be noted that the type of SUDS used should be appropriate to the site in question, and should ensure that there is no pollution of the water environment including both ground and surface waters.
2. Operating times of the construction site should be limited from 7:30am to 6:00pm Monday to Friday, 08:00am to 1:00pm Saturday and no Sunday or Bank Holiday working in order to minimise disturbance from the construction of the new build affecting nearby dwellings.
3. 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.

4. Notwithstanding any details shown on the approved plans it should be noted that it is the responsibility of the developer to ensure that surface water run-off from the site is appropriately controlled to ensure that there will be no flooding of property and no increase in surface water run-off from the site to a watercourse compared to the existing (pre-application) run-off rate from the site. All drainage and waste disposal measures must comply with Approved Document Part H – Drainage and Waste Disposal - of the Building Regulations.

Statement of Positive Engagement: -

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

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

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SKIPTON WEST
63/2015/15744***APPLICATION FOR A TEMPORARY MARQUEE ON THE GREEN,
GREENFIELD STREET UNTIL 31ST AUGUST 2015 (RE-SUBMISSION OF
LAPSED PERMISSION 63/2015/15474)**GREEN AREA, GREENFIELD STREET, SKIPTON.*APPLICANT NAME: JAMIA
TARGET DECISION DATE: 22/06/2015
CASE OFFICER: Mark Moore

This application has been referred to Planning Committee at the discretion of the Strategic Manager for Planning and Regeneration.

1. Site Description

- 1.1 The application site is located off Greenfield Street in Skipton. It is an open grassed area bounded on three sides by terraced houses and the Leeds/Liverpool canal to the north. There is a row of communal car parking spaces lying adjacent to the eastern side of the grassed amenity area.
- 1.2 The land is in the ownership of Craven District Council, but the application is not made by the Council or submitted on its behalf. The site lies within the development limits of Skipton. The site is outside, but adjacent to the Skipton Conservation Area which includes the canal to the north. The land is also identified as being within Flood Risk Zones 2 & 3.

2. Proposal

- 2.1 Retrospective planning permission is sought to allow continued temporary use of the land for the siting of a marquee as a mosque for prayer purposes. The permission is to provide a place of worship whilst construction works are being undertaken to the Mosque which is located at 21-25 Midland Street to the west of the site.
- 2.2 The marquee is a rectangular structure measuring 15m x 6m and is 2.3m in height to the ridge. Externally the marquee has white coloured plastic sheeting and there is an entrance 'porch' area constructed from plywood located at the southern end. The marquee is set within wire mesh security fence panels.
- 2.3 Justification provided in the supporting information to accompany the original planning application (63/2014/15124) stated that the marquee would be in use only for prayers which last for 20 minutes and occur five times a day. It was also stated that the marquee would not be used after 1900 hours and that the land would be reinstated by the applicants upon cessation of the use.
- 2.4 Whilst this information was applicable at the time the original application was determined (for the duration of the permission that was sought), prayer times alter according to the time of year / length of daylight hours. In the supporting letter accompanying the new application it is explained that at this time of year prayer times would occur as follows:
- Morning prayer approx. 0330
 - Second at lunchtime.
 - Third at teatime.
 - Fourth at sunset.
 - Fifth at approx. 2300.

Each session would last approximately 20 minutes (40 minutes during fasting months) with around 15 people in attendance.

- 2.5 Further supporting information accompanying the second application stated that the nearest alternative mosque premises are located in Keighley which is not a practical option due to the age of some of the people who use the mosque and the need to travel.
- 2.6 The temporary planning permission has already been extended twice. Permission was originally granted under Ref: 63/2014/15124 and lapsed on 28th February 2015. (It was originally anticipated that the construction works would be completed by the end of February 2015).
- 2.7 A subsequent application was submitted to extend the temporary approval until 30th April 2015 (Ref: 63/2015/15474). In support of this application it was stated by the applicants that delays had occurred due to bad weather although it was anticipated that the works would be completed by the end of April. This permission expired on 30th April 2015 and the marquee therefore does not currently have the benefit of planning permission.
- 2.8 This new application now seeks a further extension of time until the end of August 2015. The stated reason for the delay in completing the building work on the mosque, and hence the need to retain the marquee, is partly due to poor weather and also to engineering problems associated with the steelwork for the approved alterations. The applicants have also experienced some delays arising from the proximity of the mosque to the canal which has necessitated having the work overseen by a structural engineer.
- 2.9 The case officer has met the applicant on site on 16th June 2015 and, accompanied by a Council Building Control Officer, has inspected both the mosque construction site and the marquee. It is apparent that, although by no means near to completion, a lot of work has been done in the mosque and the case officer has been advised that the roof is due to be completed before the end of June to be followed thereafter by the interior works.

Officer note: Officers do not know whether the work on the mosque will be completed by the end of August 2015 or not. However, it is proposed to consider the application on the basis on which it has been submitted and if permission is granted it would therefore expire at the end of August. This would necessitate a further application should the construction works not be complete and would allow the Council an opportunity to review the situation before making any further decisions regarding the use of the land at Greenfield Street.

3 Planning History

- 3.1 63/2014/15124: Siting of a marquee for use as a mosque for prayer purposes for temporary period until 6th February 2015 on the green area behind Greenfield Street while construction works are being done to existing mosque premises at 21-25 Midland Street, Skipton. Temporary permission granted in December 2014 (expired 28th February 2015).
- 3.2 63/2015/15474: Extension on planning for the marquee on the green back of Greenfield Street. Temporary permission granted in April 2015 (expired 30th April 2015).
- 3.3 Also of relevance are recent applications relating to the permanent mosque:-
- 3.4 63/2013/13621: Change of use of vacant terraced dwelling, construct rear two storey extension, front first floor projection & extended/altered front dormer window all to provide extended & adequate enlarged religious & community premises. Approved July 2013.
- 3.5 63/2014/14487: Change of use of vacant terraced dwelling, construct rear two storey extension, front first floor projection and extended/altered front dormer window including in-fill (set-back 1.00m from rear face of premises) between rear pitched roofs to provide adequate headroom within second storey of religious and community premises. Approved May 2014.

4 Planning Policy Background

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

No relevant policies.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

5 Parish/Town Council Comments

5.1 **Skipton Town Council:** No comments received at the time of writing.

6 Consultations

6.1 **CDC Environmental Health** made the following comments in May 2015:

'Although we would not wish to undermine the use of the temporary mosque there is the potential for a statutory nuisance being created at which point Environmental Health has a duty to serve notice. Furthermore, Environmental Health are currently investigating a potential noise nuisance at nearby residential properties with regard to noise emanating from the use of the marquee.

With regard to condition 2 of the lapsed permission (63/2015/15474) restricting the use of the marquee to between 06:00 and 20:00. Having now considered its use, we recommend that the start time be amended from 06.00 to 07.00. The closure time of 20.00 is acceptable.

Reason being; A 07:00 start time would be more favourable with the mosque operating alongside normal working hours, however, there can be no guarantee that any noise arising during these hours would not amount to a statutory nuisance.

Location of Temporary Mosque

It should be recognised that the use of a temporary structures such as marquees offer very little protection against noise breakout which invariably result in potential noise problems. Having regard to the nature of the temporary structure (marquee) in a built up area we would advise that the mosque elders consider locating this temporary arrangement to a more suitable building.'

6.2 Since the consultation response detailed above was received Environmental Health has made the following further comments: -

'Further to our recent conversation regarding the above application I can confirm the following. The Environmental Health Department has received two complaints from residents. The complaints refer to noise nuisance late at night disturbing sleep. The noise relates to loud voices from the marquee as well as disturbance when people leave the premises. On receiving the complaint we wrote to inform the applicant of the complaint, since then we have contacted one of the complainants on two occasions in a view to install some noise monitoring equipment to determine if a statutory noise nuisance could be established. On both occasions we have been informed that since we wrote to the applicant noise levels have been reduced and the noise monitoring equipment would not be needed.

Our concerns still remain in relation to the application, the construction of the marquee does not provide much if any sound insulation, therefore due to the close proximity of residential properties any noise generated in the marquee could potentially cause a nuisance to local residents.'

6.3 **Officer note:** At present the marquee does not have planning permission as it lapsed at the end of April 2015. It is therefore not possible to enforce the hours conditions attached to the previous planning permissions (although action could be taken against the use itself which is presently unauthorised).

6.4 **CDC Environmental Health** has also commented that there is no contaminated land issues associated with the site.

6.5 **NYCC Highways:** No objections.

6.6 **Environment Agency:** Do not wish to comment.

6.7 **The Canal and Rivers Trust:** No comments.

7 Representations

7.1 Two objections have been received. The comments are summarised as follows:

- Despite assurances following the first approval, a further extension was granted and now a third is sought.
- The marquee has consistently been used outside of the conditions placed upon the planning permission. The mosque starts at 04.30 and finishes at 10.30. These times will change as prayer times are linked to dawn and dusk.
- There are current noise complaints in action due to the noise at unreasonable hours.
- Despite complaints the conditions have not been policed by the Council.
- Noise and disturbance has caused occupier of neighbouring property sleep deprivation and health issues.
- The permission was needed while work was carried out on the mosque building. However, it is apparent that the building work would never have been completed within the original temporary period.
- The marquee is noisy in the wind causing disturbance to local residents.
- Overhead power lead is unsuitable and has no protection or adequate support and is attached to BT telegraph pole, presumably without permission.
- Planning dept. should have checked on the planning permission for the mosque in which case they would have realised that the approved building work would not have been completed before the expiry of the temporary planning permission.
- The mosque had been offered the Pennine bus garage but felt that it was not acceptable. This should be reconsidered as the garage is dry, mould free and better sound proofed and has its own car park.

8 Summary of Principal Planning Issues

8.1 Principle of use.

8.2 Impact on amenity of others.

8.3 Visual Impact.

8.4 Highways issues.

9 Analysis

Principle of use:

9.1 Under the NPPF there is a general presumption in favour of all forms of sustainable development. In this case the proposal is not a use of land that the Council would consider to be appropriate on a permanent basis. However, whilst the granting of temporary permission is not considered to be good planning practice in most circumstances, planning guidance that accompanies the NPPF does allow an exception in situations where it is expected that planning circumstances will change in a particular way at the end of the temporary period.

9.2 The justification for the use that has been put forward by the applicant's is such that it has been considered appropriate to grant temporary planning permission on two previous occasions. The basis of these decisions was that the Council had been assured that:

- There was a clear end date when the works to the mosque would be completed.
- The use of land to site the marquee would cease upon completion of the works to the mosque.

In view of the above it was considered that the NPPF requirement in relation to temporary planning permissions had been met. More specifically, the need for the temporary structure had clearly been justified and the timescales applied for were considered to be reasonable. On

this basis it was felt that the temporary planning permissions were appropriate given the specific circumstances put forward by the applicants.

- 9.3 The current situation is that a further extension of time is now sought to the end of August. The applicants have submitted a supporting letter to explain the reasons for the delays to the building work on the mosque which is summarised in Section 2 above. It is considered that there is justification in this instance for a further temporary planning approval being granted in order to allow the continued use of the site whilst construction works on the mosque are completed.

Impact on amenity of others:

- 9.4 Concerns regarding noise nuisance have been raised by local residents. This is arguably the key consideration in the assessment of the acceptability of this development proposal. The use of the building and coming and goings from it and to it, has the potential to cause noise nuisance.
- 9.5 In the assessment of earlier applications it was considered to be reasonable to grant a permission that would restrict the use of the marquee in the late evening and overnight thereby limiting the potential for nuisance to local residents. Following a discussion with the applicant's it was agreed on the previous applications to restrict the use of the marquee between the hours of 0600 and 2000. This was considered appropriate during the winter months, however as daylight hours have extended it is apparent that this restriction has not been adhered to as the hours of usage are not suitable to meet the religious needs of the users of the mosque.
- 9.6 CDC Environmental Health has commented on this particular issue and recommends that the time restriction be made even shorter than that previously approved and asks that the Local Planning Authority prohibits the use of the marquee before 7am in order to protect the amenity of the occupiers of neighbouring properties. They have also expressed concern that the limited noise attenuation that the marquee provides could lead to problems in the future.
- 9.7 In effect Environmental Health does not object to the proposal providing that hours of use are restricted to the hours between 0700 and 2000. However, in the summer months at least such hours would not meet the needs of the intended users of the mosque.
- 9.8 The Local Planning Authority has to reach a decision on the acceptability of this proposal with respect to noise nuisance concerns. The first question to address is whether the noise nuisance is so significant to justify refusal. It is considered that although noise remains a legitimate planning concern, and there is evidence of complaints in this regard, there is not sufficient ground for this particular issue to form the basis of a refusal of planning permission.
- 9.9 In coming to this view it is noted that there are a large number of properties sited adjacent to the application site and the number of objections that have been received in relation to this application is limited (just two objections). This indicates that the majority of local residents have not found the use of the land to be a particular problem. In addition, it remains the case that if any unacceptable noise problems were to arise they could be dealt with under the relevant Environmental Health legislation.
- 9.10 If the application is approved, a decision also has to be taken on whether it is necessary to restrict the hours of usage of the marquee. The NPPF set out six specific tests for planning conditions which must be met in order for a condition to be lawful. Amongst these are the requirements for conditions to be *necessary*.
- 9.11 In this case the condition that previously restricted the hours the marquee could be used was intended to prevent its use during unsocial hours in order to ensure the amenity of the occupiers of neighbouring properties was not unacceptably affected by noise. This condition has been breached (or not applicable as the permission has lapsed) for a few months. On balance it is considered that the condition is not strictly necessary as the use has operated with relatively few noise problems. Some concerns have been raised, but no formal action has yet proved to be necessary through the Environmental Health process. Furthermore if subsequent problems do arise the site can still be investigated by the Council and could be dealt with under the appropriate Environmental Health legislation if an unacceptable noise

problem persisted in the future. On this basis it is considered that a restriction on the hours of use of the marquee would not be necessary.

- 9.12 It is therefore considered that it would not be appropriate to retain the restrictive planning condition that was applied to the previous planning approvals. It is proposed however that a condition be imposed that would prohibit the use of any amplification equipment in the marquee in order to limit the potential for noise to become an amenity issue.
- 9.13 A further issue that has been raised is with respect to wind noise arising from the structure. The applicant has indicated that this has been addressed as the marquee has been altered and re-roofed to minimise wind noise (the actual alterations are not known by Officers). As set out above CDC Environmental Health officers have investigated noise complaints relating to the site but have not been asked to pursue a statutory noise nuisance in respect of wind noise arising from the marquee structure.
- 9.14 It is considered that the problem of wind noise is not sufficient to justify withholding planning permission and due to weather conditions the problem would only be intermittent and would be limited to the temporary time period that the marquee would be needed on site.
- 9.15 Finally, comments have also been made regarding the desirability of the applicants finding more suitable alternative accommodation, however the proposal put to the Local Planning Authority must be determined on its own merits.

Visual Impact

- 9.16 In relation to visual amenity it is acknowledged that the marquee is in no way an appropriate structure in the midst of a residential area, adjacent to a conservation area, and also that it is occupying part of a communal amenity area. For these reasons it is considered that a permanent use of the land would be entirely inappropriate and therefore unacceptable and the Council can only justify granting planning permission on a temporary basis. Whilst it is understood that the marquee is adversely impacting on visual amenity and restricting use of the communal space it is considered that these impacts are acceptable for a limited period of time.

Highways issues

- 9.17 The proposal does not impinge upon the existing car parking and although it is likely that the presence of the marquee would increase the potential for vehicles to be parked in the immediate area it is not considered that this presents a particular problem or justification for planning permission to be refused.
- 9.18 In coming to this view it is noted that there are no restrictions on the use of the parking areas, that no objections have been raised by NYCC highways and that it is likely parking congestion and use of the car parking areas would already be impinged upon by the presence of the existing mosque on Midland Street.

Other Matters

- 9.19 The application site is also identified as a Flood Risk Area. However, the Environment Agency does not wish to make comments and as a temporary proposal the development is considered to be acceptable in this risk.

Conclusion

- 9.20 When determining planning applications, Paragraph 14 of the National Planning Policy Framework indicates that 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.
- 9.21 In this case it is considered that the potential for noise nuisance is an adverse impact of the development. The visual impact of the development is also a relevant consideration. However, there are also significant benefits in terms of meeting the needs of the local community. On balance it is recommended that it is appropriate to allow the development to continue for a further temporary period.

10. Recommendation

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

Conditions

1. The development shall not be carried out other than wholly in accordance with the drawings and supporting information received by the Local Planning Authority on 27th April 2015 and 17th June 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 for the avoidance of doubt.

2. There shall be no use of amplification equipment on the site or in connection with the use of the site at any time.

Reason: To safeguard the amenity of local residents.

3. The use hereby permitted shall cease on or before the 31st August 2015.

Reason: Regard has been paid to the temporary nature of the use which is considered to be unsuitable on a permanent basis in this location.

4. Prior to the cessation of the use of the land for the siting of a marquee, a scheme for the restoration of the land shall be submitted for the written approval of the Local Planning Authority and thereafter implemented in accordance with the approved scheme. The scheme shall include a timescale for the restoration.

Reason: To ensure the satisfactory restoration of the land in the interests of the amenities of the area.

Informatives

1. The developer should note that condition No. 4 above will require a further application to be submitted to enable the District Council to formally discharge the condition.
2. Please note it is the responsibility of the developer to ensure that the development is undertaken in accordance with all relevant Building, Fire Safety and Health and Safety Regulations.

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 information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information post validation

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****GARGRAVE&
MALHAM
30/2015/15663**

*APPLICATION FOR MATTERS RESERVED IN OUTLINE CONSENT
30/2010/13201 FOR 29 DWELLINGS FOR A) ACCESS WITHIN THE SITE; B)
FURTHER DETAILS ON THE APPROVED ACCESS TO THE SITE; C)
APPEARANCE, D) LANDSCAPING; E) LAYOUT, F) SCALE*

LAND OFF HELLIFIELD ROAD, GARGRAVE.

APPLICANT NAME: MR R N AND MRS M A WOOLER
TARGET DECISION DATE: 22/07/2015
CASE OFFICER: Gemma Kennedy

This reserved matters application has been referred to the Planning Committee as the decision on the outline planning permission was made by the Planning Committee.

1. Site Description

- 1.1 The application site is a triangular section of land, 0.88 hectares in area, located on the western edge of Gargrave village. The eastern boundary of the site borders the playing fields of Gargrave CE Primary School, and it is this shared boundary that forms the edge of the Development Limits of Gargrave (with the application site falling outside the development limits). The southern edge of the site, which is delineated with a stone wall on the lower ground, and post and rail fencing and trees behind, borders the A65. The north western boundary, which borders the towpath to the Leeds Liverpool Canal, is delineated by post and wire stock fencing and trees. The site slopes gently downhill from west to east. The western end of the site is approximately 4 metres lower than the adjacent highway. The site falls within Flood Zone 1, where there is a minimal risk of flooding according to the Environment Agency.
- 1.2 There is landscaping, in the form of existing trees, on all three boundaries of the site. Eleven of those trees on the southern boundary are subject to a Tree Preservation Order (TPO No. 2014 (2013)).

2. Proposal

- 2.1 This is a reserved matters application following a previous grant of outline planning permission for the residential development of the site for the construction of 29 dwellings. The application form sets out the reserved matters the applicant's seek the Local Planning Authorities consideration of, these are; access within the site; further details on the approved access to the site; appearance; landscaping; layout and scale. With regards to further details of the approved access to the site, the application has not been accompanied by any further information relating to this. The access to the site is shown in the same location as that approved under the outline planning approval. The outline planning approval has a number of conditions recommended by NYCC Highways Authority, which the developers are required to comply with, and/or discharge. One condition requires the submission of details relating to highway improvements (including works to footways, islands, lining and speed limit). Officers are satisfied that the highways conditions in place on the outline consent deal with any outstanding highways matters, and that this addresses the points raised by Gargrave Parish Council and neighbouring representations.
- 2.2 As part of the application details of various materials have been submitted for approval to negate the need for planning conditions to be applied and subsequently discharged, should planning permission be granted.
- 2.3 The dwelling types are broken down into the following; 1 No. 1 bedroom, 11 No. 2 bedroom, 5 No. 3 bedroom, 7 No. 4 bedroom, 3 No. 4/5 bedroom and 2 No. 5 bedroom. Of that total, 12 units are affordable dwellings (1 No. 1 bedroom, 7 No. 2 bedroom and 4 No. 3 bedroom). These are mixed between terraces, semi-detached and detached properties, all 2 to 2 ½ storey in height.

3 Planning History

- 3.1 30/2012/13201 - Outline application for residential development of 29 dwellings. Approved 11/04/2013.
- 3.2 30/2013/13398 – EIA screening opinion in relation to an outline planning application for the erection of 29 dwellings. EIA is not required – determined 03/04/2013.
- 3.3 30/2015/15846 – Certificate of lawfulness to confirm that the installation of a drainage run has lawfully commenced application reference 30/2012/13201. Not yet determined – decision due 21/07/2012.

4 Planning Policy Background

- 4.1 Saved Local Plan Policies, ENV2, and ENV10.
- 4.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (nPPG)
- 4.3 'Gargrave Draft Neighbourhood Development Plan 2012 – 2032' – First Working Draft, May 2015.

5 Parish/Town Council Comments

- 5.1 Gargrave Parish Council: "The Parish Council have considered this application and would like to make the following comments, some of which were raised at the original site visit.

1. The start of the 30mph to be moved back to the farm entrances on Hellifield Road.
2. Street lighting to the A65 within the 30 mph zone.
3. The footpath should continue to the pedestrian crossing point as it appears to stop short.
4. Should a slip road/slowing down lane be provided as you enter the village from the Hellifield end.
5. Is the access to the towpath shown communal?
6. What planning gain can the village expect from this development, in particular the primary school will suffer a loss of amenity with a housing scheme so close to its playing field.
7. A site survey of existing trees to the perimeter of the site is included in the application. Can the applicant please explain their proposals as to husbandry, any potential removal and new re-enforcing planting to this perimeter of the development.
8. On comparing the proposed finished floor levels of the new dwellings it is noted that the great majority of them are to be below the water level of the canal which is 114.07. The canal is over 200 years old and its banks have all but collapsed with little sign of repair being carried out by the canal trust. Given the above and also the potential for the site to flood from severe rainfall, what is the strategy for safeguarding the new properties from the ingress of water.
9. It is noted that there are two visitor car parking spaces.
10. Are the boundary walls shown shaded on the site plan to be in dry stone or bedded in mortar? Please confirm material/colour.
11. Is there any street lighting within the development, and will this be adopted? If so kindly advise style of fittings." Received 14/05/2015.

- 5.2 Additional comment received 18/05/2015; "Footpath to the village from the development: Condition of the development should be that a full width footpath is provided back to the village as far as the war memorial."

6 Consultations

- 6.1 **Canal and River Trust:** "We noted in our response to the approved outline application that the trees along the canal should be retained and we welcome that the reserved matters application proposes their retention. Such an approach will help to retain the existing visual appearance of the canal corridor and temper the impact of the development on the canal. We

note that condition 17 of the approved outline scheme requires the recommendation of the Brooks Ecological report reference R-1461-01 (dated December 2012) with regards to mitigation and enhancements. Part of these recommendations requires that a suitable tree and hedge protection plan should be produced and implemented. In light of this, we recommend that such a tree and hedge protection plan is submitted to meet condition 17 of the approved scheme in order that the existing trees and hedges are protected during the works. In relation to plot 19, we consider that it would be appropriate for the applicant to amend the proposed site plan in order to set back the dwelling further from the canal and follow the curve of the boundary line to help reduce the overbearing effect on the canal.* Please note that the applicant/developer will require our agreement for the proposed access link between the site and the towpath and they are advised to contact Matthew Hart to discuss this matter further. If the Council is minded to grant planning permission, it is requested that an informative is attached to the decision notice.” Received 15/05/2015.

- 6.2 *** Officer’s Note:** An amended plan has been received to address the Canal and River Trusts comments with regards to Plot 19.
- 6.3 **CDC Contaminated Land:** “No comment.” Received 30/04/2015.
- 6.4 **CDC Environmental Protection:** “Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern.” Received 01/05/2015.
- 6.5 **CDC Sports Development Officer:** The SDO has looked at the application and there are no matters relating to policy SRC2 highlighted in the application and no matters relating to the discharge of Condition 19 of the original application. The officer confirms that condition 19 [of the original outline planning permission] should remain in place and will require discharging prior to commencement.” Received 08/06/2015.
- 6.6 **CDC Strategic Housing:** “The SHMA indicates that there is a need for 11 homes to be provided each year in the Hellifield and Long Preston Ward, within which this site falls. This equates to 55 affordable homes over the 5 year period (2011-2016) for which the SHMA is valid. To date no affordable homes have been delivered within this Ward. Whilst planning permission was granted at a site in Long Preston for 6 affordable homes, this permission is now 1 year old and the site is yet to be sold. There are therefore no guarantees when or if the affordable units will be made available. The Council’s interim Affordable Housing Position requires 40% of units on the development sites to be provided as affordable. The layout and proposed schedule of accommodation proposes that the following will be required; 1 x 1 bedroomed house at 60 sq. m, 7 x 2 bedroomed house at 70 square metres, and 4 x 3 bedroomed houses at 85 square metres. This mix has been agreed with Strategic Housing officers at Craven District Council. The SHMA indicates that there is greater need across the district for smaller 1 and 2 bed units, however it also recognises that there is a need for larger homes to accommodation growing families. The units proposed by the applicant are in line with the requirements of the SHMA and the sizes proposed are also acceptable. Following discussions with the applicant prior to the submission of the application the layout also incorporates porches to plots 13/16 which form the 3 bedroom units to ensure better integration with market homes. The affordable homes have been distributed within the layout as much as possible when taking into account the constraints of the site. Of the homes provided 75% would be made available for affordable rent. The remaining 25% will be made available for intermediate housing, which will enable them to be provided as either shared ownership or rented dependant on the market at the time of their transfer. Please note this does not affect transfer values which are set at £1000 per square metre. The units will subsequently transfer to a Registered Provider as proposed by the Council at the time that the development commences at the approved transfer values. Please be aware that the above comments are subject to both policy and development control planners deeming the application to be appropriate and acceptable. Should the application progress successfully through the planning process we will be able to name the Registered Provider for the purposes of the S106. **Based on the above comments I have no objections to the proposals.**” Received 19/05/2015.

- 6.7 **CDC Tree Officer:** “The trees to the main road frontage are protected by a TPO and are shown as separated from the site by a wall which will be reinforced by fencing for the duration of the development. There is a survey drawing which shows the trees and their root protection areas (RPA’s) to BS 5837 (2012). Some of the trees RPA’s extend beyond the wall and into the site but protective fencing is not proposed within the site. This needs to be corrected. There are also sheds proposed in many of the gardens on the boundary within several RPA’s. This will only be acceptable provided there is no excavation, foundations etc. for the sheds. Can this detail please be confirmed? All major construction appears to be outside the RPA. Planting schedule and specification is acceptable but the ‘Betula pendula’ should be specified as root-balled.” Received 18/06/2015.
- 6.8 **North Yorkshire Police Designing out Crime Officer:** A number of concerns have been raised over parts of the development, including the footpath between the site and the canal towpath, the height of boundary treatments and the need for security lighting on the front of properties. A condition is recommended requiring full details of how the issues raised are to be addressed. Received 25/05/2015.
- 6.9 **NYCC (Drainage):** None received at the time of writing this report.
- 6.10 **NYCC Highways Authority:** Recommend that conditions placed on the outline consent are attached to any permission granted. Received 24/06/2015. **Officer’s Note:** The conditions attached to the outline consent remain applicable; it is not necessary to impose the same conditions on the reserved matters consent.

7 Representations

- 7.1 Three letters of representation have been received (one of which is on behalf of four neighbouring properties) raising the following points;
- This application lies within the settlement of Gargrave, which as you are aware is well advanced in developing its Neighbourhood plan and has delegated responsibility for planning. Why then is CDC determining this application contrary to the NPPF and recent decisions from the Minister at DCLG?
 - Road entrance is outside the 30mph speed limit zone – development will generate significant traffic onto and off the A65.
 - Proposal doesn’t identify a safe means of access from Gargrave village to the development.
 - Properties of a uniform appearance, lacking the welcome individuality shown in the outline application.
 - Lighting should not emit significant upward light, in order to preserve “dark skies.”
 - Existing hedge at boundary with primary school not shown on plans.
 - Development of this size not suitable in this location.

8 Summary of Principal Planning Issues

- 8.1 The principle of residential development and the access to the site, have already been established through the outline planning approval. Those matters which are relevant to this reserved matters application are; appearance, layout, landscaping and scale. The analysis will therefore consider each of these aspects in turn.
- 8.2 The national Planning Practice Guidance (nPPG) provides guidance on the issues to be considered:-
- 8.3 ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 8.4 ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of

gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- 8.5 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 8.6 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

9 Analysis

9.1 **Appearance**

- 9.2 The NPPF in section 7 provides guidance on and stresses the importance of good design in planning. Paragraph 56 states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 9.3 The designs of the properties have been subject to negotiated amendments, both during the pre-application process with the Local Planning Authority, and during the application itself. The properties have been designed to respect the character and architectural detailing of properties in Gargrave Village. As such, there is a Georgian influence to the design, particularly in respect of the larger properties on the northern boundaries where features include bay windows, tabling, corbels and quoins. Throughout the development windows have traditional proportions, with most properties having chimneys (or on a terrace of 4 properties, 2 or 3 chimneys). The terraced properties have been designed with stepping of rooflines, or staggering of elevations, with porches installed on a number of these properties.
- 9.4 The application has been submitted with a material sample list, along with photographs of those samples taken from other recently completed developments by the developer in the District. A good standard of materials are proposed; for example reclaimed sand stone in random courses to the walls, natural blue slates to the roof, white painted timber window frames and black composite doors.
- 9.5 With regards to lighting, the majority of the highway within the site is to be adopted by NYCC Highways Authority, and so details of lighting of this element of the site will be dealt with by the Highway Authority in the adoption agreements for the road. A section of private driveway is proposed at the western end of the site; a planning condition will ensure that details of any lighting proposed on this part of this tie is submitted to the Local Planning Authority for approval.
- 9.6 The proposed development picks up on the good quality architecture and materials present in Gargrave, and reflects this throughout the estate, tying the properties together to create a common architectural theme and finish. It is therefore considered that the design, detailing, and appearance (including the colour and texture of the development) of the proposed dwellings is acceptable, according with Section 7 of the NPPF, and the guidance set out in the nPPG.
- ### 9.7 **Landscaping**
- 9.8 A landscaping scheme has been submitted with the application, complemented by a materials sample list, which shows samples of the proposed block paviours and flags to be used for the hard landscaping. In terms of boundary treatments a mixture of reclaimed natural stone walling (random stones and courses, set in mortar) and timber fencing is proposed – both at 1.1m high. This height is particularly important on the northern part of the site, as it will allow the north elevations of the properties facing the Leeds/Liverpool Canal to work as active frontages onto the Canal – that is, they will be viewed in conjunction with the canal, rather than merely backing onto the canal with high dividing boundary treatments.
- 9.9 The only open space provision on this site is a footpath, proposed between plots 23 and 24, to provide access between the estate and the towpath to the Leeds and Liverpool Canal. The principle of this footpath was established in the outline application for the site, and with regards to the current application has been positioned at one of the narrowest points on the site, with

1.1 metre high boundary fences either side. Some criticism has been raised by NYCC Police 'Designing Out Crime Officer' with regards to this footpath, and the height of the adjacent boundaries. They would prefer to see this footpath removed.

- 9.10 However, the benefits of the footpath must also be considered. From a planning perspective, the new footpath will provide a safer alternative for residents, and in particular families, to access Gargrave village by walking along the towpath rather than walking on a pavement alongside the A65 highway. It will also provide easy access to the towpath as a leisure facility – for walking, running and cycling. As part of the outline planning application, the Canal and River Trust requested that some financial contribution be made to upgrading the towpath alongside the development site (and if possible further towards the direction of the village). A planning condition on that outline consent requires the developer to enter into a legal agreement with regards to making a financial contribution towards open space in the village, and subject to further consideration by the Council's Sports Development Officer, a certain amount of money may be earmarked for upgrades to the towpath as recommended by the Canal and River Trust. The fact that this footpath is proposed makes such a proposition more viable, as there is a clear link between the towpath and the development in terms of usage. As such, on balance, whilst the Local Planning Authority understands the comments raised by the 'Designing out Crime Officer' it is considered that the benefits of the footpath outweigh the negatives in this case. Furthermore, should the need arise in the future, a higher boundary treatment alongside the footpath could be installed as recommended by the 'Designing out Crime Officer.'
- 9.11 The landscaping scheme incorporates the retention of a number of trees that are located on all three boundaries of the site. Those trees on the north and east boundaries are not subject to any protection (they are not in a Conservation area, and were not considered to be worthy of protection via a Tree Protection Order (TPO)). As such, whilst it is proposed to retain these trees, their future removal cannot be prevented. On the southern boundary of the site however, a TPO is in place, protecting 11 trees. The reserved matters application has been submitted with details of how these trees would be protected with protective fencing during the development, which in principle the Council's Tree Officer considers to be acceptable. The Council's Tree Officer requested that the sheds, some of which are shown in root protection areas, would not require any excavation or foundations. The architect has confirmed that this is the case, and a planning condition would specify this.
- 9.12 In terms of hard landscaping, this is a mixture of block pavements to the parking spaces, flags to the patios and paths, with lawned areas, trees and hedges proposed as soft landscaping. These details are considered acceptable with regards to the visual appearance of the site.
- 9.13 **Layout**
- 9.14 The application site is triangular in shape, which limits the arrangement of houses around the central highway. Nevertheless the scheme has been designed carefully with regards to the orientation of properties in terms of solar gain and the relative positions of properties in consideration of privacy and amenity. Another feature of the layout is that the dwellings on the northern boundary have, as far as practical, dual frontages that compliment and respect both the street scene within the site, and the Leeds Liverpool canal, making a valuable contribution in both directions.
- 9.15 In terms of the layout with regards to affordable housing, the size and shape of the site restricts this somewhat. The affordable housing is located in three groups of 4 terraced properties located on the southern boundary. A pair of market housing semi-detached properties sits between two of the terraces. The Council's Strategic Housing Team has been consulted on the application, and considers this arrangement to be acceptable.
- 9.16 Finally, all properties have parking spaces, either on a driveway or on a driveway and within a garage. The parking arrangements have been assessed by NYCC Highways Authority and have been considered to be acceptable.

9.17 **Scale**

9.18 The dwellings are a mixture of 2 storey and 2 ½ storey (that is 2 storey with further rooms within the roof space). The properties are therefore generally similar in their height, which brings a consistency of scale to the development. There are a number of larger detached properties on the northern part of the site, which are mixed with pairs of semi-detached dwellings. On the southern boundary the terraces are broken into 3 sets, with a pair of semi-detached dwellings and a detached property also in situ.

9.19 The sizes and proportions of the buildings are considered acceptable, complement one another and are in keeping with the surroundings. It is therefore considered that the development is of an appropriate scale for the site and in relation to its surroundings.

9.20 **Other Matters**

9.21 Gargrave is in the process of developing a neighbourhood development plan. At present the development plan is a 'first working draft' which was completed in May 2015, and is yet to be subject to public consultation, consultation with Craven District Council, and an examination. At this stage, whilst the document sets out various policies for the village, its status is such that it can only be afforded very limited weight in the decision making process. Nevertheless, taking into account that the principle of development on this site has already been established (and therefore cannot be reconsidered) the proposed application is considered to fit with the ethos of the Draft Neighbourhood Development Plan. For example at paragraph 5.2 it is stated that development "should be of high quality, visually appealing and in keeping with the character of the village and its surroundings" which the Local Planning Authority consider is the case with this development.

9.22 A neighbouring representation, which pays reference to the Neighbourhood plan, also queries "why CDC is determining this application contrary to the NPPF and recent decisions from the Minister at DCLG." The representation doesn't detail which recent decision this is, or why the application is believed to be contrary to the NPPF. As set out within this report, the Local Planning Authority considers that the proposal is consistent with the NPPF.

9.23 Gargrave Parish Council has raised a number of points in relation to the application, a number of which have already been covered in this report. With regards to highways matters, the Parish Council raise a number of points regarding the position of the 30mph zone, footpaths and other matters relating to highways outside the application site. The access to the site has been approved under the outline consent, and various conditions were placed on that consent requiring works to be undertaken to provide a safe entrance to the site. The developers are required to discharge a number of conditions placed on that consent, by submitting a discharge of condition application to the Local Planning Authority which will be considered by the Highway Authority. It is not within the remit of this reserved matters application to make any changes to that outline consent with regards to highway matters.

9.24 The Parish Council have queried if the access to the towpath is communal. The footpath provides part of the open public space of the site, and can be used by all. They also ask what planning gain the village can expect from the development. The outline planning consent has conditions requiring the developer to enter into legal agreements with regards to affordable housing contributions (12 No. units) and contributions to be made towards public open space in the village – both of which will contribute to the village in terms of providing new affordable housing, and improved public open space.

9.25 Finally, in response to the Parish Council's concerns about the site flooding, the outline planning consent has a condition requiring a condition survey of the canal bank, walls and channel, along with any necessary improvements to prevent any flooding or leakage of canal waters onto the application site, to be submitted to and approved in writing by the Local Planning Authority.

9.26 **Conclusion**

9.27 Having due regards to the guidance in the nPPG in respect of the consideration of reserved matters it is concluded that the appearance, landscaping, layout and scale of development is acceptable and satisfies the design criteria of the NPPF.

10 Recommendation

10.1 Approval

Conditions

1. The approved plans comprise drawings:-

4566-23 Rev B, 4566-24 Rev C, 4566-26 Rev C, 4566-27 Rev C, 4566-28 Rev D, 4566-29, 4566-30 Rev A, 4566-31 Rev B, 4566-32, 4566-33, 4566-34 Rev A, 4566-35 received by Craven District Council on 2nd April 2015, 13107-C-50 Rev A received by Craven District Council on 1st May 2015, 4566-20 Rev J, 4566-22 Rev D and 4566-25 Rev E received by Craven District Council on 5th June 2015, 4566-36 Rev B received by Craven District Council on 10th June and 4566-21 Rev E received by Craven District Council on 16th June. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

2. The dwellings hereby permitted shall be faced in natural reclaimed sand stone, randomly coursed as set out as material type 1 A on the 'material sample list' received by Craven District Council on 22nd June 2015. The appearance of the stone, the method of random coursing, and colour and style of pointing shall match that shown on images 1, 2, 6 and 8 in the photographs attached to the 'material sample list.'
3. The door surrounds, window surrounds and mullions shall be installed in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 1 B, and images 1, 2 and 10 in the photographs attached to the 'material sample list').
4. The dwellings hereby permitted shall be roofed in natural blue slate in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 2, and images 1, 2 and 4 in the photographs attached to the 'material sample list').
5. The block paviours and flags shall be installed in accordance approved drawing 4566-20 Rev J received by Craven District Council on 5th June 2015, and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material types 3 and 4, and images 2, 7 and 9 in the photographs attached to the 'material sample list').
6. The windows shall be installed in accordance with the approved plans referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 5, and images 1 and 2 in the photographs attached to the 'material sample list').
7. The doors to the houses shall be installed in accordance with the approved plans referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 6, and image 3 in the photographs attached to the 'material sample list').
8. The velux windows shall be installed in accordance with the approved referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd May 2015 in the 'material sample list' (material type 9, and image 12 in the photographs attached to the 'material sample list').
9. The garage doors to the houses shall be installed in accordance with the approved plans referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 13, and image 13 in the photographs attached to the 'material sample list').
10. The boundary treatments shall be installed in accordance with the approved plans referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material types 10 and 12, and images 1 and 2 in the photographs attached to the 'material sample list').

11. The gates to the boundaries shall be installed in accordance with the approved plans referred to in condition 1 above and in accordance with the details received by Craven District Council on 22nd June 2015 in the 'material sample list' (material type 11, and image 1 in the photographs attached to the 'material sample list').
- Reason (for conditions 2 – 11): To ensure the development is of a good appearance and to accord with the NPPF.
12. Within 3 months of the commencement of the development hereby permitted, the following landscaping details shall be submitted to, and approved in writing by the Local Planning Authority, as an addition to approved plan 4566-20 Rev J received by Craven District Council on 5th June 2015.
- (a) A sowing rate and seed mix for grassed areas.
- (b) Confirmation that the 'Betula pendula' is root-balled.
13. The approved landscaping scheme (shown on approved plan 4566-20 Rev J received by Craven District Council on 5th June 2015) 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. The landscaping works, including (but not limited to) cultivation, planting and staking shall conform to BS 4428:1989 Code of Practice for General Landscaping. 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 a similar size to that originally planted.
- Reason (for 12 & 13): To ensure that the development is of an attractive appearance and to safeguard the wider character and appearance of the site's surroundings, in the interests of visual amenity.
14. Before any site activity is commenced in association with the development hereby permitted, barrier fencing shall be erected around all existing trees on the site in compliance with BS 5837 (2012) *Trees in Relation to Construction – Recommendations*. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all the development works and removal of site vehicles, machinery, and materials in connection with the development.
- Reason: Measures are necessary prior to the commencement of development to prevent damage to trees during construction works.
15. The development hereby permitted does not extend to any excavation, or construction of foundations, for the timber sheds throughout the estate.
- Reason: To ensure that the siting of sheds does not damage trees, and to accord with the NPPF.
16. Prior to the first installation of any lighting in or around the roadway of the private driveway to the western end of the site, details shall be submitted to, and approved in writing by the Local Planning Authority, including details of the location and height of any lighting columns; the details of the light fittings; the colour of the lights and the lux levels. The lighting shall be installed in accordance with the approved details and retained in an effective state thereafter.
- Reason: To ensure that the lighting is of an appropriate appearance in accordance with the NPPF.
17. Prior to the first use of the development hereby permitted, a Landscape Management Plan, indicating long-term objectives, management responsibilities and maintenance schedules for all landscaped areas (including the footpath between the development site and the Leeds and Liverpool Canal towpath) (other than any privately owned residential gardens, or areas adopted by the Highway Authority) shall be submitted to and approved in writing by, the Local

Planning Authority. The Landscape Management Plan shall be adhered to at all times thereafter.

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

18. No work shall commence on the roofing of the dwellings hereby permitted until details of the proposed solar photovoltaics panels have been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the solar photovoltaic panels are of an appropriate appearance, and to accord with the NPPF.

Informative: The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust".

Informative: The applicant/developer will require the agreement of the Canal and River Trust for the proposed access link between the site and the towpath, and they are advised to contact Matthew Hart to discuss this matter further (03030 40 40 40).

Informative: All conditions specified in the outline permission reference 30/2011/13201 approved by Craven District Council on 11th April 2013 must be complied with and discharged as appropriate.

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, and 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 EAST
&
SKIPTON NORTH
63/2015/15837

AMENDMENT TO APPROVED FLOOD ALLEVIATION SCHEME INVOLVING ALTERATIONS AT SPINDLE MILL SITE, AND CHANGES AT WALLER HILL BECK SITE INCLUDING REPOSITIONING OF SITE COMPOUND AND CREATION OF NEW ENTRANCE TO SITE COMPOUND OFF OTLEY ROAD (VARIATION OF CONDITION 2 OF PREVIOUS APPLICATION 63/2013/14200).

WALLER HILL BECK AND SPINDLE MILL, SKIPTON.

APPLICANT NAME: ENVIRONMENT AGENCY
TARGET DECISION DATE: 11/09/2015
CASE OFFICER: Gemma Kennedy

This application has been referred to the Planning Committee as it is amendment to an application previously approved by the Planning Committee.

1. Site Description

- 1.1 Planning permission was granted in 2014 for work at five sites in and around Skipton, which form part of the Skipton Flood Alleviation Scheme, to be carried out by the Environment Agency. Those works were to protect the centre of Skipton from flooding by constructing a flood storage reservoir at Waller Hill Beck, and constructing flood walls at various locations within the centre of Skipton. Various associated works have also been approved, as part of the wider scheme, by the Yorkshire Dales National Park Authority, and North Yorkshire County Council, as set out in section 3 of this report.
- 1.2 Two of those five sites form part of the current application. These are;
- 1.3 **Waller Hill Beck:** This part of the development relates to Waller Hill Beck and adjacent agricultural land located to the east of Skipton between the A65 and A6069 (Otley Road). The site is within a valley that slopes down from the roads to the valley bottom and is primary grassland. This site lies outside of the development limits of Skipton in an area classified as Open Countryside by the Local Plan.
- 1.4 **Spindle Mill:** This part of the site includes Eller Beck, properties at Spindle Mill (a recent housing development accessed off the northern end of Coach Street), and the Springs Branch of the canal. The beck lies to the south of the application site before flowing into a culvert. A footpath access runs along the northern side of the beck to the rear of the properties located on the Spindle Mill Site. This sites lies within the development limits and Conservation Area of Skipton.

2. Proposal

- 2.1 Amendments are proposed to the approved scheme, by seeking to vary condition 2 of planning approval 63/2013/14200, which would amend the approved plans;
- 2.2 **Waller Hill Beck:** The development as originally approved proposed the works access to the site to be gained off the A6069 Otley Road, with a further temporary access gained from the north via an existing highway access off the A65, to lead to a temporary site compound to the north east corner of the site. Further consideration of the site by the Environment Agency has meant that the temporary site compound can now be located at the south east corner of the site with a new temporary access off the A6069 Otley Road to serve the site compound.
- 2.3 Additional changes of a minor nature at this site are;
- The surfaced pedestrian path for maintenance access takes a different route, although the start and end points will remain the same.
 - The emergency bypass structure to the east of the dam has been redesigned.

- Parts of the working platform on the ‘reinforced concrete inlet structure’ (to the east of the dam) is to be raised by 300 mm.
 - A minor amendment to the alignment of the watercourse to the east of the dam.
- 2.4 **Spindle Mill:** Following further modelling of the scheme it has been demonstrated that half of the originally approved scheme is no longer required. So the scheme has been reduced in size. A step that is still included in the design is to be 50mm higher than originally approved.
- 2.5 The application has been submitted with an addendum to the Environmental Statement submitted with the original application.
3. Planning History
- 3.1 63/2013/14200 – Construction of a flood storage reservoir on Waller Hill Beck and associated works. Installation of flood walls at Ginnel Mews, Devonshire Place, Morrison’s Supermarket and Spindle Mews. Approved 11/03/2014.
- 3.2 C/26/765 – Full planning permission for construction of flood storage reservoir including dam with a crest height of 14 metres, spillway, stilling basin, control structure, minor diversion of Eller Beck, new road junction and access road from the A65 and landscaping and habitat creation. Approved 14/08/2014 by the Yorkshire Dales National Park.
- 3.3 NY/2013/0417/ENV – Extraction of clay from borrow pit for use at Eller Beck and Waller Hill Beck Flood storage reservoirs. Land at Waller Hill Beck, between A6069 and A65 East of Skipton. Approved 12/09/2014 by North Yorkshire County Council.
- 3.4 NY/2013/0407/ENV – Construction of a flood storage reservoir on Eller Beck including a dam with a crest height of approximately 14 metres, a spillway to the east of the dam, a stilling basin, a control structure, minor diversion of Eller Beck, a new road junction and access road from the A54 and landscaping and habitat creation. Land at Eller Beck to the south of Skipton Golf Course. Approved 02/09/2014 by North Yorkshire County Council.
- 3.5 63/2014/15313 – Application for variation of conditions 5 and 17 of planning permission referenced 63/2013/14200. Refused 16/04/2015.
4. Planning Policy Background
- 4.1 Saved Policies ENV1, ENV2 and ENV10 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).
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: None received at the time of writing this report.*
6. Consultations
- 6.1 Airedale Drainage Board: “I would like to confirm that the proposed works are on sites outside the Drainage Board area. The Drainage Commissioners however broadly support the aims of the scheme and would not wish to raise any objections to this already approved project.” Received 12/06/2015.
- 6.2 The Canal and River Trust: Do not wish to make comments. Received 12/06/2015.
- 6.3 Natural England: “No comment to make on the variation of condition2.” Received 12/06/2015
- 6.4 Yorkshire Water: “No comments are required.” Received 10/06/2015.
- 6.5 CDC Contaminated Land: “No contaminated land implications.” Received 17/06/2015.
- 6.6 CDC Environmental Protection: “Having considered this application, I have not identified any potential Environmental Protection issues that would give cause for concern.” Received 09/06/2015.
- 6.7 Northern Gas Networks: “Do not have any additional comments to make with regard to this application.” Received 17/06/2015.

- 6.8 NYCC Lead Local Flood Authority: No comments received at the time of writing this report. *
- 6.9 NYCC Highways Authority: No objections made. "Drawing of construction traffic route is acceptable. It means a right turn in to site, but the alternative would be to bring vehicles through town centre which would be unacceptable." Received 24/06/2015.
- 6.10 NYCC Ecologist: No comments received at the time of writing this report.*
- 6.11 CDC Tree Officer: No comments received at the time of writing this report.*

7. Representations

- 7.1 None received at the time of writing this report.*
- 7.2 * **Officer's Note:** At the time of writing this Planning Committee report, the consultation period has not expired. Comments from all consultees (other than NYCC Lead Local Flood Authority, whose comments are due on 14th July) are due on 30th June. Comments from those notified via a neighbour notification letter are due on 30th June. The site notice expires on 1st July. As such, for these methods of notification, any comments received will be updated at the Planning Committee meeting, when these consultation periods will have expired. Due to timings for the insertion of press notices in the Craven Herald, this consultation was carried out later, and so does not expire until 9th July – after the Planning Committee meeting date.
- 7.3 As such, any recommendation will be made with a request for delegated authority for the Development Control Manager to determine the application after 9th July (or after 14th July if comments have not been received by NYCC Lead Local Flood Authority by 9th July).

8. Summary of Principal Planning Issues

- 8.1 The principle of the development has already been established in the original planning approval. Considerations regarding this application are visual impacts, impacts on the amenity of neighbouring residents, highway safety, protected species, trees and archaeological interests.

9. Analysis

Waller Hill Beck;

- 9.1 The principle of development, considered under Saved Local Plan Policy ENV1 and the NPPF, has already been accepted under original application 63/2013/14200. Saved Local Plan Policy ENV2 sets out that development acceptable in principle under Saved Policy ENV1, must meet certain criteria. Development must be compatible with the character of the surrounding area, and must not have an unacceptable impact on the landscape and must safeguard landscape features including stone walls and hedgerows, worthy of protection. The design of buildings and structures and the materials proposed must relate to the setting, taking account of the immediate impact and public views of the development. Rural access roads should be capable to accommodating the traffic likely to be generated by the proposal. Finally, services and infrastructures should be provided without causing serious harmful change to the rural character and appearance of the locality.
- 9.2 A number of changes proposed at this site are of a very minor nature, and are set out at paragraph 2.3 of this report. These amendments would largely take place adjacent to the new dam and flood storage reservoir. They would be seen in the context of the larger project, and would result in minimal changes to the visual appearance of the development. In respect of visual considerations, the proposal is considered to accord with Saved Local Plan Policy ENV2.
- 9.3 In consideration of highway safety, the proposed amendments would not generate any more traffic than the original scheme, but would move site compound traffic from the A65 to Otley Road. The A65 access would remain, as it already serves farmstead 'East Fields' – however, it would only be used in conjunction with this property, rather than the development at Waller Hill Beck. In the addendum to the original Environmental Statement, it is assessed that the magnitude of the impact, in terms of the repositioned access, is considered to be the same as the original application – that is a 'negligible adverse impact.' NYCC Highways Authority has been consulted on the application, and at the time of writing this report a response has not

been received. Nevertheless, as a straight road with good visibility, and on a route where an existing site access has already been supported by NYCC Highways Authority, it is not expected that any significant concerns would be raised by the Highway Authority.

- 9.4 If planning permission is granted to vary condition 2 of original application 63/2013/14200 (as this application seeks), then all the conditions placed on that original consent would be carried forwards to a new decision notice. In submitting this application, additional information has been provided in an aim to 'discharge' conditions 13 and 14 of the original consent – that is to remove the need for these conditions to be discharged at a later stage.
- 9.5 Conditions 13 and 14 were recommended by NYCC Highways Authority. Condition 13 requires the submission of details of on-site parking provision, and on-site materials storage area. Whilst details of on-site storage areas have been provided, the parking provision details have not. The outstanding information can be provided to the Highway Authority once it becomes available from the applicant, however the case officer has advised the applicant that the Highway Authority may be unable to provide a response if that information is not received in sufficient time. With regards to condition 14, this requires approval of the routes to be used by construction traffic – which has been provided on a plan. NYCC Highways Authority has confirmed that the route of construction traffic, as shown on this plan, is acceptable. They acknowledge that it would result in a need for construction vehicles to turn right into the site from the highway, but this is preferable to construction traffic being routed through Skipton Town Centre. Condition 14 can therefore be reworded to require the development to be carried out in accordance with the plan. With regards to condition 13, Planning Committee Members will be updated at the meeting with NYCC Highway Authorities comments. If NYCC Highways Authority accepts the details to discharge condition 13, then this condition will be reworded accordingly.
- 9.6 With regards to protected species and archaeology, the addendum to the original Environmental Statement considers these aspects and finds the amendments to be acceptable.
- 9.7 The proposed amendments at Waller Hill Beck are therefore considered to accord with Saved Local Plan Policy ENV2, and the NPPF.
- 9.8 With reference to trees on the site, Tree Preservation Orders are in place along Otley Road. The applicants have confirmed that the position of the new site compound access off Otley Road is within a clearing where there are no trees, protected or otherwise present. Provided a condition is imposed to ensure that this is the case, and that protective fencing is installed to protect the adjacent TPO protected trees, then the proposal is considered to accord with Saved Local Plan Policy ENV10, which seeks to safeguard trees protected by preservation orders.

Spindle Mill;

- 9.9 The amendments at Spindle Mill take place in a Town Centre location; the site is in Skipton Conservation area, and also in proximity to listed buildings. In such a location paragraph 131 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.10 The applicant's agent has advised the following with regards to the amendments at Spindle Mill; *"Further hydraulic modelling has demonstrated that some of the previously proposed intervention measures in this area are no longer required. The extent of the flood defence works has been reduced in length. A section of wall ...is no longer required. The proposed defence works...now solely comprise a small increase in height to the step at Spindle Mill and the reinstatement of the existing access gate and handrail at the new increased level above the step"* (which is 50mm higher than on the original plans).
- 9.11 The works to be carried out will therefore have a lesser impact upon the character and appearance of the local area, including the setting of Heritage Assets, than the originally approved application. Furthermore, as less works are required at the site, any associated disruption to neighbours in terms of construction vehicles and works taking place will be

reduced. The proposed amendments are therefore considered to accord with the aims and objectives of the NPPF.

Conclusion;

- 9.12 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date (as is the case with Craven's Saved Local Plan), planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.13 The benefits of the amended scheme are that the extent of the construction works will be reduced (both at Waller Hill Beck and Spindle Mill). At the Waller Hill Beck site this will reduce the impact upon the open countryside to the north of the proposed flood storage reservoir, and will allow more land to remain operational for agricultural purposes as a result. There are not considered to be any adverse impacts which would significantly and demonstrably outweigh these benefits, and so the proposal is considered to accord with paragraph 14 of the NPPF.

10. Recommendation

10.1 **Delegate authority to the Development Control Manager to: -**

- a. **Approve the application, subject to the conditions 1 to 19 set out at section 11 below, upon the expiry of the statutory consultee / publicity period subject to no new material planning issues being raised.**
- b. **Revise the wording of condition 13 to as set out at paragraph 10.2, should acceptable details be agreed with NYCC Highway Authority.**

Officer Note: Essentially condition 13 as drafted at section 11 requires details of certain matters to be submitted to the Council and approved. These details have been submitted, but confirmation has not yet been received on their acceptability from the Highways Authority. If this confirmation is received prior to the decision being issued, Officers are seeking delegated authority to amend condition 13 to require works to be completed in accordance with the submitted details.

10.2 The alternative wording for condition 13 (as referred to at section 10.1(b)) is as follows;

13. Prior to the commencement of the development hereby permitted, on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway, and on-site materials storage area capable of accommodating all materials required for the operation of the site shall be provided in accordance with (*drawing numbers / document references to be confirmed*) received by Craven District Council on (*dates to be confirmed*). 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 T2 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.

Conditions

1. The development hereby permitted shall be begun not later than 11th March 2017.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise the Environmental Statement and drawings TW_101, TW_102, TW_103, TW_MS_103, TW_DP_103, TW_GM_103, WH_206, WH_302, WH_501, WH_601, WH_602 and WH_604 received by the Craven District Council on the 17th December 2013, and the addendum to the Environmental Statement and drawings TW_SM103 C1, WH_101 C3, WH_104 C2, WH_103 C1, WH_303 C1 and WH_620 C1 received by Craven District Council on 22nd 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 permission and for the avoidance of doubt

3. No works shall commence on the construction of the flood walls to the town centre sites until full details of the external appearance of the walls including the materials and details of the coursing and pointing have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to their first installation on site, and in accordance with the submitted plans, details of the coping stones for the flood walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and retained as such thereafter.

Reason (3 and 4): In the interest of the character and appearance of the surrounding area.

5. No development shall commence until details of the landscaping of the sites including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.
The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

Reason: Details are required prior to the commencement of development in the interests of tree protection and in the interests of the amenity of the area

6. No development, including site clearance, shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

Reason: Details are required prior to the commencement of development to prevent damage to trees/hedges during construction works.

7. Notwithstanding the details on the approved plans and supporting information no fences shall be installed to the Waller Hill Beck, Morrison's Culvert, Devonshire Place or Ginnel Mews sites until details of the fencing including its design, height and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

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

8. Notwithstanding the details on the approved plans and supporting information no installation of the new bridge, access ramps and stairs to the bridge at Ginnel Mews shall occur until full details of the installation including the design, size, finish and construction of the bridge and the associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

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

9. Prior to the commencement of development to the town centre site developments a Bat work method statement shall be submitted to and approved in writing by the Local Planning Authority (as recommended in the report by bl-ecology dated the 21st August 2013). The development shall then be carried out wholly in accordance with the approved document.

Reason: To ensure the development does not unacceptably impact on any bats.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following 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) 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.
 - (iii) The final surfacing of any private access within **6 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: In accordance with policy T2 and in the interests of road safety.

11. 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 160 metres measured along both channel lines of the A6069 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy T2 and in the interests of road safety.

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

Reason: In accordance with policy T2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

13. 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 T2 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.

14. The approved routes to be used by HCV construction traffic, as detailed on drawing WH_104 C2 received by Craven District Council on 22nd May 2015 shall be used by all vehicles connected with construction on the site.
- Reason: In accordance with policy T2 and in the interests of highway safety and the general amenity of the area.
15. No demolition/development shall take place/commence on the Waller Hill Beck site until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
 - Community involvement and/or outreach proposals
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No demolition/development shall subsequently take place other than in accordance with the approved Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: To ensure accordance with Section 12 of the NPPF as the site is of archaeological interest.
16. Unless otherwise agreed in writing by the local planning authority, no obstruction shall be located over or within 3.0 (three) metres either side of the centre line of any sewers and water main(s), which cross the sites.
- Reason: To ensure that the proposed development does not have an adverse impact on sewers within the vicinity and to allow for their continued maintenance.
17. Prior to the commencement of development to the works on the Waller Hill Beck storage reservoir site, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details.
- Reason: In the interests of the amenity of the site.
18. Unless conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved by a further application, the proposed development shall be carried out wholly in accordance with the Environmental Action Plan submitted as part of the Environmental Statement.
- Reason: To ensure the development does not have an unacceptable impact on the environment.
19. This grant of consent does not extend to the removal of any trees to form the new site compound entrance off Otley Road (A6069). Before any site activity is commenced in association with the formation of the new site compound entrance off Otley Road (A6069), barrier fencing shall be erected around all existing trees on the site in compliance with BS 5837 (2012) *Trees in Relation to Construction – Recommendations*. Within these fenced

areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all the development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To ensure the development does not adversely impact protected trees, and to accord with Saved Policy ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Informatives

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ
2. The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act, 1981, and related European legislation and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species or its habitat and works affecting such a species or habitat are likely to require a licence with DEFRA (0117 372 8291 www.defra.gov.uk) or Natural England depending on the protected species involved. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England. Applicants are also advised that it is a criminal offence to disturb any wild bird listed in Schedule 1 of the Wildlife and Countryside Act while it is (a) nest building, (b) at a nest containing eggs or young, or (c) there is a dependent young bird at the nest. The typical nesting period for British birds is mid February to mid July though this can begin earlier and run later. Typical affected habitats include scrub grassland and any sites containing trees but applicants are advised that birds may nest in any location that suits them.
3. The application sites are in a number of different ownerships and the applicants should ensure that they have the appropriate permissions to carry out the work prior to its commencement.
4. 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.
5. Yorkshire Water has advised that there is no company infrastructure in the main part of the site, however, Devonshire Place/ Ginnel Mews area has foul and surface water sewers (discharging into watercourse) and live water mains within the red line site boundary which are likely to be affected by defence works. They have therefore requested plans which show the site surveyed position of all sewers and water main(s) in relations to the works being carried out and Method Statements to show how Yorkshire Water assets will be protected during the proposed works on site.

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**

*BENTHAM
08/2015/15552*

*OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF A
DETACHED FOUR BEDROOM DWELLING/INTEGRAL DOUBLE GARAGE
WITH DETAILS RELATING TO SCALE AND ACCESS INCLUDED FOR
CONSIDERATION. (ALL OTHER MATTERS RESERVED FOR
SUBSEQUENT APPLICATION). (RESUBMISSION OF WITHDRAWN
APPLICATION 08/2014/14883)*

GREENHEAD LANE, LOW BENTHAM.

APPLICANT NAME: MR EDWARD METCALFE
TARGET DECISION DATE: 13/05/2015
CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to a parcel of land that lies directly to the south of Greenhead Lane in Low Bentham. Greenhead Lane ceases to be public highway some way to the east of the application site and is single carriageway width with a hard core surface. The application site is partially covered in gravel hard standing with grass to the southern and western parts. It is surrounded by hedges along the south, west and northern boundaries with a low level wall and timber fencing to the east.
- 1.2 To the east of the application site is a row of 4 terrace dwellings with further dwellings to the north and dwellings further along Greenhead Lane to the west. The village of Low Bentham is located to the east and is characterised by a mix of terraced, semi-detached and detached dwelling in a variety of ages and styles. To the rear of the site (south) the land is currently open fields.
- 1.3 A Public Right of Way runs along Greenhead Lane adjacent to the application site and another runs from west to southeast behind the site.
- 1.4 The application site is located outside of the development limits of Low Bentham and therefore lies on land classified as open countryside. The site is also within a Low Risk Area for previous Coal Development.

2. Proposal

- 2.1 The application is an outline application for the construction of a detached four bedroom dwelling with integral double garage. The only details proposed for consideration are scale and access into the site. The appearance, landscaping and layout of the development are reserved matters.
- 2.2 The proposal is supported by the following documents and plans:-
- Planning Statement.
 - Site plan drawing number 01 Rev C showing the proposed access.
- 2.3 The application as originally submitted proposed the establishment of a new vehicle access to the rear of 1 – 4 Green Head Cottages. Whilst such a solution was satisfactory in highway safety terms, Planning Officers had reservations about the visual and amenity impacts of this solution.

- 2.4 The application has subsequently been amended and re-publicised. The revised plans now indicate access directly off Greenhead Lane, but with associated highway improvements to Greenhead Lane. These improvements comprise a passing place on Greenhead Lane, a turning head on Greenhead Lane, and proposed widening to Greenhead Lane at the access.
- 3 Planning History
- 3.1 05/8/434 – Outline application for the erection of dwelling at Green Head Cottages – Refused October 1988.
- 3.2 08/2014/14883 – Outline planning permission for the construction of a detached four bedroom dwelling with integral double garage including access – Withdrawn September 2014.
- 4 Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies ENV1, ENV2, and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 5 Parish/Town Council Comments
- 5.1 **Bentham Parish Council:** - In response to the original submission ‘No objection to the proposal subject to NYCC Highways agreement’.
- 6 Consultations
- 6.1 **CDC Contaminated Land:** - No known contaminated land implications regarding this site.
- 6.2 **CDC Environmental Protection:** - No potential environmental protection issues that give concern.
- 6.3 **Canal & River Trust:** - Proposal falls outside of the scope of the Canal River Trust and therefore the trust will not be commenting on this proposal. Officer Note: The Canal & River Trust was consulted in error.
- 6.4 **NYCC Highways Authority:** - In response to both the original submission and the amended submission the Highway Authority has no objections subject to the attachment of appropriate conditions.
- 7 Representations
- 7.1 Two letters of objection have been received from neighbouring properties in response to the original submission. Comments have been summarised below:-
- 7.2 **Highway.**
- Concern over highway safety for both pedestrians and other vehicle users.
 - Concerns that during construction stage builders would use Greenhead Lane instead of the proposed new access.
 - Owners along Greenhead Lane own the width of their property to the centre of the lane and as such the applicant may not be able to bring up the road to highway standard as stated within the proposal.
 - The road already serves nine properties.
 - The lane is a very busy lane with larger vehicles and agricultural vehicles when visiting land at the end of the land having to reverse along the lane due to nowhere to turn around at the end of the lane.

7.3 Other issues.

- The site is not an “infill development in existing villages”.
- The proposal is contrary to the NPPF and Local Saved Policies.
- The proposal doesn’t appear to provide affordable housing for local community needs.
- The site is not “brownfield land”. The is a small field which had a stone wall along the northern boundary with Greenhead Lane, however, recently the wall has been partially demolished and some grassed area replaced with hard-core.
- The proposal would set a precedent for further development within the surrounding area.
- There are already a number of properties for sale and therefore there is no need for further developments of this kind.
- Question the ownership of the track as our solicitor stated that the ownership of the track is unknown and as such the applicant may have no legal right to extend the tarmac surface.
- Incorrect details shown on the submitted plans.
- It would be a shame to turn a small plot of land into a building site when there are plenty of other plots of poorer quality of ground in the area.

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual Impact of development.

8.3 Impact of development on nearby residential dwellings.

8.4 Impact of development on highway network.

8.5 Affordable Housing.

8.6 Other issues.

9 Analysis

Principle of development.

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

9.2 The application site lies outside the existing development limits of Low Bentham 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 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 interim assessment is based on the latest 2012 base household projections from DCLG and 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, through the updated Strategic Housing Market Assessment (which is currently being prepared), and its ability to provide a 5 year land supply (plus a 20% buffer) to meet this need, will be matters that are considered further through the Local Plan process and it is likely that the annual housing requirements will increase. So whilst the Five Year Housing Land Supply Methodology and Report indicates that the Council can demonstrate a 5 year land supply at this stage, this has not yet been subjected to full independent testing and examination. Officers therefore consider that 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 application site at Greenhead Lane has been put forward for housing (ref: LB011), however, at the present time the site has not been taken forward as a preferred site to be brought forward for development in Bentham. Notwithstanding this, the emerging policy within the Council’s Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council’s decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.

- 9.10 With respect to Saved Policy ENV1, the dwelling is outside the boundaries of the development limits that were identified by this policy, and the dwelling would not be for agricultural, forestry, or other essential countryside worker. The proposal would therefore be considered contrary to Policy ENV1 which seeks to protect the countryside from encroachment. However, the development limit boundaries that were identified for this 1999 Local Plan policy are now significantly out of date and can be given very limited weight in the decision making process. The proposal seeks to develop 0.1 hectares of enclosed land which given its scale is considered to be a small scale form of development. The proposal would provide the opportunity for the existing hard standing/rumble to be removed and general tidying of the site to be undertaken combined with the potential for landscaping thus the proposal could arguably provide a visual enhancement within the open country. It is therefore considered given the small scale nature of the development that the proposal would not result in any harm to the visual qualities of the open countryside and therefore meets these objectives of Saved Policy ENV1.
- 9.11 With regards to the NPPF and the suitability of the site for development in principle, the site is in a location on the edge of the existing built up area of Low Bentham with pedestrian and vehicle connections to local facilities and services. In addition, the village is serviced by some local transport services which connect with neighbouring villages and towns. The site is therefore considered to be a reasonably sustainable location for residential development.
- 9.12 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.
- 9.13 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.
- 9.14 In conclusion, the application site is not located within the recognised development limits of Low Bentham, as defined in the 1999 Local Plan, but is located in the vicinity of other residential development adjacent to the main 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.

Visual impact of development on the character of the surrounding area

- 9.15 It should be noted that the external appearance, landscape and layout of the proposed development are all reserved matters and therefore do not form part of the detailed assessment of this application. A matter that is considered for assessment is the scale of development. This can be defined as the height, width and length of each building proposed within the development in relation to its surroundings. The submitted information seems to indicate the height of part of the building, but not all. What is

submitted seems acceptable, but is not particularly clear. It is therefore considered that it is not appropriate to approve at this stage the scale of the development (as it is not completely clear), but that this can be treated as a further reserved matter. Notwithstanding this, it is still necessary to consider whether or not development of the site would, in principle, have an adverse impact on the character of the area.

- 9.16 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.
- 9.17 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of, but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.
- 9.18 The application site lies to the west of Low Bentham adjacent to Greenhead Lane and relates to a parcel of unused land. The character of this area to the west of Greenhead Lane is derived in part by the unplanned nature of development, the lack of street patterns and the open spaces between and around buildings with the exception of No. 1 – 4 Greenhead Lane which comprises of a row of terrace dwellings. To the rear of the properties fronting onto Greenhead Lane, the surrounding area is of open agricultural fields generally devoid from development. It is this openness and non-planned development that contributes to the character and appearance of the area and therefore has some significance.
- 9.19 The proposal is to clear the site and construct a dwelling with associated car parking. It is considered that a proposal could be put forward on this site that would visually relate well with the adjacent existing character of the properties to the east and the surrounding area.
- 9.20 In summary, there is sufficient information to reach the view that a development could be accommodated on the site that would not unacceptably impact on the character and appearance of the area.

Impact of the development on the amenity of neighbouring properties.

- 9.21 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.22 Although the application is in outline form the proposal seeks to construct a dwelling located within the parameters of the identified application site.
- 9.23 The application site would be separated from properties to the east by the proposed vehicle access and parking area and properties to the north by Greenhead Lane. It is acknowledged that there are further dwellings to the west and south but these are screened from view by existing boundary treatments. As such it is not considered that the proposal would have a negative impact on the occupiers of these properties in terms of loss of privacy or loss of daylight. The proposal would lie within close proximity to the existing dwelling located to the east of the application site but this is not considered to be an issue that would justify refusal of planning permission on the grounds of loss of amenity.

Highway Issues.

- 9.24 Saved Policy T2 states that residential developments should not create conditions prejudicial to highway safety and requires proposals to be appropriately related to the highway network and to not generate volumes of traffic in excess of the capacity of the highway network.
- 9.25 The access is indicated to be served from an existing access with the provision of improvements including the widening to the access onto Greenhead Lane, the provision of a passing place on Greenhead Lane, and the provision of a vehicle turning area for all users of the lane. Comments received from NYCC Highway states that the proposed highway arrangements are acceptable subject to appropriate conditions. Therefore, in principle the development of the site can be undertaken without an unacceptable adverse impact on highway safety.
- 9.26 Representations have been made relating to the ownership of Greenhead Lane and that the proposed upgrade of the lane may not be possible as the applicant does not own the lane. Clarification has been sought from the applicant's agent on this matter. The proposed turning area and passing place are within the applicant's control. In Officers opinion these are key improvements that would significantly improve the ability of all users to use Greenhead Lane. Improvements to the easterly end of the lane comprise an improved surface, widening of part of the carriageway, provision of street lighting and a footpath. The applicants indicate that this is agreed with the neighbouring land owner, but it should be noted that there is a risk that these improvements may be more difficult to achieve.

Drainage

- 9.27 The application proposes foul drainage is to discharge to a septic tank. Planning Practice Guidance advises that where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. In this case the public sewer is some distance to the east of the application site, and although no information is provided to demonstrate the applicant's case, it is accepted that a private facility is appropriate in terms of costs and practicality. However with respect to a septic tank, which is the proposed solution, Planning Practice Guidance advises that they should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer or a package sewage treatment plant is not feasible. This has not been demonstrated and therefore a condition is recommended requiring foul drainage to a package sewer treatment plant unless demonstrated as inappropriate in terms of cost and practicality.
- 9.28 Surface water is to be disposed of to a soakaway and this is an appropriate solution.

Other issues

- 9.29 Concerns have been expressed that should the proposal be granted approval that this would set a precedent for further development. However, each proposal would be determined on its own merits with regard to any specific site circumstances and as such the proposal would not set a precedent for further development.
- 9.30 The site is also within a Low Risk forming mining area. Standing advice from the Coal Authority suggests that in such circumstances this matter can be adequately addressed by an informative on the decision notice.

Conclusions.

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

- 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.'

9.32 In this case it is considered that the harm caused to the character of the open countryside is less than significant when weighed against the benefits of providing housing for the district. As such the proposal is considered to be a sustainable form of development that accords with national planning policies in all other respects.

10 Recommendation

10.1 **To grant outline permission subject to the following conditions.**

Conditions

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

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

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

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

2. The approved plans comprise L3233/01/B, L3233/02/E & L3233/03/B received by the Local Planning Authority on the 17th June 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. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

Reason: In the interest of visual amenity.

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

Reason: To ensure the development is of good appearance in the interest of visual amenity.

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

Reason: To ensure the development is of good appearance in the interests of visual amenity.

6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in

accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

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

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

Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- a. Details of the method and means of surface water disposal.
 - b. Details of all proposed street lighting.
 - c. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - d. Full working drawings for any structures which affect or form part of the highway network.
 - e. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed

otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: In accordance with 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.

8. Prior to the first occupation of the development hereby permitted the passing place and turning area detailed on the approved plans shall be fully implemented and made available for use in accordance with details that have previously been approved in writing by the Local Planning Authority. These facilities shall thereafter be retained in perpetuity for all users of Greenhead Lane.

Reason: To ensure construction of passing and turning area and in the interests of highway safety and movement.

9. Notwithstanding the details indicated in the submitted application, the disposal of foul water drainage from the hereby approved dwelling shall connect to a private package treatment plant unless otherwise approved in writing by the Local Planning Authority that such a solution is inappropriate in terms of financial cost and practicality.

Reason: In the interests of the prevention of pollution.

Informatives

1. 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.
2. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

Statement of Positive Engagement: -

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