

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 03 August 2015**

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

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**This application has been referred to the Planning Committee as it is amendment to an application previously approved by the Planning Committee. This application was previously taken to Planning Committee on 6<sup>th</sup> July 2015, and the application deferred to seek further advice from Historic England relating to an underground reservoir and whether there is a need to protect the structure.**

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 Historic England: A request has been made by Craven District Council for the underground reservoir to be assessed for Listing as designated structure. Historic England have recommended the structure not be Listed for the following reasons;
- 6.8 "The reservoir is a small and modest structure that demonstrates no particular architectural quality or innovation. The structure lacks any technological interest and is typical of small underground reservoirs located in many parts of England. The reservoir is a subterranean structure and lacks above ground features to provide architectural interest, such as an access entrance or decorative ventilators. Underground utility structures are generally not designated." Received 22/07/2015.
- 6.9 Northern Gas Networks: "Do not have any additional comments to make with regard to this application." Received 17/06/2015.
- 6.10 NYCC Lead Local Flood Authority: "We have no objections or concerns." Received 03/07/2015.
- 6.11 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.
- 6.12 NYCC Ecologist: None received.
- 6.13 CDC Tree Officer: None received.

7. Representations

- 7.1 A letter has been received from the Environment Agency in relation to the underground reservoir;
- 7.2 "The following is a summary of the investigation that the EA have undertaken to address the concerns raised at the Council Meeting when further details of the Victorian Chamber were raised for discussion. In order to assess what impact the structure has on the dam (permanent works) the Environment Agency require a survey of the chamber to be undertaken to record width, height, length of the underground chamber. Once the dimensions of the structure are determined an assessment can be made as to whether the structure poses any threat to the permanent works (dam Health and Safety) or the temporary works (construction vehicle health and safety) as well as understanding any potential impact on the historic structure itself. The Environment Agency will work to try and preserve the

chamber as long as it poses no Health and Safety risk for the dam or the construction site team during the dam build. Likely preservation measures could include scaffold support within the chamber to support it during construction activities. It is essential to highlight that health and safety is the key priority during construction. Attached is a plan of the chamber location in relation to the dam footprint (*Officer's Note: See power point presentation*).

7.3 COMMUNICATION FOR SURVEY NEEDS: In response to the concerns raised at the Council meeting held on 6<sup>th</sup> July the Environment Agency sought to gain access the week commencing 13<sup>th</sup> July to survey the chamber for further information on the chamber dimensions and condition. The landowner initially granted access but retracted the permission until Historic England had viewed the structure. The concerns raised were around not wanting to compromise the Historic England assessment. The Environment Agency Project Manager contacted the Craven Planning Officer to discuss Mr Stapleton's concerns and seek advice from Historic England to check whether the survey would interfere with the Historic England assessment process. Mr Stapleton called 15<sup>th</sup> July to reiterate the need for Historic England to view the chamber first and to also inform the Environment Agency Project Manager that Yorkshire Water had come out to discuss and look at the chamber with Mr Stapleton to try and determine asset ownership. Yorkshire Water are checking back over old records and speaking with Yorkshire Water legal with regards to likely ownership. Environment Agency Project Manager and Mr Stapleton working together to ensure all parties kept up to date with progress. Historic England confirmed via planning officer (15<sup>th</sup> July) that there would be no reason why a survey of the chamber could not be carried out – subject to land owner access being granted, but in terms of historic preservation, there would be no concerns as a result of the survey – visual inspection – chamber measurement etc. The Environment Agency Project Manager left a message with Mr Stapleton Friday 17<sup>th</sup> July to relay the information provided by Historic England and to discuss a potential new date for access the following week. The Environment Agency Project Manager and Mr Stapleton spoke Tuesday 21<sup>st</sup> July – Mr Stapleton is seeking advice from his land agent, who is in receipt of a letter sent from Historic England. The Environment Agency Project Manager and Mr Stapleton agree to speak again Wednesday 22<sup>nd</sup> July, once Mr Stapleton had received the forwarded letter from Historic England from his land agent, to discuss the content of the letter and to discuss Environment Agency access and survey needs.

7.4 SCHEME DELAY IMPLICATIONS: Starting on site after September 2015 exposes the project to the risk poor weather preventing completion of the necessary earthworks ahead of the concrete works over-winter. This would effectively delay work on Waller Hill Beck until Spring 2016. Completion of work by September 2016 will not be possible. Any outstanding earthworks may have to be postponed until Spring 2017. This 7 month programme extension will cost an additional estimate of £500,000 to the scheme cost (calculated on £15,000/week overheads alone will be £420,000)." Received 21/07/2015

## 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 including the impact on an underground reservoir.

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.
- 9.9 **The underground reservoir at Waller Hill Beck site;**
- 9.10 In the week preceding the July Planning Committee Meeting, it was brought to Officer's attention that an underground reservoir is located in close proximity to the site for the proposed works at the Waller Hill Beck site. The morning of the meeting Officer's received photographs which allowed an approximate identification of where the underground reservoir is located, showing it to be very close to the proposed dam and reservoir at Waller Hill Beck. Members were advised at the Planning Committee meeting that planning permission had already been granted (63/2013/14200) for the development at Waller Hill Beck and so the works could take place (subject to the discharge of planning conditions) regardless of the outcome of the current planning application, and that the current application proposed no changes that related to the position of the underground reservoir. Members were also advised of a planning condition in place on that previous consent which required a written scheme of archaeological investigation to be submitted to and approved in writing by the Local Planning Authority, setting out works of site investigation and recording, prior to the development commencing. Finally Members were advised that the owner of the structure was unknown. At the time of writing this report the owner is still unknown, however, Yorkshire Water have confirmed that after research they are not the owners of the underground reservoir. Nevertheless, regardless of the decision made on this planning application, this will not override any ownership rights.
- 9.11 Planning Committee Members voted to defer the application for a decision pending contact being made with Historic England to request consideration be given to protecting the underground reservoir as a listed structure. Confirmation has now been received from Historic England, who have carried out a desk-based assessment, that they do not intend to designate the underground reservoir as a Listed structure (for the reasons set out at paragraph 6.8 of this report). With regards to NYCC Archaeology, the condition imposed on the original consent and recommended to be imposed on this consent, requires the submission and approval of a 'Written Scheme of Archaeological Investigation' prior to the commencement of development on site. Any subsequent demolition/development must take place in accordance with that written scheme of investigation. NYCC Archaeology Department have confirmed that in relation to the underground



reservoir this would mean the structure would be inspected and details recorded prior to it ultimately being demolished or closed off.

### **Spindle Mill;**

- 9.12 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.
- 9.13 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).
- 9.14 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;**

- 9.15 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.
- 9.16 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.
- 9.17 The great public benefits of the Skipton Flood Alleviation scheme are considered to far outweigh any adverse impacts in terms of the potential loss of an underground reservoir, which Historic England do not consider to be worthy of designating as a Listed structure. Therefore 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 **Approve.**

## 11. Conditions

1. The development hereby permitted shall be begun not later than 11<sup>th</sup> 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 17<sup>th</sup> 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 21<sup>st</sup> 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. 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 No. WH\_101 Rev C4 received by Craven District Council on 24<sup>th</sup> June 2015. 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:
- a. The programme and methodology of site investigation and recording
  - b. Community involvement and/or outreach proposals
  - c. The programme for post investigation assessment
  - d. Provision to be made for analysis of the site investigation and recording
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation
  - g. 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 of 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](mailto:consultations@naturalengland.org.uk), or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ

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](http://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

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

*HELLFLD & LNG P  
42/2015/15870*

*OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING  
OF 21 DWELLINGS, INCLUDING CONSTRUCTION OF A NEW VEHICULAR  
ACCESS OFF A65.*

*LAND OFF A65 KENDAL ROAD, HELLIFIELD.*

APPLICANT NAME: CCM AUCTIONS  
TARGET DECISION DATE: 31/07/2015  
CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to a parcel of land covering approximately 0.97 hectares of pastureland enclosed by a stonewall along the eastern boundary, hedging/trees with timber fencing along the northwest boundary, a stone wall to the southwest boundary with the far south boundary leading into agricultural fields.
- 1.2 To the north east, the east and the southeast of the site are well established residential areas including Hellifield Community Primary School. To the north and northwest are two established retail/commercial businesses (Townson Tractors and Becks Garden Machinery) that back onto the site. Running through the site is a tarmac lane leading to a collection of isolated dwellings situated to the southwest of the site.
- 1.3 The site is located adjacent to but not within Development Limits of Hellifield and therefore is consequently located in the open countryside as defined in the Local Plan.

2 Proposal

- 2.1 The application is an outline application for the construction of a 21 dwellings. The only details proposed for consideration is access into the site. The appearance, scale, landscaping and layout of the development are reserved matters.
- 2.2 The proposal is supported by the following documentation:-
  - Design and Access Statement.
  - Planning and Heritage Statement.
  - Sustainability Statement.
  - Affordable Housing Pro-Forma.
  - Indicative Site Layout Plan.
  - Indicative Site Layout in Context.
  - Site Opportunities & Constraints Plan.

3 Planning History

- 3.1 None

4 Planning Policy Background

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

- 4.3 Saved Policies ENV1, ENV2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 5 Parish/Town Council Comments
- 5.1 Hellifield Parish Council: Object to the proposal on the following grounds:-
- No community consultation has been undertaken in relation to this site. Therefore, before any discussion is taken it is suggested that such an event is held to enable local resident's feedback and opinions of the development are taken on board.
  - Concern over the potential impact of the development on the group of dwellings located to the southwest of the site in terms of noise, disturbance, overlooking, loss of privacy and visual impact.
  - Proposed development would further impact on the village infrastructure especially on the electricity supply.
  - Question why this greenfield site has been selected given that there are a number of brownfield sites available in the village of Hellifield.
  - Financial provision should be made for future groundwork maintenance for green spaces within the site to reduce the financial burden on local government authorities.
  - Concern that any affordable provision provided is appropriate to the value of the less expensive housing available in the village.
  - Concern over the growth of the village which has increased by approximately 56% in recent years leading to integration issues.
  - A Community Engagement Event held in the summer of 2013 identified that due to the scale of development within Hellifield that no further major development should be take place for many years.
  - Concern that this would set a precedent for similar development within the village.
  - Concern that the proposal is seeking to circumvent the emerging Local Plan.
  - Suggest that should the site be granted planning approval that site HE013 identified within the emerging Local Plan is removed from the Local Plan for development.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** No known contaminated land implications associated with the proposed development.
- 6.2 **CDC Environment Protection:** No objection, but suggest a condition restricting working hours for any construction works associated with the development.
- 6.3 **CDC Strategic Housing:** Details submitted state that the proposal would provide the recommended 40% affordable dwelling, in line with the Interim Affordable Housing Position. However, as the proposal is outline only, no indication of the type, size and location of the affordable homes have been provided at this stage. Notwithstanding the potential for affordable housing the details submitted state that the Council would be prepared to reduce its current requirement for affordable rented housing. However, these comments relate to a site at Back Lane, Hellifield and not to this proposal. Nonetheless, following the refusal of the proposal at Back Lane and the proposal at Station Road Strategic Housing is willing to agree to a greater provision of 'intermediate' units on this site, including intermediate sale.
- 6.4 **CDC Sports Development Officer:** The outline application is acceptable under planning policy SRC2 due to the onsite provision of a village green and the offer of a significant contribution to upgrade existing sports and recreation facilities in the village. Both Station Road Recreation Ground and Thorndale Street recreation grounds are accessible from the site and a contribution of £80,000 would meet SRC2 policy methodology. Therefore it is recommended that a condition is attached to any subsequent approval in order that the applicant fulfils this commitment.



- 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 in a flood zone the EA's standing advice offers no comments. However, having regard to comments received from objectors regarding to flooding on the site it is proposed to advise the development 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 **NYCC Highways Authority:** No objection subject to the attachment of appropriate conditions.
- 6.7 **Pipelines – Northern Gas Networks:** No comments received at the time of compiling this report.
- 6.8 **Police Designing out Crime Officer:** Should outline planning permission be granted it is recommended that a condition is attached, requiring full written details of what crime prevention measures are to be incorporated into the site, be detailed in any Reserved Matters Application.
- 7 Representations
- 7.1 Eleven letters of representation (2 from Beck House) has been received, comments have been summarized below:-
- 7.2 Policy Issues.
- Proposal is contrary to the Local Plan Policies.
- 7.3 Visual Impact.
- Concern over the proposal impact on the dwellings at Beck House.
  - Concern that the parcel of land adjacent to the garage at Beck House will become overgrown thus becomes a safety issue.
  - Loss of green buffer.
  - Views across to the National Park will be significantly affected reducing the public enjoyment of this popular recreational walk.
- 7.4 Amenity Issues.
- Proposal would negatively impact on adjacent residential dwellings.
  - Concerns over potential noise disturbance due to the close proximity of the site next to existing commercial premises.
- 7.5 Highways Issues
- Concern over highway safety due to an increase in traffic movements.
  - Concern that any changes to the existing visibility splays would impact on the existing parking areas for Becks Garden Machinery premises.
- 7.6 Flood Risk
- Concern that the proposal would exacerbate an existing flooding issue on site, due to run-off collecting in an area behind the garage of Beck House.
  - Concern that should this not be dealt then it may have an impact on the safety of children.
  - Concern over the stability of the garage at Beck House due to the flooding.
- 7.7 Contamination.
- Concern that the site may be contaminated, with oily residues present.
- 7.8 Other Issues.

- Concern that the trees may need to be removed.
- Concern that this would lead to the remaining field being developed for housing.
- Concern that the parcel of land adjacent to the garage at Beck House will be so small that the farmer will not wish to take it on.
- The field would lose its access point should the proposal be granted permission and therefore, a new agricultural access point should be addressed.
- Concern over who will maintain the proposed green areas now that NYCC no longer maintains the grass in this area.
- Plans show a permissive footpath, however, it is currently going through land not in the ownership of the applicant.
- Beck House, Beck Cottage and Beck Bar currently have a right of way through the proposed site. There needs to be assurance that these rights will be preserved.
- If the applicant is serious about providing housing then it should be for within the salaries of rural/local people.
- Suggest that the trees located within the School grounds should be protected by a Tree Preservation Order.
- Concern on the proposal impact on biodiversity.

## 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 Open Space Provision.
- 8.7 Other issues.

## 9 Analysis

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

- 9.2 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.
- 9.3 The application site lies outside but adjacent to the existing development limits of Hellifield 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.
- 9.4 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can

be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 The application site at land off A65 was originally put forward for housing (Ref: HE009), however, at the present time the site has not been taken forward as a preferred site to be brought forward for development in Hellifield. 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.
- 9.11 With respect to Saved Policy ENV1, it is recognised that the proposal site is located outside of the boundaries of the development limits that were identified by this policy, and would cover a 0.97 hectares area. Therefore, this cannot be considered small scale and, therefore, the proposal fails to accord with Saved Local Policy ENV1. However, the NPPF presumption in favour of sustainable development means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit date back to 1999 and are clearly out of date as sites outside the limits set in 1999 will be required to meet projected housing needs.

Therefore, only limited weight can be given to Saved Policy ENV1 with respect to this development proposal and as such the proposal will be assessed against the NPPF.

- 9.12 With respect to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of Hellifield. The settlement has good 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 sustainable location for residential development.
- 9.13 The outline proposal shows that the site is suitable for residential use, can achieve a high quality and use land effectively, although it is accepted that the layout is indicative only and that the numbers and mix of house types may be subject to change. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.14 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. These aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.15 In conclusion, the application site is not within recognised development limits of Hellifield, as defined by the 1999 Local Plan, but is located immediately adjacent to the existing built up area of Hellifield. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details submitted.
- 9.16 **2. Visual impact of development.**
- 9.17 It should be noted that the external appearance, landscaping, layout and scale elements of the proposal are reserved matters and therefore cannot form part of the assessment of the current proposal.
- 9.18 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important a factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.19 Although the proposal is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.20 The application lies adjacent to the existing built form of Hellifield which in this part of the village is characterised by a mixture of differing periods, styles, and use of materials. The site is enclosed on the northern boundary by Townsons Tractors and Becks Garden Machinery Ltd and a stone wall along the southwest boundary concluding at a group of properties. An un-adopted lane runs north east to south west through the site. Along the eastern boundary is a stone wall. The proposal would keep the southern half of the field, which currently extends towards Beck Lane, free from development. The position of the proposed development on the upper section of the field appears is considered to visually relate directly to the existing built-up area and forms a natural infill of the existing building line. Furthermore, any potential

landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.

- 9.21 It is accepted, that when viewed from the PROW the proposal would be clearly visible, however, it would be viewed in the context of the existing edge of the village and thus would not result in any significant harm to the character and appearance of the countryside. Notwithstanding this it is considered that due to the outline nature of the proposal that appropriate conditions can be attached at the reserved matters stage to ensure that the development is acceptable.

**9.22 3. Impact of development on the neighbouring properties.**

- 9.23 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.24 The submitted indicative plan demonstrates that there is adequate spacing within the layout and neighbouring properties and adjacent school to meet acceptable separation standards for privacy and light.
- 9.25 The details of the dwellings and landscaping treatment are reserved for future considerations. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be adversely affected in terms of overlooking or overshadowing.
- 9.26 A local resident has expressed concern over the potential noise disturbance to future residents of the development due to its close proximity to the commercial premises. However, given the separation distances, combined with existing buildings and trees located adjacent to the boundary with the commercial premises it is not considered that the proposal would result in any significant increase in noise nuisance to future residents of these premises to warrant a refusal.

**9.27 4. Impact on highway network.**

- 9.28 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.29 In this instance the proposal is only seeking outline planning permission and thus it is not possible to comment on a detailed layout. Therefore, the only issues for consideration are whether or not the access can safely accommodate the proposed residential development and whether any increased usage would compromise highway safety.
- 9.30 The proposal would utilise an existing access off Kendal Road. NYCC Highways have been consulted and have raised no objections only specifying appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions, the site could be developed without detriment to highway safety.
- 9.31 A representation has been made relating to a right of access through the site and a proposed permissive footpath linking Kendal Road to an existing public right of way to the south of the site. However, any matters of right of access or ownership are civil matters and fall outside the scope of a material planning consideration.

**9.32 4. Affordable housing provision.**

- 9.33 Craven District Council Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more.
- 9.34 The proposal is for outline only and whilst submitted details make reference to the provision of affordable housing there are no specified details. Therefore, as the requirements for on-site affordable housing provision cannot be firmly established at this stage it would therefore be appropriate to address this issue by condition.

9.35 **5. Open space**

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

9.37 Saved Policy SRC2 requires development for 10 dwellings or more to make a contribution to public open space. It has been agreed between the Councils Sport Development Officer and the applicants that the proposal would provide a village green and also a significant contribution to upgrade existing sports and recreation facilities in the village. A condition is therefore recommended requiring the reserved matters application to clarify the open space requirements.

**9.38 6. Drainage**

9.39 Local residents have expressed concerns about the ability of the site to be drained both with respect to surface water and foul drainage although the site is not identified as being within flood plain or an area of flood risk.

9.40 Although the submitted details state that foul water will be disposed via the main sewer no further details have been forthcoming. As such it is recommended that an appropriate condition can be attached to resolve in detail this issue as part of a reserved matters application.

9.41 From 6<sup>th</sup> April 2015 decisions on planning proposals relating to major development are required to ensure that sustainable drainage systems (SUDs) are used for the management of surface water. Although, the application form indicates that surface water is to be disposed of to the main sewage system, it is presumed that following the changes to policy this is unlikely to be considered acceptable. As such it is recommended that an appropriate condition can be attached to resolve in detail this issue as part of a reserved matters application.

9.42 **7. Other issues.**

9.43 Comments received from the Local Parish concerning the reason for submitting an application are not a material planning matter.

9.44 Whilst acknowledging comments expressing concern over the growth of the village it is the officers opinion that a proposal of this scale would not significantly impact on the village to warrant a refusal.

9.45 Concern has been expressed over the potential contamination of the site. However, the Council's Contamination Officer has been consulted and has not identified any contamination issues with this site.

9.46 With regard to comments over the potential loss of trees adjacent to the School, these trees are outside of the application site and therefore do not form part of this proposal under consideration.

9.47 Third party representation has expressed concern that if the proposal is approved that this would set a precedent for further development. However, each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.

9.48 Concerns over the stability of the garage located within the residential curtilage of Beck House is not a material planning consideration of this proposal as it is located outside of the application site.

9.49 With regards to any potential impact on protected species the application site is located outside of any designated SSSI and therefore would not have a negative impact on any protected species.

9.50 **Conclusion;**

9.51 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.*

- 9.52 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The benefits of the development include boosting the supply of housing and the economic developments that this can bring. Boosting the supply of housing remains an important planning consideration, but this also needs to be weighed against the publication of the Council's latest 5 Year Housing Supply Report (May 2015) that indicates the Council can now demonstrate a 5 year housing supply and buffer. The provision of affordable housing and open space are further benefits of the scheme.
- 9.53 Therefore, taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

## 10 Recommendation

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

### 11 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 drawings titled Site Plan received by the Local Planning Authority on the 29<sup>th</sup> 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. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

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

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

The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made in the development shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;

- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

5. No development shall take place until either:-

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

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

6. All external windows and doors shall be set into 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.

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

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

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

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

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

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



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

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

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

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and

g. Full working drawings for any structures which affect or form part of the highway network.

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

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

**Informative:** In imposing condition number 9 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.

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

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

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

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
  - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
  - The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
  - Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

12. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A2 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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

**Informative:** You are advised that a separate licence will be required from the Local 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.

13. There shall be no access or egress by any vehicles between the highway or proposed highway (estate road) and the proposed vehicular access (except for the purposes of

constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

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

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, any garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

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

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

17. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

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

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

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

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

19. Prior to the commencement of development, full details of a surface water drainage scheme based on SuDS principles shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include interceptors demonstrating the management of overland flows within the site from off-site sources; details of any surcharging volumes and flows rates and appropriate mitigation measures; and, details of how the scheme shall be maintained and managed after completion. Thereafter, the scheme will be implemented in accordance with the approved details unless otherwise agreed in writing.

**Reason:** The information is required prior to the commencement of development to ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the water quality and prevent pollution in accordance with paragraphs 109 and 120 of the National Planning Policy Framework.

20. No development shall take place until details of a scheme for the disposal of sewage, including an implementation plan, have been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure the satisfactory drainage of the development as insufficient information has been submitted.

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

**Reason:** The Local Planning Authority wish to control any future development on the site to ensure the amenity of future residents of the dwellings.

#### **Informative**

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

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

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

The applicant should contact United Utilities Sewer Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

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

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

- engaged in pre-application discussions

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****INGLETON & CLAP  
18/2015/15634***RESERVED MATTERS APPLICATION (APPEARANCE, SCALE AND  
LANDSCAPING) PURSUANT OF OUTLINE PLANNING APPLICATION  
18/2012/13161**FORMER DALESVIEW GARAGE SITE, OLD ROAD, CLAPHAM.*

APPLICANT NAME: MCCONNELL HOMES LTD

TARGET DECISION DATE: 24/06/2015

CASE OFFICER: Mark Moore

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**This application has been referred to the Planning Committee as the application is seeking approval for the reserved matters of an outline planning application that was previously approved by the Committee.**

**1. Site Description**

- 1.1 The application site was last used by a Mercedes car dealership for car sales, servicing and repairs. There were a number of buildings on the site which have now been removed. A number of trees on the southern and eastern boundary of the site are protected by a Tree Preservation Order.
- 1.2 The site is within the development limits of the village of Clapham and lies adjacent, but just outside, the village conservation area.
- 1.3 The site is within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty.
- 1.4 To the south and east of the site is open countryside. To the north, on the opposite side of Old Road, are residential properties and light industrial buildings. To the west is Clapham Juniors and Infants School.

**2. Proposal**

- 2.2 The application is for the approval of reserved matters following a previous grant of outline planning permission that was originally granted in December 2009 and subsequently renewed in January 2013
- 2.3 The previous consent was an outline application with details of access and layout approved by the Council's Planning Committee. The reserved matters for which approval is now sought are the scale and appearance of the buildings and landscaping.

**Scale and appearance:**

- 2.4 The proposed dwellings would be:

Type A: 2 bedroom (Plots 1-4).

These would be located at the front of the site in a terraced row to the east of the site access. The houses would be 2 storeys with a ridge height of 7.3m and would be constructed in stone with rendering to the rear elevation.

Type B: 3 bedroom (Plots 5-6 and 20).

Two of the houses would be located within the site adjacent to the eastern boundary, the remaining (Plot 20) forming the eastern end of a terraced row fronting the site to the west of the site entrance. The houses would be 2 storeys with a ridge height of 7.5m (Plots 5-6) and 6.7m (Plot 20) and would be constructed in stone with rendering to the rear elevation.

Type C: 3 bedroom (Plots 7-8 and Plot 22).

Two of the houses would be located within the site adjacent to the eastern boundary, the remaining (Plot 22) forming the western end of a terraced row fronting the site to the west of

the site entrance. The houses would be 2 storeys with a ridge height of 7.7m (Plots 7, 8) and 6.6m (Plot 22) and would be constructed in stone with rendering to the rear elevation.

Type D: 4 bedroom (Plots 9-12 and 17-18).

Four of the six properties would be located in the south-east corner of the site the remaining two being sited at the end of a terraced row in the middle of the site running east-west adjacent to the western site boundary. The ridge heights of these 2.5 storey properties would be 8.3m. All would be constructed in stone with rendered panels at first floor to the front elevation whilst the gable ends and rear elevations would be wholly rendered.

Type E: 4 bedroom (Plots 13-15).

These would comprise four detached properties located in the south-west corner of the site. Each would be 2 storeys with a ridge height of 8.1m and would be constructed in stone with render to the rear and gable ends.

Type F: 3 bedroom (bungalow) with ridge height of 5.9m (Plots 16 and 19).

Both of the proposed bungalows would be located in the centre of the development one forming the western end of a terraced row running from plots 16 to 19. Each of the bungalows would be constructed in stone and incorporate render to the gable and rear elevations.

Type G: 3 bedroom (Plot 21).

This property would have a ridge height of 6.6m and would be mid-terraced located in the row fronting onto Old Road to the west of the site access. The property would have a ridge height of 6.6m and would be constructed in stone with render to the rear elevation.

- 2.5 All of the proposed dwellings would be roofed with natural slate (Cupa H27) whilst the rendered panels would be finished in a self-cleaning render coloured 'Oyster White' (Ral 1013). The proposed stonework would be 'Moortop' coursed, pitch-faced weathered sandstone with a smooth faced version used for cills, lintels, quoins and string courses. Windows are proposed to be grey powder-coated aluminium.

#### Landscaping:

- 2.6 A landscaping scheme has been submitted with the application that details the hard landscaping proposals.
- 2.7 Proposed boundary treatments are for 1m high double-sided stone walls to the site frontage and stone walls with concrete block/render internal facings to the site boundaries facing the surrounding open fields where there would be public views of the development.
- 2.8 Part of the western boundary that adjoins the existing farm buildings would be defined by a 1.8m high wall which would be rendered between brick piers on the development side and finished with fair-faced pointed blockwork with reconstituted stone copings on the farm side.
- 2.9 Other proposed boundary treatments would comprise picket fences to sub-divide the plots on the Old Road frontage, combined stone/block plinths (600mm) with cedar board fence panels (1.2m), overall height 1.8m, to the rear of the same plots and standard cedar board fence panels to sub-divide private gardens of the remaining properties and stone sets to delineate boundaries within driveways/gardens to the site frontages.
- 2.10 Surface treatments proposed comprise natural stone paving slabs for footpaths and patio areas and concrete block paviors within private parking courts.
- 2.11 An extensive scheme of soft landscaping is proposed and is detailed on a separate landscaping plan which includes a schedule of proposed planting.
- 2.12 Planting proposals comprise a number of trees (heavy standard and extra heavy standard) located throughout the site and along the eastern site boundary. Other planting includes areas of shrubbery and some additional hedge planting on the eastern boundary.

### 3. Planning History

3.2 The following recent applications are of relevance (most recent first) :

3.3 18/2012/13161: Renewal of extant outline planning permission to replace previous approval 18/2008/8715 – 22 dwellings with access. Approved January 2013.

3.4 18/2012/12722: Permission granted for removal of condition 23 of previous approval reference 18/2008/8715 that restricts the ridge height of any dwelling to 7.5m. Approved at Planning Committee in October 2012.

3.5 18/2011/11849: Prior notification approved for demolition of all buildings within the former Mercedes garage. Approved August 2011.

3.6 18/2008/8715: Permission granted for erection of 22 dwellings. Approved at Planning Committee in December 2009.

3.7 18/2007/8091: Demolition of existing buildings and erection of 31 dwellings. Refused by Planning Committee in Jan 2008.

3.8 18/2005/5735: Demolition of existing buildings; erection of 16 no. dwellings, craft workshops, children's nursery and associated external works. Withdrawn prior to determination in June 2006.

3.9 18/2004/4057: Outline application for the erection of residential dwellings and the provision of 1,000m<sup>2</sup> of B1 (light industrial and research and development) floorspace. Planning Committee resolved to be mindful to permit this application subject to a s106 agreement to secure affordable housing and the provision of open space. The s106 agreement was never signed and the application withdrawn on 31 October 2006.

3.10 18/2003/3130. Outline application consisting of the erection of residential dwellings and the laying out of public open space together with the change of use of car showroom and servicing facilities to use class B1 (Offices, light industrial and research and development). Refused by Planning Committee on February 2004 for the following reasons:

- i) The proposal would not represent a small scale development and would not conserve or protect the quality of the environment of Clapham village, contrary to policy H4.
- ii) The proposal would lead to the loss of employment generating premises within the village contrary to policy EMP7.

### 4. Planning Policy Background

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

ENV10: Protection of Trees and Woodlands.

H4: Residential Development within the Development Limits of Villages

SRC2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

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

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

### 5. Parish Council Comments

5.2 **Clapham Parish Council:** The parish council has two concerns:

1. The electric gates situated off the Old Road at the entrance to the development  
The council strongly objects to the installation of electric gates (or gates of any kind) at the entrance to the development as it is not in keeping with a small Dales village like Clapham. Clapham has a vibrant, welcoming community with a busy school, 2 churches and many active

community groups. There is also a very low crime rate. The council believes there is no need for a gated community that will segregate residents living there from the rest of the village. It may also attract purchasers looking for 2nd homes rather than people who wish to live and work in area full time. Lastly, the gates may also cause an obstruction on the highway caused by vehicles having to wait for the gates to open prior to entering the development.

**Officer note:** This has since been deleted from the proposal.

2. Parking spaces - The council would like to request that the parking areas are made of grass-crete rather than concrete. This is a more sustainable form of paving that will allow water to drain naturally.

## 6. Consultations

6.2 **CDC Environmental Health:** No environmental protection or contaminated land issues have been identified in relation to this application.

6.3 **CDC Sports Development Officer:** It is the SDO's understanding that the original section 106 cannot be applied to the renewed application and that there is no way to require the applicant to include open space within the development. Therefore policy SRC2 does not apply to this application/development.

The SDO asked if the developer would honour the original open space condition and offer the community a long term peppercorn lease of the open space area. This will be a private matter outside this planning application.

6.4 **NYCC Highways:** Recommends that permission is granted subject to the conditions attached to the outline planning permission being retained.

6.5 **The Environment Agency:** No objection to the approval of reserved matters.

6.6 **SUDS NYCC:** No comments.

6.7 **Historic England:** (In response to original proposals). Clapham is a picturesque historic village of considerable charm situated at the base of Ingleborough mountain and focused on two streets which run parallel to Clapham Beck. Its core is a conservation area.

Historic England is content in principle with the use of this derelict site for housing. However, in our previous comments on 2 September 2008 (App: 18/2008/8715) and 20<sup>th</sup> December 2012 (App: 18/2012/13161) we stressed the importance of ensuring that the houses sit comfortably alongside the historic village and that they avoid the appearance of a housing estate.

In this regard we recommend the proposed gate across the road into the development is omitted, as this reinforces the appearance of a housing estate and its omission would help to visually integrate the development with the rest of the village. Materials, including their choice, use and detailing will be extremely important in integrating the houses into their sensitive setting at the edge of this village conservation area. The photograph of the proposed stonework in the documents submitted appears harsh and regimented. Likewise the engineering brick proposed for the plinths also appears harsh. (This is presumably for the bases of the rendered houses). We would hope that a softer more mellow appearance can be attained. We suggest a flatter-faced rubble or flat faced squared coursed (but not smooth) rubble stone is chosen rather than the harsh-looking rock faced finish shown in the photograph. We suggest this is preferably bonded using flush faced mortar and preferably using lime mortar. We also suggest the render used is natural lime, in order to ensure that the houses integrate visually with those in the village and that they weather gracefully. For the same reason we also suggest that timber rather than UPVC windows are used. In this way the setting of the conservation area can be sustained and enhanced and harm to it can be avoided, in line with paras 131 and 132 of the *National Planning Policy Framework*.



We welcome the use of natural stone garden walls to the street frontage and around the site. If your Council is minded to grant consent we recommend that these matters are fully addressed and that the materials are carefully controlled by submission and agreement of samples.

6.8 **CDC Conservation Advisor:** The original proposals were subject to much criticism by the Conservation Advisor who made a number of recommendations to seek improvements to the scheme. The revised plans have been subject to further discussion and have encompassed a number of those recommendations. The Conservation Advisor is now supportive of the proposals although it is still considered necessary to reserve agreement of some of the materials.

6.9 **Natural England:** There are no nature conservation sites that would be affected by the proposals and NE do not wish to comment on this application. NE refer to their standing advice.

**Officer note:** As this is an application for reserved matters it is not considered that there are any issues in relation to this aspect of the proposal.

6.10 **Yorkshire Dales National Park Authority:** The Yorkshire Dales National Park Authority strongly objects to the proposal for the following reasons:-

“Clapham Village Conservation Area almost abuts the site and continues southwards into Craven District Council’s jurisdiction. The Conservation Area is almost entirely within the Yorkshire Dales National Park. The Conservation Area’s special qualities owe much to its traditional vernacular buildings and the attractive landscape setting of the settlement, which has been greatly influenced by the Farrer estate. There is a dominance of pre-20<sup>th</sup> century dwellings constructed from locally derived materials, although some polite architectural detail is found. The public realm is well linked and of particular attractiveness. Close to the application site is The New Inn, a landmark building on a principal access into Clapham.

The NPPF in section 12 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. This includes development affecting the setting of a heritage asset. The NPPF requires this assessment to be used in decision making to ensure that conflict between the heritage asset’s conservation and any aspect of the proposal is minimised. Given the proximity of the site to the Conservation Area boundary, this assessment is an important consideration in determining the application.

YDNPA also draw your attention to the guidance in section 7 of the NPPF on ‘requiring good design’. Of particular relevance to this case is the need to *“respond to local character and history, and reflect the identity of local surroundings and materials.....”* [para.58].

It is considered that the layout, design and materials proposed will not respect the historic pattern or appearance of the Conservation Area, nor will they contribute to or aid the conservation of a distinctive built environment. The building heights are tall when compared to those prevailing within the Conservation Area. The building massing also relates poorly to the existing pattern within Clapham. The finer detail of the proposal including the use of weathered sandstone, lack of chimneys, semi-detached buildings, the part use of render and boundary treatments are also untypical of the Conservation Area which has a more informal appearance.

The layout of the site is suburban in form and there is a highly engineered access. The gated entrance into the site would be a highly incongruous addition that would not relate in anyway to the appearance of the Conservation Area. It is also difficult to see how the creation of a ‘gated community’ can possibly comply with NPPF guidance on the need for “inclusive design” [para.57]. The use of high close boarded fencing and lack of landscaping would mean the site appears abruptly positioned on the eastern approach into Clapham and when viewed from within the Conservation Area from the west.

Without appropriate landscaping or communal space the development proposal fails to respect or integrate with the qualities of the Conservation Area (discussed below). There are likely to be other alternatives in terms of the layout, design and materials that would respect the setting of the site more closely.

The current proposal does not amount to inclusive development, and is not well inked or integrated with the existing village. The suburban and uniform appearance does not respect the key characteristics of the village or the setting of nearby listed buildings within the Conservation Area, including the New Inn public house.

It is considered that there is scope for modern and innovative design at the site. Any development should however respond to local character, the qualities of the Conservation Area and contribute to local distinctiveness.

In conclusion, it is considered that the benefits of providing additional housing including for affordable occupation are outweighed by the substantial harm to the Conservation Area and the negative impact upon heritage assets within the Yorkshire Dales National Park. The proposal fails to take the opportunity for improving the character and quality of the area and represents 'poor design', contrary to the guidance in section 7 of the NPPF".

**Officer note:** The above comments were made prior to the submission of the revised plans. As this is a reserved matters application seeking approval of the scale, appearance and landscaping of the development the YDNPA's comments on the layout are not relevant.

## 7. Representations

7.2 Five letters of representation have been received making the following comments:-

- The proposal to have electronic gates is out of keeping with the character of the village.
- Adopted roads should have full public access.
- The boundary wall should be externally dry-wall faced of the external side to match the wall on the school side.
- Proposed weathered sandstone is alien to the locality and should not be used.
- The tall and narrow proportion of many of the houses is unsuited to the village setting.
- Raised roof lights are alien to the locality.
- The proposed 4 and 5 light folding doors or French windows are too far removed from the local style even though they now appear in some modern houses and bungalows.
- UPVC is specified for the doors and windows which is inappropriate in this area.
- Up and over garage doors are problematic and are out of keeping with much of the village.
- Development should be phased over a period of several years for the sake of preserving community harmony.

In addition to the above comments have been submitted by the Police Designing Out Crime Officer.

## 8. Summary of Principal Planning Issues

8.2 Scale and appearance.

8.3 Landscaping.

8.4 Other matters.

## 9. Analysis

### Scale and appearance:

- 9.2 The Local Plan Policies set out above are of limited weight and in the case of H4 address the principle of development more than the detail which is the consideration here. Of greater relevance is the NPPF which promotes good design whilst advocating that proposals should not harm the setting or significance of any affected heritage assets which in this case are the adjacent Clapham Conservation Area and nearby Grade II listed 'New Inn'.
- 9.3 In terms of the overall scale of the development it is noted that the main site frontage would comprise two storey terraced rows with open porches set behind a stone boundary wall. This is considered to be acceptable and to be appropriate in the context of the wider street scene. Within the site there is a mix of scales with two storey properties, bungalows and two and a half storey houses, the latter being located away from the frontage towards the eastern and southern end of the site.
- 9.4 Concerns have been expressed regarding the height of the larger dwellings the tallest of which would be 8.3m to the ridge. In this case that concern is noted but it is considered that the location of the taller properties towards the rear of the site would reduce their visual impact and, notwithstanding that they would remain visible from the periphery of the site, they would not occupy a prominent location in which the height would be incongruous. In addition, there is precedent for taller buildings within the village, notably the three-storey 'New Inn' public house which occupies a key location at the heart of the village. On balance it is not considered that there would be sufficient harm to visual amenity or the character of the village/conservation area to justify refusal of planning permission on the basis of the scale of the larger houses.
- 9.5 It is considered that the general design (appearance) of the proposed housing is acceptable. The basis for this is that the simple gable ended design is a modern interpretation of the local vernacular which, whilst not in any way unique or innovative, is not considered to be out of character with the wider setting of the application site or the overall street scene. It is noted that the eastern entrance to the village is characterised by a mix of both modern and traditional buildings that sit somewhat apart from the village core and therefore the overall design, whilst important to the village setting as well as the setting of the conservation area, is not necessarily viewed in the same context as the village core. Moreover, the design of the proposed housing is dictated to a large extent by the layout of the site that has already been approved at outline stage. .
- 9.6 Some concerns remain regarding the proposed materials and detailing of the proposed housing and it is agreed that these aspects of the scheme could be improved upon. It is therefore proposed to condition prior approval of the facing stone, plinth material, walling, doors and garage doors. In addition it is proposed to attach a condition that would only allow for the installation of flush fitting 'conservation' style roof lights.

### Landscaping:

- 9.7 The landscaping proposals have been subject to discussion with the applicant and the applicant's agent which has resulted in a detailed submission and schedule of planting.
- 9.8 It is considered that the proposed details are acceptable. It is noted that the more substantial tree planting would be positioned to provide additional screening to the eastern site boundary thereby reducing the long range visual impact of the development whilst the remaining would limit the potential for the development to appear urbanised. Similarly, the areas of shrubbery across the site frontage should help to assimilate the development into the wider street scene.

### Other matters:

- 9.9 Members of the Planning Committee have previously been advised that at the time that the application to renew the original outline planning permission was being determined (ref: 18/2012/13161) no deed of variation was agreed to update the S106 planning obligation for the provision of affordable housing and open space. The implication of this is that the Council can no longer require the provision of these elements as part of this reserved matters

application. The applicant has been asked to consider the provision of an affordable element but has declined to do so. However, it is understood that the matter of the contribution towards open space is still under discussion with the Council's Sports Development Officer.

**10. Recommendation**

That the application is approved subject to the following conditions:

**10.1 Conditions**

1. The development hereby permitted shall not be carried out other than wholly in accordance with Drawing Nos: 25.06.300 revision A, 301 revision A, 302 revision A, 303 revision A, 304 revision A, 305, 306, 307 revision A, 308 revision A, 309, 25.06.210 revision A, 25.06.200 revision A and 5014.01 revision C and supporting information received by the Local Planning Authority on the 7<sup>th</sup> July 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 facing surfaces (including plinth) and doors/garage doors 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. Notwithstanding any details shown on the approved plans and accompanying supporting information all roof lights throughout the development hereby approved shall be flush fitting 'conservation' roof lights and shall be maintained as such thereafter.

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 engaged in pre-application discussions and has accepted amendments/additional information post validation..

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

**SKIPTON EAST  
63/2015/15726**

*RESIDENTIAL DEVELOPMENT OF 93 DWELLINGS - AMENDMENTS TO LAYOUT AND ALTERATION OF HOUSE TYPES ON PLOTS 4 TO 58 AND 62 - 99 (PURSUANT TO OUTLINE APPROVAL 63/2010/11062 AND RESERVED MATTERS APPROVAL 63/2013/13350)*

*ELSEY CROFT DEVELOPMENT, MOORVIEW WAY, SKIPTON.*

APPLICANT NAME: SKIPTON PROPERTIES LTD

TARGET DECISION DATE: 28/07/2015

CASE OFFICER: Neville Watson

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**This application is referred to Committee as previous decisions on the site were determined by the Committee.**

1. Site Description

- 1.1 The application site comprises a parcel of land 3.9 hectares in area situated on the eastern edge of Skipton to the north of Moorview Way and east of Wensleydale Avenue. It was formerly a greenfield site comprising pasture land situated on the edge of the present built up area of town. The land slopes with levels rising generally from west to east. Development of the site has commenced.
- 1.2 A public right of way runs along and parallel with the northern boundary, accessed from Wensleydale Avenue; the only other feature of the site is a dip in the land form containing a natural dry watercourse (or swale) that crosses the eastern section of the land. A water main crosses the western section of the application site and a high pressure gas main is located immediately to the east of the site.

2. Proposal

- 2.1 This is an application to revise the layout and amend the house types on the development. The alterations are to plots 4 to 58 and 62 to 99.
- 2.2 The revised scheme provides a total of:-
- 6 no. one bedroomed units
  - 34 no. two bedroomed dwellings
  - 19 no. three bedroomed dwellings
  - 44 no. four bedroomed dwellings
- 2.3 The scheme provides for 40% affordable houses and a total of 18 different house types. The figures referred to above include the revised scheme for 10 dwellings at the site entrance approved under reference 63/2014/15306.
- 2.4 The dwellings would be constructed in stone with slate roofs as previously approved.

3. Planning History

- 3.1 63/2008/8466: Residential development with means of access from Otley Road. Withdrawn.
- 3.2 63/2010/11063: Off-site drainage scheme on land to the north of the proposed residential development site (ref 63/2010/11062). Withdrawn 18 April 2010.

- 3.3 63/2010/11062: Outline planning permission for residential development with access via Moorview Way (showing indicative layout for 107 houses). Refused by CDC 13 July 2011 but subsequently allowed on appeal 23 January 2012.
- 3.4 63/2013/13350 Reserved matters permission for 103 dwellings. Approved 25 April 2013.
- 3.5 63/2014/14758 Application to discharge conditions attached to Planning Refs. 63/2010/11062 and 63/2013/13550. Approved 13 March 2015.
- 3.6 63/2014 15306 Amended house type and layout (for 10 dwellings) Approved 18 March 2015.
- 4 Planning Policy Background
- 4.1 NPPF, nPPG
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan polices ENV1 and ENV2.
- 5 Parish/Town Council Comments
- 5.1 **Skipton Town Council** "As previously commented, the group have concerns with regard to the encroachment on existing dwellings and the loss of public amenity space".
- 6 Consultations
- 6.1 **NYCC Highway Authority.** Reply awaited.
- 6.2 **Yorkshire Water Services.** No objection.
- 6.3 **NYCC Flood Risk Management.** No comments to make.
- 6.4 **CDC Sport Development Officer.** Accepts the revised plans that will need incorporating in the revised S 106. Provided detailed guidance and recommendation on signage that has been passed to the agent.
- 6.5 **CDC Affordable Housing Manager.** Final advice awaited.
- 6.6 **CDC Environmental Protection.** Recommends sustainable drainage condition.
- 6.7 **CDC Environmental Health Contaminated Land.** No known contaminated land issues.
- 6.8 **Environment Agency.** Refer to previous drainage condition.
- 7 Representations
- 7.1 Six letters of representation have been received raising the following issues:-
- House types (too many large houses)
  - Density of plots 84-91 (density of the proposed affordable houses too high)
  - Insufficient parking for affordable houses
  - Lack of amenity space
  - Location of cycle store in proximity to existing neighbours boundary
  - Development in advance of planning permission
  - Removal of wall at Wensleydale Avenue.
- 8 Summary of Principal Planning Issues
- 8.1 Design.
- 8.2 Other issues.

## 9 Analysis

### **Design**

- 9.1 The principle of residential development at this location has been established through the 2012 appeal decision; which also approved the means of access to the site from Moorview Way. The 2013 reserved matters permission approved a range of house types on the site. This application seeks permission to amend the house types on 93 plots on the site and includes the introduction of house types that include accommodation in the roof space.
- 9.2 The application site is outside the development limit of Skipton identified in the Local Plan and therefore Saved policies ENV1 and ENV2 are relevant but taking into account that the site now has the benefit of planning permission that has been implemented the relevance of these policies to the detail of this application is minimal.
- 9.3 The NPPF requires an appropriate housing mix should apply to both market and affordable housing. Paras. 47-55 in the Framework deal with housing provision; Para. 50 in particular looks for the delivery of “a wide choice of high quality homes”, saying that local planning authorities should “plan for a mix of housing based on current and future” trends, identifying “the size, type, tenure and range of housing that is required ... reflecting local demand”. The application does not affect the overall provision of affordable housing on the site. It introduces a greater mix of housing types than previously approved with a total of 18 different house types.
- 9.4 The NPPF places a strong emphasis on good design within its policy guidance. Section 7 of the NPPF entitled ‘Requiring good design’ sets out a number of policies which support the delivery of good design. Importantly, design quality is a ‘core principle’ identified in paragraph 17 and Paragraph 56 goes on to confirm “good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people”. In paragraph 64 it is made clear that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 9.5 This revised scheme provides for eighteen different house types that reflect local distinctiveness in the form of detached and linked properties designed in a way that does not create the appearance of individual plots in isolation, thereby following the concept established at the outline stage.
- 9.6 The revised scheme has no adverse impact on the amenities of neighbouring properties.
- 9.7 In conclusion, paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. In this case the development provides a greater range of house types and sizes, the design will improve the character and quality of the area and there is no adverse impact on the amenities of neighbours. It is considered that the proposal accords with the guidance in in the NPPF.

### **Other issues**

- 9.8 Residents have raised concerns about the number of larger properties on the site. However, 59 of the 103 dwellings would be 1, 2 or 3 bedrooomed units; 44 would be 4 bedrooomed dwellings and this is considered to be a reasonable mix of house types.
- 9.9 Concern has also expressed about the density of the dwellings on plots 84-91. These are some of the affordable dwellings in the south east corner of the site. The

dwellings are terraced properties and all have private amenity space which is considered to be adequate. The dwellings also have parking spaces and visitor parking.

- 9.10 The affordable housing also has the provision of cycle stores which are provided within the development site.
- 9.11 Reference has been made to the removal of a wall. Further clarification has been sought in this respect and Members will be updated at the meeting.
- 9.12 Development on the site is progressing and includes some of the plots the subject of this application. However, the site does have the benefit of planning permission for housing and any development is at the developer's risk.

## 10 Recommendation

- 10.1 That the application be approved.

## 11 Conditions

- 1. The approved plans comprise the following plans received by the Local Planning Authority on 21 April 2015:-

Dwg 1214SPS-ECS-LP01 Location Plan

Layout and House Type Drawings as Proposed:

Dwg 101 The Loxley-2B 4P Type 2

Dwg 106 - The Wharfe-3b 5p type 7

Dwg 1380SPL-ECS-DG01 Rev A Detached Garages 25-3-15

Dwg 1380SPL-ECS-HT01 Rev C - Brearley 25-3-15

Dwg 1380SPL-ECS-HT02 Rev F1 - Twistleton 25-3-15

Dwg 1380SPL-ECS-HT03 Rev C - Craven 25-3-15

Dwg 1380SPL-ECS-HT05 Rev K HT Apsley 25-3-15

Dwg 1380SPL-ECS-HT09 Rev C - Edwin 25-3-15

Dwg 1380SPL-ECS-HT10 Rev F1 - Sharp 25-3-15

Dwg 1380SPL-ECS-HT11 Rev E - Brocklehurst 25-3-15

Dwg 1380SPL-ECS-HT12 Rev E - Asquith 17-4-15

Dwg 1380SPL-ECS-HT13 Rev E - Hutton 17-4-15

Dwg 1380SPL-ECS-HT14 Rev D - Hepworth 17-4-15

Dwg 1380SPL-ECS-HT16 Rev C - Thompson 17-4-15

Dwg 1380SPL-ECS-HT17 Rev A - Eames 25-3-15

Landscape and POS Drawings as Proposed:

Dwg GL0255 01F Tree Planting Proposals

Dwg GL0255 02B - Play Area Proposals

Drainage and Highway Construction Drawings as Proposed:

11958-5003-08 Standard Manhole Construction Details

11958-5003-23D YW Water Main Protection Measures

11958-5003-25-Typical Retaining Wall Detail

and the following amended plans: received by the Local Planning Authority on 22 June 2015-



Layout and House Type Drawings as Proposed:

Dwg 1380SPL-ECS-AT01 Rev B Apt Types  
Dwg 1380SPL-ECS-AT02 Rev A Apt GF Layouts  
Dwg 1380SPL-ECS-AT03 Rev A Apt FF Layouts  
Dwg 1380SPL-ECS-AT04 Rev A Apt Elevations  
Dwg 1380SPL-ECS-HT01 Rev C - Brearley 25-3-15  
Dwg 1380SPL-ECS-HT04 Rev J - Ermysted+ 28-4-15  
Dwg 1380SPL-ECS-HT15a Rev D - Hughes Sht1of2 28-4-15  
Dwg 1380SPL-ECS-HT15b Rev D - Hughes Sht2of2 28-4-15  
Dwg 1380SPL-ECS-HT18 - Brearley-Spec Plt10 18-6-15

Drainage and Highway Construction Drawings as Proposed:

11958-5003-34E Manhole Schedule  
11958-5003-35T Drainage Layout Sheet 1of3  
11958-5003-36F Road and Sewer Sections Sheet 1of3  
11958-5003-37H Road and Sewer Sections Sheet 2of3  
11958-5003-41C\_Highway Construction Details\_Roads 1-2-3-5-6-7  
11958-5003-43L Drainage Layout Sheet 2 of 3  
11958-5003-44L Drainage Layout Sheet 3 of 3  
11958-5003-49D-S18 Flow Control MH Construction Details  
11958-5003-51D Surface Water Outfall Plan  
11958-5003-53A Build Out Construction Details  
11958-5003-54C Road and Sewer Sections Sheet 3of3  
11958-5003-55E-Drainage Layout 1-500  
11958-5003-57A Outfall Headwall Detail

And the following revised plans received by the Local Planning Authority on 21 July 2015.

Dwg 1214SPS-ECS-PL01 Rev HH Planning Site Layout  
Dwg 1214SPS-ECS-PL01 Rev HH Affordable Housing

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

2. Within one month of the date of this permission a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
  - (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units comprised in the development and shall be, in matters of tenure and type, in accordance with the findings of the Strategic Housing Market Assessment 2011 or any replacement thereof;
  - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To secure the provision of affordable housing on site.

3. Within one month of the date of this permission a scheme for the provision, management and future maintenance of public open space including an implementation programme, shall be submitted to and approved in writing by the local planning authority. Public open space shall be provided in accordance with the approved details and timetable and thereafter shall be retained and maintained as approved.

Reason: To secure the provision of open space on site to serve the development.

4. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the developed hereby approved and the roof(s) shall have slated verges.

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

5. Within one month of the date of this permission plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas, and the height of any retaining walls within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties in the interests of amenity.

6. Within one month of the date of this permission, the following drawings and details shall be submitted to and approved in writing by the Local Planning Authority.

(I) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing including tactiles, kerbing and edging

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

- (a) the existing ground level
- (b) the proposed road channel and centre line levels

(c) full details of surface water drainage proposals

(III) Full highway construction details including:

(a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths

(b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels

(c) kerb and edging construction details

(d) typical drainage construction details.

(IV) Details of the method and means of surface water disposal.

(V) Details of all proposed street lighting.

(VI) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(VII) Full working drawings for any structures which affect or form part of the highway network.

(VIII) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details.

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

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

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

8. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - b) That part of the access extending 6 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1/20.
  - c) 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.
  - d) 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.

All works shall accord with the approved details.

Reason: in the interests of road safety.

9. 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 33 metres measured along both channel lines of each major road from a point measured 2m down the centre line of each side road. The eye height will be 1.05m and the object height shall be 0.26m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

11. Within 1 month of the date of this permission the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Details of required highway improvement works for the provision of tactile paving and bus stop improvements.
  - b) A programme for the completion of the above works.

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

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

12. Within 1 month of the date of this permission, details of the routes to be used by HCV construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In the interests of highway safety and the general amenity of the area.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions