

## **PLANNING COMMITTEE MEETING AGENDA**

**Tuesday 24<sup>th</sup> November 2015**

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**ANNING COMMITTEE MEETING AGENDA**

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

**GLUSBURN  
32/2015/15390**

*APPLICATION TO REMOVE CONDITION NO. 11 AND TO VARY  
CONDITION NOS. 4, 5 AND 17 OF PLANNING PERMISSION REF:  
32/2011/11429 GRANTED ON APPEAL UNDER REF:  
APP/C2708/A/11/2165968 (REVISED DESCRIPTION)*

*GREEN END GREEN LANE GLUSBURN*

APPLICANT NAME: TRUSTEES OF THE JOHN BINNS SETTLEMENT  
TARGET DECISION DATE: 23/04/2015  
CASE OFFICER: Mark Moore

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**On the 26 October 2015 the Planning Committee resolved to refuse this planning application. However for the reasons set out in his report dated 24 November 2015 the Strategic Manager for Planning and Regeneration has asked the Planning Committee to reconsider this application.**

**This application seeks variation/removal of planning conditions attached to an outline planning permission for residential development that was both a major application and a departure and was originally determined by the Planning Committee (and subsequently granted on appeal).**

**A request for the application to be determined by the Planning Committee has also been submitted by Cllr Philip Barrett on the grounds of ‘the complex planning history and substantial public interest’ in particular in relation to the Inspector’s condition 17 (affordable housing) based on a viability assessment.**

**1. Site Description**

1.1 The application relates to an area of land located to the eastern side of Green Lane in Glusburn.

1.2 The site lies outside of development limits and has an outline planning permission for the erection of 49 dwellings (ref: 32/2011/11429) that was granted on appeal on 29 May 2012 (ref: APP/C2708/A/11/2165968).

**2. Proposal**

2.1 Permission is sought for removal of one planning condition (no.11) and to vary three conditions (nos. 4, 5 and 17) of outline planning permission ref: 32/2011/11429.

**Condition 11:**

2.2 This condition is as follows:

*Development shall not begin until a scheme (including a timetable for implementation ) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.*

2.3 The condition relates to a policy requirement that was set out in the Regional Spatial Strategy and is no longer extant. The requirement for the provision of renewable energy as part of development proposals is presently controlled via the

SAP (Standard Assessment Procedure) method under Part L1A of the Building Regulations 2013.

- 2.4 It is requested that this condition is removed.

Condition 4:

- 2.5 This condition is as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans: G540/001c, G540/002a, 2270.3A, 2270.4A and G540/005a. In the event of conflicting detail, that shown on drawing no. G540/001c will take preference.*

- 2.6 This condition identifies the approved plans that were submitted with the outline planning application. A variation to this condition is now sought so that the most recent and up to date plans are specified and to ensure that the plans approved under the outline planning permission match those of the reserved matters application (also on this agenda).

- 2.7 It is proposed that the wording of the condition is revised to the following:

*The development shall not be carried out other than wholly in accordance with the drawing no. (see full condition in recommendation for drawings). received by the Local Planning Authority on (see recommendation for dates)*

*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.*

**Officer note:** The above is the standard wording of the 'approved plans' condition now used by CDC.

Condition 5:

- 2.8 This condition is as follows:

*No dwelling shall have more than two storeys.*

- 2.9 The condition was imposed by the Planning Inspector when reaching his decision on the planning appeal. It is not entirely clear what the basis for the condition was as no reason has been given and it is not referred to in the inspectors' full report on the planning appeal. Notwithstanding, it is reasonable to come to the view that the inspector's intention was to ensure that the overall scale of the development remained as indicated on the plans submitted for consideration at the outline stage n.b. scale was applied for at the outline stage and the illustrative plans that were submitted showed two-storey dwellings.

- 2.10 It is proposed that the wording of this condition be varied as follows:

*No dwelling shall have more than two storeys other than plot nos. 10, 11 and 12 as shown on the site layout plan no. 3901-014 PL-01 revision E received by the local planning authority on 1<sup>st</sup> July 2015 and the accompanying house type details (Stanbury) shown on plan no. 3901-014 PL -18 revision A received 1<sup>st</sup> July 2015.*

Condition 17:

- 2.11 This conditions is as follows:

*The development shall not begin until a scheme for the provision of affordable dwellings on plots nos. 9, 13-23 inclusive, 40 and 43-49 inclusive 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 include:*

- i) the tenure of the affordable dwellings, which shall comprise 70% rental and 30% shared ownership;*
- ii) the timing of the construction of the affordable housing and their 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;*
- 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.*

2.12 The above planning condition seeks to ensure that affordable housing units are provided as part of the development in a proportion that would accord with the Council's policy (i.e. 40%). The original (outline) plans indicated 20 houses that were proposed as affordable units. Both the overall number of units and their locations had been agreed with CDC Strategic Housing and were specifically identified by the planning inspector in the planning condition as worded above.

2.13 Since the outline approval was granted the scheme has been subject to a financial viability appraisal which has been assessed by an independent surveyor on behalf of the Council. The outcome of that appraisal has shown a reduction in the number of affordable units that the scheme is able to support based on current financial information (from 20 units to 16). However, at present no application to discharge the Affordable Housing condition has been submitted and viability will be assessed at that time. The condition imposed by the Inspector does not have any flexibility in relation to plot numbers, layout, tenure or viability. Financial viability is a matter that the Council must take into account in relation to Affordable Housing and the wording of the current condition is too prescriptive. For the above reason a variation to the wording of the planning conditions is proposed as follows:

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

*The scheme shall include:*

- 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 (subject to viability);*
- ii). the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii). the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider involved);*
- iv). the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v). the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or*
- vi). details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a*

*contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).*

- 2.14 The above is a standard affordable housing condition and is extracted from the Council's most recent (revised) affordable housing guide (October 2015). In this case it is also proposed to append the condition with the following informative:
- A financial viability appraisal that has been assessed by an independent surveyor on behalf of the Council has indicated that the scheme is able to support 16 affordable housing units. CDC Strategic Housing advise that if HCA funding is provided for this development then the full 40% of affordable housing is likely to be achievable for the scheme in which case the Council's assessment of the financial viability appraisal may be re-considered.*

**Officer note:** Unlike the original condition the above revision would allow flexibility for the Council to negotiate on and agree the full extent and location of affordable housing across the site but does not in any way overcome the need for affordable housing to be provided as part of the scheme. It would remain necessary for the applicant/developer to discharge the planning condition before the commencement of development which would most likely entail them signing up to an appropriately worded legal agreement.

The initial indications are that a total of 16 affordable units would be provided across the scheme although this may increase to the full 40% if HCA funding is provided and therefore the informative set out above is proposed.

### 3. Planning History

- 3.1 There have been a number of planning applications relating to this site. Of most relevance to this application are the original outline planning permission, the application for approval of reserved matters and an application to discharge planning conditions. Those applications are as follows:
- 32/2011/11429: Proposed development of 49 dwellings, access road, open spaces and car parking. (Outline application for access, landscaping, layout and scale). Originally refused planning permission but subsequently granted on appeal In May 2012.
- 32/2015/15768: Application for reserved matters for the appearance of 49 dwellings as approved in previous outline consent referenced 32/2011/11429. No decision (this application appears later on this agenda).
- 32/2015/15785: Discharge of conditions 6, 7, 8, 12, 13, 14, 15, 16 and 18 of previous outline appeal decision referenced 32/2011/11429. No decision at time of compiling this report.

### 4. Planning Policy Background

- 4.1 Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 Negotiating Affordable Housing Contributions (CDC October 2015). This document is not planning policy itself, but a statement of how the Council will interpret the planning policy that exists.
- 4.3 The National Planning Policy Framework
- 4.4 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 **Glusburn and Cross Hills Parish Council:** The Parish Council strongly object to this application. These conditions were imposed by the planning inspectorate and accepted by the client. The PC are totally against any changes and would like this application to come back to the planning committee to give residents and interested parties an opportunity to be party to discussions. These proposals need publishing for residents, and residents need to be informed individually.

6. Consultations

- CDC Strategic Housing:** The final make up and number of affordable units to be provided is a matter that will be resolved through an application to discharge the requirements of the affordable housing planning condition. Strategic Housing has advised that a recent financial viability assessment suggested 16 affordable units could be provided as part of this scheme. Furthermore, if HCA funding is provided for this development, then the full 40% (20 units) is likely to be achievable.
- 6.2 **CDC Tree Officer:** Although initially consulted the Tree Officers comments are no longer relevant as the application no longer seeks variations to the conditions relating to landscaping and tree protection.

7. Representations

- 7.1 There are 6 representations from interested parties whose comments on the proposals are summarised as follows:

- Consultation on the proposed variation/removal of conditions is not adequate.

**Officer note:** The application was publicised by way of site notices and a press notice in the Craven Herald which meets the Council's statutory requirements. The decision was taken not to undertake individual neighbour notification letters as the main impacts of this application are principally general policy issues rather than matters directly affecting adjoining neighbours.

- The proposed variation of conditions 12 and 13 permitting the work in phases does not seem like a good idea and would inevitably double the time during which the site is disrupted by building activities. It would also introduce complexities to the handling of other conditions.
- Object to trees being removed which is contrary to the previous approval and would be a loss of their ecological value.
- Trees provide screening and have landscape value.

**Officer note:** The comments regarding the impact on the trees are noted, but is not an issue in relation to this application as the proposal to vary the conditions requiring approval of landscaping and tree protection (Conditions 12 and 13) no longer forms part of this application.

- As the affordable housing mix was extensively discussed in the appeal decision and formed a major component in the success of the appeal it should not be amended and therefore condition 17 should not be amended.
- The conditions have been set at appeal by a planning inspector and should therefore be referred back to the inspector if they are to be changed.

- Applicant has already applied to remove the need for 10% renewable energy and tree loss would further impact on the environment.
- Variation of condition 5 (restricting height of houses to two-storeys) is unacceptable as the houses would be contrary to the inspector's decision and would be visually intrusive.

## 8. Summary of Principal Planning Issues

8.1 The acceptability of the proposed removal/variation of conditions.

## 9. Analysis

### Condition 11:

9.1 As this condition relates to a Regional Spatial Strategy policy that has been revoked it is no longer enforceable. Additionally, the requirement for renewable technologies to be incorporated within development is now achieved through the Building Regulations and therefore the condition is not necessary.

9.2 For these reasons it is considered that the request to remove this condition is acceptable.

### Condition 5:

9.3 The application site has distinct variations in the landform which has made parts of the development difficult to design. The reserved matters proposals that have been submitted (Planning Ref. 32/2015/15768) deal with some significant changes in ground levels across one part of the site by proposing dwellings that would be two-storey on the northern elevation and incorporate a garage at basement level to the southern elevation. All of the remaining 46 dwellings across the rest of the development proposed under Planning Ref. 32/2015/15768 would be two-storeys.

9.4 This configuration would apply to plot nos. 10, 11 and 12 which are located in the centre of the development where public views of the three-storey elevations would be limited. The proposals would not comply with the inspectors planning condition and therefore without revising the wording of the condition it would not be possible to approve the details of the reserved matters application that appears later on this agenda

9.5 The submitted reserved matters application demonstrates that in Officer's opinion the site can be acceptably developed without complying with the requirements of condition 5. It is therefore the case that the requirements of condition 5 are not necessary and it is recommended that the Council agree to this condition being amended as set out at paragraph 2.10 above.

9.6 It is considered that the recommended revised wording set out above would allow acceptable design solutions to be agreed without compromising the overall scale of the development or the design approach. In conclusion the proposed variation to Condition 5 is considered to be acceptable.

### Condition 17:

9.7 Since the original application was determined by the planning inspector the applicants have submitted a financial viability appraisal (FVA) and discussed the affordable housing requirements with CDC Strategic Housing. The FVA has been independently assessed and it has been recommended that the overall number of affordable units should be reduced to 16.

9.8 The wording of the condition that was imposed by the planning inspector on the outline planning permission does not accord with that which is normally adopted by the District Council as it specifically identifies the plot numbers of the affordable



units that were initially agreed with the developer. The Council's standard policy wording does not identify plot numbers or a specific tally of affordable units and is designed to allow these matters to be agreed following the initial grant of planning permission.

9.9 In this case the units that are specified on the original planning condition are no longer correct and an alternative scheme has been negotiated with CDC Strategic Housing which incorporates a reduction in the overall number and includes some changes to the house types and their locations within the development. However, these matters are still under negotiation and may yet be changed as Strategic Housing has stated that the full 40% of affordable units may be secured if HCA funding is provided for the development.

9.10 For the above reasons the proposed variation is to replace the planning inspectors condition with the Council's standard wording. As set out above this does not fetter the Council's ability to negotiate further on this site and the proposed informative is therefore also recommended to ensure that the developer is aware that a change in the financial circumstances of the application would likely result in the Council revising its position and seeking a larger percentage of affordable housing.

**Officer note:** Concerns have been raised by third parties that the affordable housing has been agreed on the outline planning permission and the Council therefore should not now allow any variations. This is not a tenable position for the Council to adopt and it is not uncommon for affordable housing requirements to be subject to revisions post-decision. The Council has to consider the impact that developer contributions can have on the viability of delivering new housing development. In officer's opinion it would be unreasonable for the Council to refuse to allow the requested variation to the planning condition in this case, particularly as the variation sought would be to revise the wording of the condition so that it is consistent with the wording of the condition that the Council has set out in its most up to date guidance.

9.11 In addition to the above variations it has also been necessary to slightly revise the wording of condition 10 in order to relate the condition to the approved plans.

## **10. Recommendation**

10.1 That the application is approved and condition number 11 of planning permission ref: 32/2011/11429 is removed and conditions 4, 5 and 17 are revised.

**Officer Note:** It is good practice to repeat all previous conditions attached to a planning permission so these are included below along with the revised conditions 4, 5 & 17.

### Conditions

- 1) Details of the appearance (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from 29<sup>th</sup> May 2012.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter.

Reason: (for conditions 1- 3): To comply with the requirements of section 92 of the Town and Country Planning Act 1990.

4) **(Revised Condition)** The development shall not be carried out other than wholly in accordance with the following drawings nos:

- 3901-014 PL-01 revision E (Site Layout Plan) Received 1/7/2015.
- 3901-014 PL-02 (Existing Site Layout) received 1/5/2015.
- 3901-014 PL03 (Location Plan) received 30/4/2015.
- 3901-014 PL-05 revision D (Sales Layout) received 1/7/2015.
- 3901-014 PL06 revision C (Proposed Site Sections AA & BB) received 1/7/2015.
- 3901-014 PL07 revision A (Proposed Site Sections C-C) received 1/7/2015.
- 3901-014 PL08 revision A (Proposed Site Sections DD, EE & FF) received 1/7/2015.
- 3901-014 PL09 revision A (Proposed Site Section GG) received 1/7/2015.

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: for the avoidance of doubt.

5) **(Revised Condition)** No dwelling shall have more than two storeys other than plot nos. 10, 11 and 12 as shown on the site layout plan no. 3901-014 PL-01 revision E received by the local planning authority on 1<sup>st</sup> July 2015.

Reason: for the avoidance of doubt.

6) Development shall not begin until details of the junctions with Green Lane and the continuation of Black Abbey Lane have been submitted to and approved in writing by the local planning authority. No works in connection with landscaping or the construction of buildings shall take place until those accesses have been constructed in accordance with and to a standard specified in the approved details.

7) The access junctions with Green Lane referred to in condition no. 6 above shall be constructed to provide the following sight lines:

- southerly access; 37.0m to the south, 39.0m to the north, both measured along the centre line of the access road from a point 2.4m back from the carriageway edge;
- northerly access: tangential to the south, 37.6m to the north, measured as above.

These visibility splays shall at all times be kept free of any obstruction exceeding 1.05m in height.

8) Development shall not begin until details of the access roads within the site, including all forward visibility and pedestrian inter-visibility at individual

accesses, have been submitted to and approved in writing by the local planning authority.

- 9) No dwelling shall be occupied until the means of vehicular access to it and the parking space for it, whether private or shared, has been constructed in accordance with the approved details.
- 10) The dwellings numbered 24 and 25 on drawing no. 3901-014 PL-01 revision E shall have no doors or windows opening on to or over the highway.

Reason (for conditions 6-10): In the interests of highway safety.

**11) (Condition Deleted)**

- 12) No development shall take place until full details of hard and soft landscaping, broadly as shown on the approved drawings, have been submitted to and approved in writing by the local planning authority. The details shall include: proposed finished levels or contours; existing retained stone walls, new stone walls and other means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting; details of all trees to be retained; planting plans, including written specifications and schedules of plants, noting species, plant sizes and proposed numbers/densities as appropriate; and an implementation and maintenance programme. The works shall be carried out in accordance with the approved details and implementation programme.
- 13) No development shall take place until a scheme for the protection of all trees to be retained as part of the approved landscaping scheme has been submitted to and approved in writing by the local planning authority. In particular, the details shall include a demolition, excavation and construction specification for the retaining wall on Green Lane adjacent to the protected tree. Approved protective fencing shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all such equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with the approved scheme and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 14) Development shall not begin until a scheme for the laying out and landscaping of the proposed public open space, including details of the play area, its equipment and any means of enclosure, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of the future management and maintenance of both the public open space and the play area. Both shall be provided in accordance with the approved scheme before completion of the 25th dwelling and retained thereafter for those uses.

Reason (for conditions 12-14): In the interests of visual amenity.

- 15) Development shall not begin until a scheme for foul sewage and surface water drainage has been submitted to and approved in writing by the local planning

authority. No dwelling shall be occupied before foul sewage and surface water drainage has been provided in accordance with the approved scheme.

Reason: To ensure that the site is adequately drained.

- 16) Development shall not begin until a scheme for the management and maintenance of all shared car parking areas, including the area intended to serve existing properties on Green Lane, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the future maintenance and management of the shared car parking is satisfactory.

- 17) **(Revised Condition)** The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it.

The scheme shall include:

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

**Informative:** A viability assessment undertaken on behalf of the Council suggests that 16 affordable houses can be provided as part of the scheme. CDC Strategic Housing further advise that if HCA funding is provided for this development then the full 40% of affordable housing is likely to be achievable for the scheme in which case the Council's assessment of the financial viability appraisal may be re-considered.

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

Statement of Positive Engagement: -

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

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

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

**SKIPTON WEST  
63/2015/15792**

*OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING  
BUSINESS/EMPLOYMENT FLOORSPEACE (USE CLASSES B1, B2 & B8)  
AND RESIDENTIAL DWELLINGS (USE CLASS C3) WITH ACCESS FROM  
THE A629 AND CARLETON ROAD, PROVISION OF INFRASTRUCTURE  
AND ASSOCIATED LANDSCAPING*

*LAND NORTH OF A692 AND WEST OF CARLETON ROAD SKIPTON*

APPLICANT NAME: HENRY BOOT DEVELOPMENTS LTD

TARGET DECISION DATE: 02/10/2015

CASE OFFICER: Neville Watson

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**This application is referred to Planning Committee because it is an EIA application accompanied by an environmental statement and has been advertised as a departure from the development plan under Article 15 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.**

1. Site Description

- 1.1 The application site is located to the southern edge of the main built up area of Skipton. The application site extends to 17.66 hectares gross and currently comprises a number of agricultural fields which are used for the grazing of sheep.
- 1.2 The application site is bounded to the south/south west by the A629. Carleton Road and Skipton Crematorium & Waltonwrays Cemetery lie to the east of the site. There is a mix of employment land (predominantly on Ings Lane and Engine Shed Lane), grazing land and the playing pitches associated with Sandylands Sport Centre to the north. Skipton Town Centre lies approximately 1.3km to the north east of the application site.
- 1.3 Skipton Conservation Area lies immediately to the east of the application site (The cemetery and the Carleton Road frontage to the site).
- 1.4 The whole site is outside the development limit of Skipton

2. Proposal

- 2.1 This is an outline planning application with all matters reserved, save for the access. This is a mixed use development comprising up to 25,000 sq.m. of employment floorspace (Use Classes B1, B2 and B8) on 5 ha. of land. This includes land to the east of the A629 western By-pass and land to the south of the cemetery. The application identifies the industrial buildings would have a maximum height of 12 m. Approximately 225 residential dwellings (Use Class C3) are proposed on land to the north of the cemetery and west of the sports pitches at Sandylands on 6.4 ha. of land that equates to 35 dwellings per hectare The dwellings would have a maximum height of 10 m (2.5 storeys). A new roundabout is proposed to gain access to the site from, the A629 Skipton western by-pass. A mini-roundabout is proposed to gain access from Carleton Road and a new access is proposed to serve the employment land to the south of the cemetery. The scheme also proposes site infrastructure and associated landscaping. Open space both formal and informal is proposed around the cemetery, although the specific detail, layout and management of the open space is not proposed for consideration at this stage.

- 2.2 The illustrative masterplan for the site also identifies an area to the north of the current application site abutting Ings Lane, referred to as Phase 2 Employment land. This has not been brought forward at this stage, as there are outstanding flood issues relating to this site. The applicant's agent advises that there are ongoing discussions with the Environment Agency with a view to resolving matters to enable the Phase 2 land to be developed in the future subject to appropriate planning permission.
- 2.3 The planning application is accompanied by an Environmental Statement, prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015, together with appropriate drawings and the following range of supporting reports and appendices:
- Design and Access Statement
  - Planning Statement
  - Statement of Community Involvement
  - Noise Assessment
  - Flood Risk Assessment
  - Transport Assessment
  - Travel Plan
  - Phase 1 & Phase 2 Geo-Environmental Report
  - Illustrative Masterplan
- 2.4 Members are invited to view the above documents on the Council's website.
3. Planning History
- 3.1 63/2013/14114 Mixed use development including employment, supermarket, hotel, public house and hot food takeaway was refused in April 2014 for the following reasons:
1. *The proposed supermarket would have a significant adverse impact on the vitality and viability of the Town Centre and would therefore conflict with the advice in the National Planning Policy Framework which specifically advises at paragraph 27 that the application should be refused.*
  2. *The proposed design of the industrial units, including Healthcare House and supermarket are not considered to reinforce local distinctiveness, particularly given their prominence within the site and furthermore the siting of the supermarket and business innovation units adjacent to the cemetery would by virtue of their size, scale, mass and design would have a severely adverse and detrimental impact on the visual amenities and tranquillity of this part of the designated conservation area and would therefore conflict with the guidance in the National Planning Policy Framework and policies EMP5, ENV2, and R2 of the Craven Outside The Yorkshire Dales National Park Local Plan.*
  3. *Due to lack of structural planting and absence of space within the detailed site layout to accommodate structural planting it is considered that the proposal would therefore fail to maintain and enhance the landscape and would therefore conflict with advice in the NPPF and saved policies EMP5, ENV2 and R2 of the Craven District Outside the Yorkshire Dales National Park Local Plan.*
4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (nPPG).
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan “saved” policies:
- Policy ENV1 ‘Development in the Open Countryside’
  - Policy ENV2 ‘Requirements for Development in Open Countryside’
  - Policy ENV10 ‘Protection of Trees & Woodland’
  - Policy ENV18 ‘Light Generating Development’
  - Policy EMP1 ‘Industrial Land Supply’
  - Policy EMP5 ‘New Employment Development Outside Development Limits’
  - Policy BE2 ‘Protection of Road Approaches to Skipton’
  - Policy T2 ‘Road Hierarchy’
  - Policy T6 ‘Encourage provision of Effective Public Transport Services’
  - Policy H1 ‘Housing Provision up to 2006’
  - Policy SRC2 ‘Provision of Recreation Space in Housing Developments’

5. Parish/Town Council Comments

5.1 **Skipton Town Council:**

*“The Committee feel that although Saved Policies ENV1 & 2 are slightly out of date, if they were taken into consideration in conjunction with the National Planning Policy Framework’s Statement, this development would contravene rules which suggest ‘Does the benefits development demonstrably out-weigh the negative impact the development would cause’.*

*Committee believe the negative impact of the loss of the industrial land does not out-weigh the positives the site would provide.*

*Members have the following concerns with regard to the sustainability of this development:*

- *The application asks for an increased amount of homes in this area which is outside the infrastructure of the town centre amenities and transport links.*
- *In the interest of pedestrian safety access does not currently meet Disability Discrimination Act (DDA) requirements.*
- *The site is noted as being ‘contaminated land’ and part of it is on a flood plain.*
- *Reiterating this Committee’s comments submitted previously the Council has some concerns about the ability of the road infrastructure leading to the proposed site from the Town Centre direction being able to cope with a substantial increase in traffic and footfall. They also have reservations regarding the potential noise impact on Waltonwrays Cemetery.*

*The original application was submitted for industrial land and employment use. The new application means a loss of this type of space which is needed in the town whilst housing is not. The Committee believe that this plot of land is earmarked for employment. Therefore, Members believe that this application is an entirely new development and should be treated as such by the Planning Authority”.*

6. Consultations



6.1 **NYCC Highway Authority** advise that the development is likely to have a fundamental impact on the local highway network, but the applicant has identified the likely traffic flows and is willing to provide a number of mitigating measures. These would need to be included in a Section 106 Agreement and a contribution to funding to the value of £235k. The funded works are as follows:-

- Replacement of signs directing HGV's on the A629 approach to the junction with Keighley Road
- Car parking bays and traffic calming improvement on Carleton Road.
- Signage and road marking to reduce traffic speeds on the A629 County Road.
- Improvements to Carleton Road/Carleton New Road junction to narrow the kerb radii and provide a raised table.
- Provide a footway from the residential part of the site through the sports ground directly north of the site to provide a shorter pedestrian link to the town centre.
- Shared footway/cycleway between the west of the site and Ings Lane/Engine Shed Lane
- Widening works on the A629/A65 roundabout to mitigate the impact of the development

The developer is also required to ensure that the site is accessible by public transport for a period of not less than 5 years. Discussions are ongoing with the County Council to agree a mechanism to fulfil the requirement. The developer will need to support a travel plan and a £20k fund will need to be established by the developer for the implementation of the travel plan.

**Officer Note:** This matter is to be addressed by planning condition, although the condition itself cannot require the payment of a sum of money to secure the implementation of the travel plan. However, Officers would expect acceptable details submitted to discharge the requirements of a planning condition to clarify precisely how the implementation of the travel plan is to be secured.

The Highway Authority also recommend a comprehensive range of conditions.

6.2 **Environment Agency.** No objections providing no built development is located in Flood Zone 3 and will only meet the requirements of the NPPF if the measures detailed in the Flood Risk Assessment are implemented. The Agency recommends standard conditions.

6.3 **Yorkshire Water Services** recommend standard conditions to protect the local aquatic environment and YW infrastructure.

6.4 **Airedale Drainage Commissioners** recommends that any approval be subject to conditions to secure appropriate surface water drainage works; a sustainable drainage system and maintenance strip to allow access to the banks of watercourses.

6.5 **NYCC Lead Local Flood Authority** recommend that the detailed design of a Sustainable Drainage System should be addressed by condition.

- 6.6 **CDC Economic Development Officer** supports the application (see analysis under Economic benefits).
- 6.7 **CDC Strategic Housing Officer.**
- “The applicant has submitted an indicative planning application for a mixed use development inclusive of approximately 225 homes. The Councils interim affordable housing policy position statement, in line with National government policy, requires that 40% of the units on sites of 10 or more dwellings are provided as affordable (subject to viability).*
- As the application is indicative only it is not possible to comment on the units to be provided however Strategic Housing would require the following:*
- Of the units provided 60% should be 2 bed homes @ 70sqm in size.*
- 20% should be 1 bed houses (a small portion of flats are acceptable if flats are included within the market homes) @ 60sqm in size (flats 57sqm in size)*
- 20% should be 3 bed homes @ 85 sqm in size. .*
- The affordable homes should be well integrated with the market housing and clustered in pockets of 5-10 units across the site and should be indistinct from the market homes.*
- Of the units provided 75% of the homes will be made available as affordable rented units and 25% will be made available as intermediate units, allowing the registered providers to utilise them as shared ownership or intermediate rent. The tenure of the units does not affect transfer values which are set at £950 per sq.m. for houses and £900 per sq.m. for flats. The units will transfer to a registered provider on completion, as allocated by Craven District Council.”*
- 6.8 **CDC Environmental Health (Contaminated Land)** advise that the north western part of the site was used for landfill and the survey carried out on behalf of the applicant identifies contamination that would have to be dealt with. It is recommended that further survey work is carried out that could be dealt with by condition.
- 6.9 **CDC Environmental Health (Environmental Protection)** notes that there is the potential for the proposed residential properties may be affected by noise and lighting from the business premises. It is recommended that conditions are attached to any permission to address these concerns.
- 6.10 **CDC Sports Development Officer** advises that the proposal will need to satisfy Policy SRC2, but the quality of open space as indicated is unacceptable
- Officer note:** This is an outline application with illustrative information only and an assessment of the quality of the space and the type of space provided will be fully assessed at the reserved matters stage. Therefore an appropriate condition could be included in any permission.
- 6.11 **Sport England** does not wish to raise an objection subject to a condition that requires ball stop netting following a risk assessment of the adjacent cricket field.
- 6.12 **Natural England** advise that the proposal is unlikely to affect any statutorily protected sites or landscapes and refers to its standing advice on protected species.
- 6.13 **Historic England** notes that this proposal increases the green space around the cemetery (and thereby the Conservation Area), but considers that there will be harm to the landscape setting of the Conservation Area and in accordance with the guidance in the NPPF the Council must be satisfied that the public benefits outweigh the harm.

- 6.14 **Canal and River Trust** advise that the site is outside the notified area for consultation and there is no requirement for statutory consultation.
- 6.15 **NYCC Education Authority** has submitted an assessment for the need for developer contribution towards school buildings amounting to £220,935.
- 6.16 **NYCC Historic Environment Team** acknowledges that a geophysical survey has identified evidence of extensive and varied archaeological activity within the site and recommends further evaluation prior to the determination of the application.

7. Representations

- 7.1 Eleven letters of objection have been received and two letters of support. Letters of objection include representations from local residents, Skipton Civic Society, Coulthurst Craven Sports Centre and consultants acting on behalf of the tenant farmer raising the following issues;

Land use/principle

- Insufficient employment land provision
- Inappropriate siting of housing
- Challenge to the sequential assessment to alternative sites for office use
- Adverse impact on farming business (submitted on behalf of tenant farmer)
- Impact on local schools and other services including doctors

Highway issues

- Dangerous access
- Highway/pedestrian safety particularly on Carleton New Road
- Need to link development to Engine Shed Lane
- Link road too close to cemetery wall
- Bridge over Eller Beck not substantial enough to cater for traffic
- Challenge to the submitted Transport Assessment (technical issues)

Landscape impact

- Adverse impact on the cemetery and the conservation area.
- Need for greater buffer with cemetery
- Impact on views into and out of the conservation area
- Impact on the countryside

Drainage

- Concern about flood risk
- Concern about surface water drainage particularly in respect of impact on the sports facilities to the north

- 7.2 With respect to the two letters of support, one letter simply supports the proposal with no explanation, and the other considers that the proposal will relieve traffic congestion and provide much needed business space.

8. Summary of Principal Planning Issues

- Land use/principle- the policy context
- Economic benefits

- Housing provision
- Impact on the conservation area and the cemetery
- Landscape and visual impact
- Highway issues
- Drainage
- Other issues

## 9. Analysis

### **Land use principle- the policy context**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"
- 9.2 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.
- 9.3 The local plan policies most relevant to this application and have been "saved" are Policy ENV1 'Development in the open countryside'; Policy ENV2 'Requirements for development in the countryside' Policy H1 Housing Provision up to 2006'; and Policy EMP5 'New employment development outside development limits and established industrial areas (excluding conversions)'. However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".
- 9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 14 advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - b) *specific policies in this Framework indicate development should be restricted.'*
- 9.5 The main thrust of the National Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development: economic, social and environmental" (referred to in the NPPF as the roles the planning system should perform paragraph 7). This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 To bring forward the development of this site for employment uses, the Council has recognised that viability is an issue with this site in its South Craven Employment Zone Study 2011. The Council subsequently considered the suitability of this site

for development at a Policy Committee Meeting on 17th January 2012. The Policy Committee reached the following resolution that being: -

*Resolved –(1) That the Council, subject to (3) and (4) below being satisfied, supports the development of the site for employment use.*

*(2) That the Council acknowledges that in the current economic climate, the delivery of serviced employment land is unlikely to be viable without the incorporation of a “higher value” use in order to fund the provision of essential site infrastructure, such as flood alleviation measures, construction of access roads and upgrading of utility services.*

*(3) That the Council acknowledges that the option to deliver the most employment land would be the incorporation of food retail; however the Council also recognises that the impact on the vitality and viability of the town centre is as yet unknown and that acceptability of the proposal will be largely dependent on the outcome of a full shopping impact assessment demonstrating that there would be no significant adverse impact to the vitality and viability of the town centres.*

*(4) That the Council indicates its expectation that the development of the site would make a significant contribution to bringing forward the implementation of the flood risk reduction scheme for Skipton.*

- 9.7 The Council’s Policy Committee makes decisions on plans, policies or strategies which are considered to have a significant corporate impact, or which have a significant impact on the Council’s resources. It does not have responsibility for the determination of planning applications (that is a matter for the Planning Committee). The resolution of the Policy Committee was to support the development of this site for employment use, including the inclusion of “higher value” uses such as food retail in order to fund the provision of essential site infrastructure, such as flood alleviation measures, construction of access roads and upgrading of utility services, but subject to certain matters being satisfied. These matters included the acceptability of the proposal being dependent on the outcome of a retail assessment demonstrating that there would be no significant adverse impact on the vitality or viability of the town centres. In summary, the decision of the Policy Committee was clearly not to support employment development on this site whatever the impact, but to support development subject to other matters being addressed.
- 9.8 Members will be aware that a planning application that included a food retail “higher value” use was subsequently refused planning permission by the Council. It was considered that the proposed food retail development would have a significantly adverse impact on the existing town centre.
- 9.9 The Council Plan for 2015-2018 under the Enterprising Craven priority is supportive of developing the South Skipton Employment Zone. The Council Plan is not prepared under the requirements of the Planning Acts. Its purpose is to identify the Council’s strategic visions and aspirations for what it wishes to achieve. The commitment within the plan to supporting development is subject to the relevant planning considerations first being judged to be acceptable.

### **Economic benefits**

- 9.10 The development proposal offers the potential for significant economic development benefits. This is an important planning consideration as explained at Paragraph 19 of the NPPF that states ‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to

sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’ Furthermore paragraph 21 of the NPPF states that planning policies should seek to address potential barriers to investment, including any lack of infrastructure and support existing business sectors whether they are expanding or contracting.

- 9.11 The Council’s Economic Development team has explained the economic benefits of the proposal and they are re-iterated here for consideration in the planning judgement.

*‘The application insofar as it relates to development for B1, B2 and B8 uses meets the key themes and priorities of the Economic Development Strategy for Craven District (2010 – 2016). In particular, the proposal contributes to the key theme of enabling business growth by investing in infrastructure that supports the creation of employment opportunities for local people*

*Initial findings of the Employment Land Review currently being conducted by Nathaniel Lichfield & Partners to inform the preparation of the emerging Local Plan shows that:*

- The stock of office and industrial floorspace that is currently vacant in Craven is below what is considered a “reasonable” level of vacancy necessary to ensure the smooth functioning of the market (at around 10%). Vacancy rates in Craven are currently around 4.9% for office and 2.6% for industrial/warehouse floorspace.*
- There is demand for “move on” space from local businesses, which are looking for B2 and B8 accommodation of around 5,000 square metres.*

*The development of the site for employment use will make a significant contribution to satisfying “pent up” demand for new commercial space from local companies who are looking to grow. A survey of local businesses conducted as part of the Review has found that a lack of suitable employment land has been a factor in restricting the growth aspirations of existing businesses. The majority of respondents (63%) said that a lack of suitable land or premises was preventing them expanding in the area.*

*The development of site will provide the only area within the District of any significant size with the capacity to accommodate larger-floor plate developments. The lack of sites with the capacity to accommodate large-floor developments has meant that businesses have been forced to look outside the District for sites of a size that are capable of accommodating their expansion plans. A couple of respondents mentioned that they were in the process of moving out of the District because they had been unable to find premises locally that could meet their size requirements.*

*The proposal supports the delivery of the Strategic Economic Plan for York, North Yorkshire and East Riding, prepared by the Local Enterprise Partnership (LEP). The proposal fits with the Plan’s goal to enhance growth and opportunities in targeted locations – Skipton has been identified as a targeted location in recognition of its high growth potential and contribution to the prosperity of the entire LEP area. The Plan identifies the need to enable further employment land in order to release the growth potential of Skipton; the proposal will help to achieve this*

*The proposal will provide the District with much needed employment land; the shortage of which has acted as a constraint to enabling local business to grow and create new job opportunities.’*

- 9.12 Policy EMP5 of the Local Plan is also of relevance, although as it specifically seeks to differentiate between sites within development limits and sites outside development limits it is somewhat at odds with planning policy within the NPPF. It is considered that some limited weight can be attached to policy EMP5 and it does allow for new employment development in open countryside locations in exceptional circumstances.
- 9.13 In accordance with the wording of policy EMP5, the principle of employment development on the site is considered to be exceptional circumstances essential to the economic needs of the community where there are no suitable alternative sites within the Development Limit of a nearby settlement or an established industrial area. The comments by CDC Economic Development suggest that there is significant demand for serviced employment land particularly in the Skipton area and site allocations for new employment land in the adopted 1999 Local Plan were implemented by 2006 and since this time a shortage of available employment land for new development has been identified (Shaping a Strategy for Employment Land in Craven, Draft Discussion paper, May 2013). As the business use development is accepted as a matter of principle that accords with policy EMP5, the criteria of that policy have to be satisfied and these are addressed later in the report.
- 9.14 In summary the proposal will provide the District with much needed employment land, the shortage of which has acted as a constraint to enabling local business to grow and create new job opportunities. This is an important factor in the consideration of the application, but it is essential that the employment land is delivered in an appropriate and timely manner. Given that this is a mixed development (including housing that is considered below) it is important to ensure that the employment land is available and serviced and it is considered that this needs to be established by a Section 106 Agreement to ensure that the residential element is not developed in isolation from the employment element.

### **Housing Provision**

- 9.15 The proposed development identifies 6.4 ha. of land, north of the cemetery and south and west of the Sandylands sports pitches, providing approximately 225 dwellings. 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.
- 9.16 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.
- 9.17 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.

- 9.18 It is important to note that new evidence has recently been received by the Planning Policy team to allow the Council to identify its' objectively assessed housing need for the housing market area. That evidence was produced by Arc4 consultants and their findings were presented to both the Spatial Planning Sub-Committee in October 2015 and the Policy Committee in November 2015. The findings of Arc4 resulted in a recommended housing requirement of 256 homes per year, which is a significant increase over the average 117 dwellings per year used in the Council's May 2015 5 year land supply calculation. This amended objectively assessed housing need has been accepted by both the Spatial Planning Sub-Committee and the Policy Committee, but the decision still needs to be ratified by a meeting of the Full Council. A final decision on the acceptability of the objectively assessed housing need figure of 256 homes per year has therefore still not been made, but it is certainly the case that emerging evidence provides a strong indication that the figure of 117 dwellings per year in the Council's May 2015 Housing Land Supply report is too low.
- 9.19 Officers therefore consider that the existence of the May Five Year Housing Land Supply (as claimed in the May 2015 Five Year Housing Land Supply Methodology and Report) is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement, but given emerging evidence it is recommend that it should be given limited weight in the decision making process.

#### **Impact on the Conservation area and the Cemetery**

- 9.20 The NPPF advises in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset including a contribution made to the setting. The authority should identify and assess the particular significance of the heritage asset, including a development that affects the setting of a heritage asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraph's 128 and 129 refer).
- 9.21 The Skipton Conservation Area was reviewed in 2008 and the boundary modified to include the setting of the Victorian villas on Carleton Road and the contemporary Waltonwrays cemetery and crematorium. The only part of the development that directly affects the conservation area is the mini-roundabout and alterations to Carleton Road. It is not considered that the construction of the roundabout would by itself affect the heritage asset.
- 9.22 The applicant's acknowledge in the planning statement (paragraph 5.113) that the cemetery and the conservation area will be impacted by the proposed development both during the construction and operational phases primarily as a result of noise from construction works and the movement of traffic.
- 9.23 The NPPF (para.123) advises that policies and decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreation and amenity value for this reason. Compared to the refused scheme the development now proposed moves the built form away from the cemetery and replaces it with a landscape buffer. The current plan now proposes tree planting alongside the cemetery's boundaries and amenity spaces to the south and west. This open space will provide a buffer between the cemetery and the built form. However, it is proposed to construct employment development to the south of the cemetery, but the built form will not be immediately adjacent to the cemetery boundary.



- 9.24 It is concluded that the proposed development would have a “minor adverse” impact and would not unacceptably erode the value of the heritage asset. The visual amenities of this part of the conservation area would not be adversely affected and the tranquil character of the cemetery would not be unacceptably affected by the activity taking place on the adjoining site. The development proposal is therefore considered to accord with guidance contained within the NPPF. Furthermore, it is considered that the development would not conflict with the detailed criteria of Policy EMP5 and ENV2 (although it should be noted that limited weight can now be attached to Policy EMP5 and ENV2).

### **Landscape and Visual Impact**

- 9.25 The site is identified in the Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal 2002 as “Valley Pasture Landscape” characterised as a large scale pastoral landscape with very limited vegetation and an open character. The medium to large scale fields of improved pasture are bounded by fences, dry stone walls and gappy, grown out hedgerows.
- 9.26 Policy ENV1 of the Local Plan states that large scale development in the open countryside will only be permitted where it can be demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. These exceptions do not apply to the current application. However following the publication of the NPPF and given the age of the 1999 Local Plan, development limit boundaries identified by Policy ENV1 are now of limited significance when considering the need for new strategic sites for employment development and housing development that would contribute to meeting the District’s requirements.
- 9.27 Policy ENV2 of the Local Plan for development in the countryside seeks to resist development that would have an unacceptable impact on the landscape. However, as the policy specifically applies to developments accepted in principle under ENV1 (which this is not), the weight that can be attached to Policy ENV2 is limited.
- 9.28 In Craven the quality and character of the landscape is one of the District’s greatest assets. The development of this site will inevitably change the character of the landscape to the south west of the town, developing up to the by-pass from where there are clear views of the site. The landscape and visual impact assessment (LVIA) submitted as part of the environmental statement (ES) acknowledges that the predicted direct landscape effects during construction and the first operational phase would be ‘moderate adverse’ reducing to ‘slight/ moderate’ after 15 years.
- 9.29 As this is an outline application the landscape impact can only be assessed against the illustrative masterplan. The LVIA acknowledges that the landscape features of the site will be permanently replaced by the proposed development. However, it is considered that the impact will not be sufficiently significant to damage Skipton’s setting. The views out of the cemetery will be moderately affected especially during the winter, without deciduous leaf cover, but taking into account the buffer zones around the cemetery it is not concluded that the impact would conflict with the guidance in the NPPF.

### **Highway Issues**

- 9.30 The proposed development includes the provision of a new roundabout on the A629 western by-pass and a new mini-roundabout on Carleton Road. A separate access is proposed to serve the employment land to the south of the cemetery. It is considered that the development of the site would have a fundamental impact on the local highway network and change how the network is used due to the proposals which the developer has included in the application.

- 9.31 The applicant has identified the likely flows to be generated by the development which the Highway Authority has been shown to be managed in a way with least detriment to the highway network. The background work has identified a number of improvements to the existing highway network which will be funded by the development.
- 9.32 There are ongoing discussions between the developer and the County Highway Authority to reduce the reliance on the private car. This includes a travel plan to encourage the use of public transport, cycling, car sharing and walking. Financial contributions to support the provision of public transport links to the site are also the subject of on-going discussions and will be embodied in a Section 106 Agreement. This accords with the advice in paragraph 35 of the NPPF to exploit the opportunities for the use of sustainable transport modes.
- 9.33 The Highway Authority advises that the following issues would need to be included in a Section 106 Agreement and a contribution to funding to the value of £235k. This is to mitigate the impact of the development on the surrounding highway network and to connect the development to the town centre. The funded works are as follows:-
- Replacement of signs directing HGV's on the A629 approach to the junction with Keighley Road
  - Car parking bays and traffic calming improvement on Carleton Road.
  - Signage and road marking to reduce traffic speeds on the A629 County Road.
  - Improvements to Carleton Road/Carleton New Road junction to narrow the kerb radii and provide a raised table.  
(The above works would be carried out within three years of the commencement of development).
  - Provide a footway from the residential part of the site through the sports ground directly north of the site to provide a shorter pedestrian link to the town centre.
  - Shared footway/cycleway between the west of the site and Ings Lane/Engine Shed Lane
  - Widening works on the A629/A65 roundabout to mitigate the impact of the development.  
(The above works would be completed within three years of the commencement of the residential part of the scheme to provide pedestrian linkages to the town centre and to cater for potential increase in traffic on the A629/A64.)
- 9.34 The developer is also required to ensure that the site is accessible by public transport for a period of not less than 5 years. Discussions are ongoing with the County Council to agree a mechanism to fulfil the requirement but has not been resolved at the time of compiling the report.
- 9.35 The developer will need to support a travel plan and a £20k fund will need to be established by the developer for the implementation of the travel plan (this would be addressed by condition). The purpose of the travel plan is to establish measures to encourage more sustainable non-car modes of transport.

- 9.36 The Highway Authority has no objections to the proposed development and has recommended a comprehensive list of conditions covering matters of detail. It is concluded taking into account the advice from the Highway Authority that there are no highway objections to the proposal.

### **Drainage Issues**

- 9.37 The NPPF (paragraph 100) advises that inappropriate development in areas of flood risk should be avoided by directing development away from areas of high risk, but where development is necessary, proposals should make the flood risks acceptable without increasing flood risk elsewhere. The Craven plan area is characterised by dense market towns and villages on trans-pennine routes in main river valleys. Therefore in order to identify suitable and sufficient land for strategic employment it is necessary to reconcile the location of the main settlement, the primary road network and main river flood risk. There are no sequentially preferable available sites for strategic employment use in the Craven plan area south of Settle and without the incorporation of a higher value land use (such as residential) the site is unlikely to come forward for viability reasons (this has been confirmed through earlier studies undertaken on behalf of the Council). The consultant's report that considered this site in 2011 advised that the development of this site should set floor levels for commercial development 300 mm. above the 1 in 100 year flood to minimise the risk of flooding.
- 9.38 Some very small parts of the application site are shown to be within Flood Zone 3 (High Probability), affected by flooding from the nearby Eller Beck and to a lesser extent the Ings Beck. A larger proportion of the site is within Flood Zone 2, although much of the southeast part of the site is within Flood Zone 1.
- 9.39 Due to the high risk of flooding in small areas of the site mitigation measures in the form of Sustainable Drainage Systems will be put in place to prevent potential flood waters being diverted elsewhere. These will take the form of swales and balancing ponds.
- 9.40 The Environment Agency have no objection provided there is no development in Flood Zone 3 and that the proposed development will only meet the requirements of the NPPF if the measures outlined in the Flood Risk assessment are carried out. It also proposes that finished floor levels are set at 300 mm. above the 100 year flood level and surface water run-off is controlled by swales and attenuation ponds to restrict run-off rates acceptable to the Drainage Board. These are identified to the south of the cemetery and along the western boundary of the site.
- 9.41 Objections have been received specifically from The Coulthurst Craven Sports Centre, expressing concern about drainage and the impact on their sports pitches. The full details of the disposal of foul and surface water drainage would be addressed by a reserved matters application. This should address the concerns of the sports club
- 9.42 It is concluded that the site can be drained satisfactorily and as the Environment Agency and the Airedale Drainage Commissioners have no objections, subject to appropriate conditions the requirements of the NPPF have been satisfied.

### **Other Issues**

- 9.43 A representation has been received on behalf of the tenant farmer expressing concern about the viability of his farm business. The loss of his right to farm the land is not a matter for the LPA to be involved with, it is understood that in such cases he would achieve appropriate compensation in the event that planning permission is granted.

- 9.44 The representation also challenges the provision of B1 office accommodation on the site which is considered to be a town centre use and refers to paragraphs 24 and 26 of the NPF that requires a sequential test be carried out. These assessments need to be realistic and proportionate to the development concerned. The applicant's agent has now carried out an assessment and it is concluded that there are no sequentially better sites in or on the edge of the town centre that could accommodate the B1 office element in part or as a whole. On the basis of the submitted information Officers concur with the conclusion.
- 9.45 The County Education Authority is seeking a contribution of £220.935 targeted to Skipton Ings Community Primary and Nursery School. The need for school places is not disputed. However, there is no planning policy justification to require the developer to make a contribution to school place provision in town. The site falls on the edge of the main town in the District where the level of infrastructure and supply of school places would be expected to meet cumulative future development needs. In the absence of any planning policy to justify the contribution requested by the education authority it would not be possible to sustain a case for the requested contribution.
- 9.46 The County Historic Environment Team acknowledges that the geophysical survey has been carried out that identifies prehistoric /Roman agricultural and settlement activity and the existence of medieval ridge and furrow on site and requests that further survey work be carried out before any permission is granted. Paragraph 128 of the NPPF advises that local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. It is considered that this can be appropriately addressed by a condition to require further works prior to development and does not need to be carried out in advance of a decision on this application.

### **Conclusions**

- 9.47 This outline application raises a wide range of competing issues that must be considered in the balance. The principal benefits are the employment benefits set out in the report. These benefits have to be balanced against the adverse impacts, and in particular the development of a green field site adjacent to the conservation area. There are other detailed concerns and issues with the proposal that also have to be considered.
- 9.48 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - b) specific policies in this Framework indicate development should be restricted.'
- 9.49 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in many instances with the NPPF (as supplemented by the nPPG) and limited weight can be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.

- 9.50 Paragraph 19 of the NPPF outlines that significant weight should be placed on the need to support economic growth through the planning system. This development will bring economic benefits and therefore that is a matter of significant weight in the planning balance. Additionally the site is identified in the Council Plan as a priority for employment development and there was also the resolution of the Policy Committee to support development of the site, subject to no unacceptable adverse impacts.
- 9.51 This scheme also has the benefit of providing residential development and the latest studies identify a need to provide additional housing. The Policy Committee on 3 November 2015 accepted an objectively assessed need for housing representing an average housing target of 256 dwellings per year over the plan period 2012/2032, directing most of the development to the towns and larger villages of the District. The conclusions of the Policy Committee still need to be confirmed by Council in December.
- 9.52 The scheme is not without some adverse impact not least of which is development on a greenfield site. However, this site is on the edge of Skipton and is not considered to be isolated sporadic development. The proposal will also have some impact on the cemetery and the conservation area but the masterplan for the site provides an open space buffer and sensitive views immediately to the west of the cemetery will retain views of the open countryside to the west of the town.
- 9.53 As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. This scheme will provide much needed employment land. It will also provide new dwellings including affordable units. The development will have some impact on the cemetery and the conservation area, but the landscape buffers will help to mitigate any adverse impact on the cemetery. It is concluded that the adverse do not impacts significantly and demonstrably outweigh the benefits of providing much needed employment and housing and the proposed scheme is acceptable.

## **10. Recommendation**

- 10.1 **That Members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject to the following conditions and the applicant first entering into a S106 Planning Obligation to provide the following:**

### **(i) Highway works comprising**

- **Replacement of signs directing HGV's on the A629 approach to the junction with Keighley Road.**
- **Car parking bays and traffic calming improvement on Carleton Road.**
- **Signage and road marking to reduce traffic speeds on the A629 County Road.**
- **Improvements to Carleton Road/Carleton New Road junction to narrow the kerb radii and provide a raised table.**
- **Provision of a footway from the residential part of the site through the sports ground directly north of the site to provide a shorter pedestrian link to the town centre.**
- **Shared footway/cycleway between the west of the site and Ings Lane/Engine Shed Lane**
- **Widening works on the A629/A65 roundabout to mitigate the impact of the development**

**(ii) A programme for the phasing and delivery of the employment land.**

11

**Conditions**

1. No development shall commence until approval of the details of the layout, scale, appearance of the building(s), and the landscaping/boundary treatments (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 DE166-02, DE166-03, DE166-04, DE166-05, DE166-007, LDH/2112/F1 Rev F1, LDH/2112/004/Rev P2, LDH/2112/005/Rev P2 and LDH/2112/007/Rev P1 received by the Local Planning Authority on the 8 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 development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance.

REASON: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

4. The proposed flood plain compensation must be designed such that there is no net loss of available floodplain capacity on the proposed site.

REASON: To ensure no loss of available floodplain capacity.

5. 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 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 1:500 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. 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.

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

d. Details of all proposed street lighting.

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

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

g. A programme for completing the works.

REASON: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

6. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access has been 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 any part of the development is brought into use.

REASON: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

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

REASON: In the interests of highway safety

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

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
  - a). A new roundabout on the A629 to access the development. The highway improvement shall be designed to meet current standards for highway works set out in the Design Manual for Roads and Bridges.
  - b). A mini roundabout at Carleton Road / Burnside Crescent Junction again to current standards as set out in the design manual for roads and bridges.
  - c) A new junction to North Yorkshire County Council highway specification on Carleton road to access the development south of the cemetery.
- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

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

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

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

REASON: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.



10. No part of the development shall be brought into use until the associated approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 have been constructed in accordance with the approved drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

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

11. 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.

12. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of highway safety and visual amenity.

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

- 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.

14. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway 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.

15. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

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

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

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Skipton High Street and Carleton Road. Some vehicles will be allowed between the new mini roundabout and the access to the business site south of the cemetery.

REASON: In the interests of highway safety.

17. There shall be no access or egress by any vehicles between the highway and the application site(except for the purposes of constructing the initial site access) until splay are provided giving clear visibility of 65 m. measured along both channel lines of Carleton Road from a point measured 2.4 , down the centre line of the access road. The eye height will be 1.05 m. and the object height shall be 0.6 m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for its intended purpose at all times.

REASON: In the interests of road safety.

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

REASON: In the interest of satisfactory and sustainable drainage

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

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

20. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

REASON: To ensure that the development can be properly drained

21. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

22. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

REASON: In the interest of satisfactory drainage)

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

(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;

(ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

(iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider is involved);

(iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;

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

REASON: To secure the provision of affordable housing on site in accordance with NPPF policy.

24. 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 implementation, management and maintenance.
- (ii) Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

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

25. No development, including site clearance, shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: The site is considered to be of archaeological significance

26. Prior to the commencement of development, an investigation of land contamination and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- 1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- 2. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters ; ecological systems, archaeological sites and ancient monuments;
- 3. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency; Model Procedures for the Management of Land Contamination.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. The approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

29. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

30. The application for the approval of reserved matters shall include an assessment and scheme for the mitigation of possible noise nuisance from the industrial units on the proposed residential dwellings shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that residents of domestic dwellings in the development are protected from noise nuisance.

31. Prior to the first installation of any external lighting for the industrial units details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme.

REASON: To ensure that residential properties are protected from light nuisance.

32. No residential development shall commence until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The ball stop netting or fencing shall be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant and will include a timetable for the construction and completion of the ball stop netting or fencing.

REASON: To enable the cricket field to be used for sport without causing nuisance to the amenity of the occupants of the proposed residential development.

33. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk assessment (FRA) by BWB dated February 2015 and the following mitigation measures detailed within the FRA

1. Provision for compensatory flood storage as detailed in Sections 3.11-3.15 on page 16 of the FRA

2 Finished floor levels that are set no lower than 96.67 m. above Ordnance Datum and no lower than 300 mm. above the 1 in 100 year flood level

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

#### INFORMATIVES

1. In imposing conditions above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

#### Statement of Positive Engagement: -

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

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

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

SUTTON  
66/2015/16004

VARIATION OF CONDITION 12 TO APPROVED APPLICATION  
66/2014/14652 RELATING TO AFFORDABLE HOUSING UNITS

LITTLE CROFT WEST LANE SUTTON-IN-CRAVEN KEIGHLEY

APPLICANT NAME: R. N. WOOLER & CO

TARGET DECISION DATE: 04/09/2015

CASE OFFICER: Neville Watson

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**This application is referred to Planning Committee as it seeks to vary a condition on a planning permission that was originally approved by the Committee.**

1. Site Description

1.1 The application site is situated on the southern edge of the present built-up area of Sutton, on the west side of West Lane. It comprises a triangular shaped plot of land some 0.53 hectares in area. The site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999). The surrounding area to the northwest and east is residential in character; to the south is open countryside.

1.2 The eastern boundary is formed by West Lane and has a mixed hedgerow frontage, the western boundary is delineated by a narrow metalled track that forms a junction with a West Lane at the northern apex of the site and serves a number of dwellings further to the southwest at Slubbing Hill Farm (and is a public right of way). The southern boundary abuts a tree plantation and levels rise steeply away from the site to the south; the site itself has a gentle fall in levels from west to northeast. In addition to the trees and hedges along the West Lane boundary there is a further group of larger mature trees at the northern tip of the site. These trees are protected by a Tree Preservation Order.

2. Proposal

2.1 Outline planning permission was granted in July 2013 for 10 dwellings subject to a condition requiring the provision of affordable housing.

2.2 The condition is as follows:-

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

*The scheme shall include:*

*(i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;*

*(ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*

*(iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;*

*(iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*

*(v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

- 2.3 The application seeks to vary the condition to provide 20% affordable housing in the form of a pair of semi-detached bungalows (plots 2 and 3). The proposal does not alter the layout, size or types of houses. Plots 9 and 10 that were approved as two and three bedroomed affordable houses are now proposed to be open market dwellings.

### 3. Planning History

- 3.1 66/2013/13537. Outline permission for 10 dwellings. Approved 30 July 2013
- 3.2 66/2014/14652. Reserved matters permission. Approved 28 July 2014.
- 3.3 66/2014/14966 Application to discharge condition 11 (archaeology) of the outline permission and condition 3 (materials) of the reserved matters permission. Approved 16 September 2014
- 3.4 66/2015/15391 Application to discharge conditions 8,9,10 and 13 (drainage and highway conditions) of the Outline permission 66/2013/13537. Approved 12 November 2015
- 3.5 66/2015/16028 Application to discharge conditions 19 and 20 (highway conditions) Approved 12 November 2015.

### 4. Planning Policy Background

- 4.1 National Planning Policy Framework
- 4.2 CDC Interim approach to negotiating on affordable housing contributions (updated October 2015).

### 5. Parish/Town Council Comments

- 5.1 Sutton in Craven Parish Council has no objections. Received 4 August 2015.

### 6. Consultations

- 6.1 **CDC Affordable Housing Development Officer:** advises that the proposal to reduce the number of dwellings from 4 to 2 is supported by Strategic Housing following the submission of a development appraisal and accord's with the Council's guidance. Received 9 November 2015.
- 6.2 **NYCC Highway Authority and NYCC Flood Risk Management** have no objections. Received 28 July and 22 July 2015 respectively.

### 7. Representations

- 7.1 None

### 8. Summary of Principal Planning Issues

- 8.1 Justification for a reduction in the provision of affordable housing.

### 9. Analysis

- 9.1 Discussions took place at the outline stage to deliver 40% affordable housing which in this case was to be 4 out of the 10 dwellings on site. This formed the basis of the assessment of the acceptability of the proposed scheme and the



affordable housing element was addressed by condition set out at paragraph 2.2 above.

- 9.2 Affordable housing contributions from market housing developments are often seen as an additional cost or subsidy that the developer must pay. Where a developer believes that the cost of providing affordable housing is likely to undermine the economics of the scheme rendering the site undevelopable then viability becomes an issue. The Council's approach acknowledges the importance of financial viability and its role as a material planning consideration.
- 9.3 In favourable circumstances, there should be a reasonable prospect of achieving 40% on site provision or equivalent cash payment. However, circumstances are not always favourable and the approach of the Council is to consider a reduction in the provision of affordable housing if it is properly justified by a financial viability appraisal. Such viability appraisals need to cover all costs and expected receipts in order to provide the necessary net residual valuation.
- 9.4 In order to maintain public confidence in the planning system the assessment must be impartial and independent. To this end the Council has appointed Harrogate Borough Council's valuer to carry out the assessment on an impartial basis. The Council's Affordable Housing Development Officer has confirmed that an assessment has been made in accordance with the Council's Guidance and that a reduction to 20% is justified and the application can be supported. In the event that a registered provider to purchase the affordable units is not found, an equivalent affordable housing contribution would be sought.
- 9.5 Paragraph 14 of the NPPF advises that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. In this particular case approval would see a reduction in the number of affordable houses on the site. An independent assessment of the financial viability concludes that the reduction has been justified and refusal of the application would render the scheme non-viable, in which case the benefits of housing provision in Sutton in Craven including the provision of two affordable bungalows would not be achieved. The adverse impact of the reduction in the number of affordable houses does not significantly and demonstrably outweigh the benefits

## 10. Recommendation

- 10.1 That condition 12 of permission 66/2013/13537 be varied.

**Officer Note:** It is good practice to repeat all previous conditions attached to a planning permission so these are included below. As works on site have already commenced and some of the condition details agreed or discharged it is also necessary to adjust all other conditions as necessary to reflect the current position.

### Conditions

1. The planning permission shall be implemented in accordance with the requirements of this permission and the reserved matters approval of 28 July 2014 (ref. 66/2014/14652), or alternatively, in accordance with a further reserved matters approval (the reserved matters being a) appearance and b) landscaping) that has been made before 30 July 2016.

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

2. Any revised 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. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated May 2013 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

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

3. Any revised detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. Any such a scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

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

4. The plans and particulars submitted in accordance with condition 3 above shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

5. The erection of fencing for the protection of the retained trees and hedgerows (including the trees protected by a Tree Preservation Order) shall be maintained in accordance with the approved layout plan (Drawing No. 2438 Revision B, received on 8 July 2013). The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of Craven District Council.

[Informative: The fencing in relation to condition 5 should be erected in accordance with BS5837:2012 'Trees in Relation to Construction'. The fencing should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate that the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either

herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard].

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

6. Outfall for surface water shall be in accordance with details approved under discharge of conditions application reference 66/2015/15391, or alternatively in accordance with amended details that have first been submitted to and approved by the local planning authority.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

8. Foul and surface water drainage from the development shall be in accordance with the details approved under discharge of conditions application reference 66/2015/15391, or alternatively no further development shall take place until amended details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the amended approved scheme.

Reason: To ensure that the site is properly drained.

9. Archaeological investigation and protection measures shall be in accordance with the details approved under discharge of conditions application reference 66/2015/15391, or alternatively , no further development shall take place within the application area until the applicant has secured the implementation of an amended programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall thereafter be undertaken in strict accordance with the amended approved details.

Reason: The site is of archaeological interest.

10. Within 1 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 20% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

(iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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

11. Highway construction shall be carried out in accordance with the details approved under discharge of conditions reference 66/2015/15391, or alternatively there shall be no further excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following amended drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

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

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

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

(3) Full highway construction details including:

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

- (c) kerb and edging construction details
- (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

**Informative:** In imposing condition number 10 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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

12. 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.

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 60 metres measured along both channel lines of the major road (West Lane) from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety 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.

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until 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.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

- (i) have been constructed in accordance with Drawing Number 2438 rev.C
- (ii) are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

16. The site compound shall be provided in accordance with the details approved by discharge of condition application reference 66/2015/16028, or alternatively there shall be no further works until amended 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.

The amended 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.

17. The management of construction traffic shall be in accordance with the details approved by application reference 66/2015/16028, or alternatively there shall be no further development until a construction traffic management plan to demonstrate how highway safety risks and disruption to other road users is to be controlled has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the requirements of the amended approved construction traffic management plan.

Reason: In the interests of managing highway safety during the construction of the development, particularly given the proximity of a local primary school to the application 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.

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

*BENTHAM  
08/2015/16248*

*OUTLINE APPLICATION FOR THE DEVELOPMENT OF 4 DWELLING  
HOUSES, ALL MATTERS RESERVED EXCEPT ACCESS.*

*LAND AT GREENFOOT LANE LOW BENTHAM LANCASTER*

APPLICANT NAME: MR ROGER WHEILDON

TARGET DECISION DATE: 01/12/2015

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to a parcel of land that lies adjacent to Greenfoot Lane in Low Bentham. The application site is predominantly a greenfield site (Grade 3 agricultural land) which slopes downhill southwards. It is enclosed by a stone wall along the eastern and northern boundary's and timber post fencing along the western and southern boundaries.
- 1.2 To the north and northwest are a collection of residential dwellings with further dwellings located to the east and south of the site. The centre of the village of Low Bentham is located to the south east. To the west of the application site is Greenhead offices a small commercial premise. Properties within the surrounding area and beyond comprise of a mixture of terraced, semi-detached and detached dwellings in a variety of ages and styles.
- 1.3 A Public Right of Way (Ref: 05.5/7/3) lies along the northern boundary of the site, in addition, a public sewer runs through the site crossing the site northeast to southwest.
- 1.4 The application site is located outside of the development limits of Low Bentham and therefore lies on land classified as open countryside. The site is also within a Low Risk Area for previous Coal Development.

2. Proposal

- 2.1 The proposal is an outline application for the construction of four detached dwellings with integral garages. The only details proposed for consideration is the principle of the development and access into the site.
- 2.2 The appearance, scale, landscaping and layout of the development are reserved matters.
- 2.3 The proposal is supported by the following documents and plans:-
- Planning Justification & Sustainability Statement.
  - North Yorkshire Strategic Housing Market Assessment.
  - Existing Site Plan
  - Existing Site Levels Plan.

- Proposed Site Plan.
- Illustrative site sections (4 houses) Plan.
- Illustrative House types and elevations Plans.

### 3. Planning History

- 3.1 The only Planning History relating to the site is 08/2006/6768 which was subsequently withdrawn. 08/2006/6768 proposed constructing an access track across the current application site to serve a new employment building. The employment building was subsequently approved and constructed using an alternative access route that was granted following a further planning application.

### 4. Planning Policy Background

- 4.1 The National Planning 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 **Bentham Parish Council:** No comments received at the time of compiling this report.

### 6. Consultations

- 6.1 **NYCC Highways Authority:** Raised no objections subject to conditions.
- 6.2 **United Utilities:** No objections subject to conditions. However, due to the existence of a public sewer they may not permit building over it. Therefore an access strip width of 6m, 3 metres either side of the centre line of the sewer is required for the future maintenance or replacement. Alternatively a diversion of the affected public sewer at the applicant's expense may be necessary.

### 7. Representations

- 7.1 Four letters of representation have been received. Comments have been summarised below.

#### 7.2 **Visual impact**

- Proposal would have a detrimental visual impact on the village of Low Bentham.
- Proposal would result in the loss of meadow and trees.

#### 7.3 **Highway issues.**

- Concern that the proposed accesses onto the site would result in loss of on street parking thus creating a traffic hazard.
- The proposed two vehicle accesses are inappropriate due to the potential impact on highway safety of both vehicle users and walkers.
- The provision of off road parking is insufficient which would lead to on street parking.
- Question why the existing access to the north has not been utilised.

#### 7.4 **Other issues.**

- Concern that once the proposal is granted that the proposed development content could be changed.



- Inaccuracies within the Planning Statement.
- Concern over the close proximity of the proposal to the water course.
- Concern that due to poor public transport links that future occupiers of these properties would arrive and leave by car.
- Concern that more than 4 dwellings could be constructed on the site.
- Concern over the potential for flooding.
- Question where the existing mains sewer has the capacity to deal with 4 additional dwellings.

## 8. Summary of Principal Planning Issues

- Principle of development.
- Visual Impact of development.
- Impact of development on the amenity of neighbouring properties.
- Highway Issues
- Affordable Housing.
- Drainage.
- Other issues.

## 9. Analysis

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

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The application site lies outside but within close proximity to the existing development limits of Low Bentham therefore, saved LP Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.3 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle 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.
- 9.4 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with

applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

- 9.5 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.6 In 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.
- 9.7 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
- 9.8 It is important to note that new evidence has recently been received by the Planning Policy team to allow the Council to identify its' objectively assessed housing need for the housing market area. That evidence was produced by Arc4 consultants and their findings were presented to both the Spatial Planning Sub-Committee in October 2015 and the Policy Committee in November 2015. The findings of Arc4 resulted in a recommended housing requirement of 256 homes per year, which is a significant increase over the average 117 dwellings per year used in the Council's May 2015 5 year land supply calculation. This amended objectively assessed housing need has been accepted by both the Spatial Planning Sub-Committee and the Policy Committee, but the decision still needs to be ratified by a meeting of the Full Council. A final decision on the acceptability of the objectively assessed housing need figure of 256 homes per year has therefore still not been made, but it is certainly the case that emerging evidence provides a strong indication that the figure of 117 dwellings per year in the Council's May 2015 Housing Land Supply report is too low.
- 9.9 Officers therefore consider that the existence of the May Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement, but given emerging evidence it is recommended that it should be given limited weight in the decision making process.
- 9.10 The application site at Greenfoot Lane has been put forward for housing (ref; LB010), however, at the present time the site has not been taken forward as a preferred site to be brought forward for development in Low Bentham. Notwithstanding this, the emerging policy within the Council's Pre-Publication Draft Local Plan can be given 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 regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of Low Bentham with pedestrian and vehicle connections to local facilities and services. In addition, the village is serviced by local transport services which connect with neighbouring villages and towns. The site is therefore considered to be a reasonable sustainable location for residential development.
- 9.12 The site has been identified as being of Grade 3. Paragraph 112 of the NPPF advises that Local Planning Authorities should take account of the economic benefits of the best and most versatile land. The best and most versatile land is defined in Annex 2 to the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. The NPPF advises Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Notwithstanding the fact that the District does not have any Grade 1 and 2 the NPPF does not protect Grade 3 land from development. Therefore, this land does not fall within any threshold of protection.
- 9.13 The site is suitable for residential use and can achieve a high quality development, although it is accepted that the layout is indicative only and that the layout 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. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.15 In conclusion, the application site is not within recognised development limits of Low Bentham, as defined by the 1999 Local Plan, but is located immediately adjacent to the exist built up area of Low Bentham. 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.

## **2. Visual impact of development on the character of the surrounding area.**

- 9.16 It should be noted that the external appearance, scale, landscape and layout of the proposed development are all reserved matters and therefore do not form part of the detailed assessment of this application.
- 9.17 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.

- 9.18 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of an 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 the local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual dwellings are very important, 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 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 site lies to the west of Low Bentham adjacent to Greenfoot Lane and relates to a parcel of land. The character of this area to the west and north is derived in part by its unplanned nature of development. This is in direct contrast with established residential development to the east with its more formal layout and suburban design approach. It is this mixture of differing styles, material and appearance that contributes to the character and appearance of the area.
- 9.21 The proposal is to construct four dwellings with associated car parking. Based on the submitted plan it is considered that the site is capable of being developed and that the development would not result in any unacceptable visual harm to the character and appearance of the surrounding area.
- 9.22 In conclusion, there is sufficient information to reach the view that a development could be accommodated on the site that would not unacceptably impact on the character and appearance of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.

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

- 9.23 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.24 Although the application is in outline form the proposal seeks to construct four detached dwellings located within the parameters of the identified application site.
- 9.25 The application site would be separated from properties to the east by Greenfoot Lane. It is acknowledged that there are further dwellings to the south, however, these are screened from view by existing boundary treatments comprising of shrubs and mature trees. Similarly properties located to the northwest and north due to the orientation of these properties combined with existing boundary treatments would not experience any unacceptable impacts in terms of loss of privacy or amenity.
- 9.26 In conclusion, it is not considered that the proposal would have a negative impact on the occupiers of these properties in terms of loss of privacy or loss of natural daylight.

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

- 9.27 Saved Policy T2 states that residential developments should not create conditions prejudicial to highway safety and requires proposals to be appropriately related to the highway network and to not generate volumes of traffic in excess of the capacity of the highway network.
- 9.28 In this instance the proposal is only seeking outline permission and thus it is not possible to comment on a detailed layout. Therefore, the only issue for consideration is whether or not the access can safely accommodate the proposed residential development and whether any increased usage would compromise highway safety.
- 9.29 The proposed access onto the site is to be achieved through the provision of two new vehicles directly off Greenfoot Lane. NYCC Highways have been consulted and have raised no objections. Therefore, in principle the development of the site can be undertaken without an unacceptable adverse impact on highway safety.
- 9.30 With regard to comments received concerning an increase in on street parking as a consequence of insufficient on-site parking. The illustrative site plan submitted shows the provision for both covered parking and also two parking spaces for each dwelling; this is considered sufficient to not lead to any unacceptable on street parking. However the final off street parking arrangements will be established by a reserved matters submission.
- 9.31 It is therefore considered that the proposal would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 which seeks to ensure appropriate off street parking provision and highway safety and the aims and objectives of the NPPF.

#### **5. Affordable Housing Provision.**

- 9.32 The application site and the development proposed is below the threshold for affordable housing provision.

#### **6. Drainage.**

- 9.33 The Planning Practice Guidance advises that when drawing up wastewater treatment proposal for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer. In this instance the proposal indicates that foul drainage is to be discharged into the public sewer that runs across the site. United Utilities have been consulted and have raised no objection to the proposal. Therefore, it is considered that this proposed solution is acceptable.
- 9.34 The requirement for sustainable drainage systems for new developments is 10 dwellings or more. This proposal is for four dwellings only therefore the requirement to provide a SUDs is not triggered. Whilst SuDS would be preferable it cannot be insisted upon for smaller development proposals or areas that are not at risk of flooding.

#### **7. Other issues.**

- 9.35 The site is also within a Low Risk forming mining area. Standing advice from the Coal Authority suggests that in such circumstances this matter can be adequately addressed by an informative on the decision notice.

- 9.36 Representation has been received in relation to concerns that the proposal would exacerbate surface water flooding that may occur after periods of heavy rainfall. In this respect the applicant proposes to use a free draining hardstanding within the site to reduce any runoff.
- 9.37 Concerns have been raised with the respect that once permission is granted that more than 4 dwellings could be constructed on the site. In the event that the applicant wishes to increase the number of dwellings on the site this would trigger the need for a further application that would be considered on its merits.
- 9.38 Concerns have been expressed relating to the close proximity of the development to the beck and the potential for flooding. Whilst it is acknowledged that the beck runs adjacent to the southwest corner of the site, the site hasn't been identified as being within any Flood Risk Zone by the Environment Agency. It is not considered that the proposal would result in an unacceptable risk of increased flooding or the proposed dwellings themselves be of risk of flooding.

### **Conclusions.**

- 9.39 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.'
- 9.40 In this case it is considered that the harm caused to the character of the open countryside is less than significant when weighed against the benefits of providing housing for the district. As such the proposal is considered to be a sustainable form of development that accords with national planning policies in all other respects.

## **10. Recommendation**

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

### **Conditions**

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

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

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

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

2. The approved plans comprise:

- site location ref 01, and

- site plan ref 04 Rev A (this plan indicates the access arrangements which have been specifically applied for, but all other matters on this plan are considered to be illustrative).

received by the Local Planning Authority on the 29<sup>th</sup> September 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. 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.

**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.

5. 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 **45 metres** measured along both channel lines of the major road **Greenfoot Lane** 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 the interests of road safety.

#### **Informative**

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

6. 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 **22 metres** measured along centre line of the major road **Cross Lane** 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 the interests of road safety.

7. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

#### Informatives

1. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
2. 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.
3. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
4. 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.
5. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours



on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

Statement of Positive Engagement: -

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

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

*GLUSBURN  
32/2015/16220*

*PROPOSED RESIDENTIAL DEVELOPMENT OF THREE, TWO-STOREY,  
TWO BEDROOMED TOWN HOUSE STARTER HOMES WITH ASSOCIATED  
OFF STREET PARKING.*

*BURNROYD AVENUE GLUSBURN*

APPLICANT NAME: MRS HAZEL SMITH

TARGET DECISION DATE: 23/11/2015

CASE OFFICER: Andrea Muscroft

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**This application is referred to the Planning Committee as the applicant is Craven District Council. An earlier proposal for residential development on this site has also been determined by the Planning Committee.**

1. Site Description

- 1.1 The application site relates to a plot of land approximately 656 sq. m situated within the centre of the built up residential area of Glusburn. The site is currently occupied by 7 garages with parking and turning area to the south of the garages and is broadly level.
- 1.2 The surrounding area to the south, east, west and north is residential in character with the only current vehicle access to the site off Burnroyd Avenue.
- 1.3 The application site is within the development limits of Glusburn and lies within Flood Zone 2 & 3 as identified by the Environment Agency.

2. Proposal

- 2.1 The application seeks planning permission for residential development comprising of three two storey starter homes.
- 2.2 The proposal has been supported by the following:
- Supporting Statement.
  - Flood Risk Assessment.
- 2.3 Plans submitted show that five parking spaces are proposed (one for each dwelling and two visitor spaces) with the means of access directly off Burnroyd Avenue.
- 2.4 The application is for three, two-storey, two bedroom starter homes with associated off street parking.
- 2.5 **Officer note:** The threshold for affordable housing is 5+ dwellings. In this instance the proposal is below the Councils threshold where we can insist on the provision of affordable housing. The application states that the development is for starter homes offered on a shared ownership basis, but this is not something that the Local Planning Authority can insist on and the tenure will be a matter for the developer.

3. Planning History

- 3.1 32/2013/14187 – Outline permission for residential development (a pair of three bedroom semi-detached dwellings) with all matters reserved for future consideration – Approved March 2014.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Local Policies H3 & T3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 5. Parish/Town Council Comments
- 5.1 **Glusburn Parish Council:** No comments received at the time of compiling this report.
- 6. Consultations
- 6.1 **CDC Contamination Officer:** No contamination issues known on this site.
- 6.2 **CDC Environmental Officer:** No objection to the proposal but suggests that conditions are attached concerning operating times, dust and the removal of any potential asbestos. (will contact GT ref sand bag issue)
- 6.3 **CDC Strategic Housing:**

‘The proposal is for 3 no. 2 bed shared ownership houses on a council-owned site in Glusburn. The site is below the threshold at which affordable housing is required by policy, however the proposal is for 100% affordable housing. It is understood that the site currently has planning permission for 2 no. 3 bed houses.

Proposals for shared ownership housing of this type and size are strongly supported by Strategic Housing and will make a valuable contribution to the district’s affordable housing stock, providing homes for first time buyers who live or work locally yet are unable to afford to buy on the open market. 2 bed homes will meet the demand from this client group (usually single people/couples), being generally more affordable than 3 bed ones.

Typically, households will buy a 50% share of the property in the first instance, purchasing further shares over time ( up to a maximum of 80% in rural areas). The SHMA 2015 identifies that there are a total of 362 households on Craven’s housing register in a position to afford shared ownership housing.’
- 6.4 **Environment Agency:** The proposal is acceptable subject to a condition requiring the implementation of measures detailed within the submitted Flood Risk Assessment.
- 6.5 **NYCC Highways Authority:** No objection to the proposal subject to appropriate conditions.
- 6.6 **Yorkshire Water:** Comment that the buildings would be located over a main water pipe which could jeopardise Yorkshire Water ability to maintain the network. If planning is granted then a condition is required requiring no development within 3 metres of the water main or alternatively that the main is diverted. Conditions are also recommended to ensure satisfactory drainage of the site.
- 7. Representations
- 7.1 No third party representations have been received at the time of compiling this report.
- 8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Visual impact of development.

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highways impacts

8.5 Other issues.

9. Analysis

**1. Principle of development.**

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

9.2 The application site lies within the development limits of Glusburn therefore, saved Local Plan policy H3 applies. Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises within the named service centres.

9.3 With regards to the NPPF and the suitability of the site for development in principle, it is accepted that the site is located within the development limits of Glusburn. The settlement has good pedestrian and vehicle connections to local facilities and services with good local transport services connecting the village with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.

9.4 In conclusion, residential development at this location is acceptable in principle. Furthermore, the granting of outline planning permission in March 2014 (ref: 32/2013/14187) established the principle of residential development on this site.

**2. Visual impact of development.**

9.5 Saved Policy H3 states that residential development should not damage the character of existing residential areas. Housing development should not have an adverse effect on areas of buildings or historic of architectural interest. In addition, the General Development Principles of the Local Plan state that all developments should respect the density, scale, height, proportion, massing and materials of surrounding buildings.

9.6 The NPPF states that Local Planning Authorities 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.

9.7 The application site lies to the southern end of Burnroyd Avenue within an established residential area, characterised by housing of a suburban character. Currently on the site are 7 garages with an area of hard standing and turning area

to the south. The proposal is to demolish the garages and replace with three two storey starter homes with private amenity space and associated car parking.

- 9.8 The proposed dwellings would continue the present linear pattern of development fronting onto Burnroyd Avenue whilst also utilising the existing vehicular access. This approach would help achieve an appropriate visual relationship with the adjacent properties. The proposal has also been designed to reflect the appearance and proportions of the existing semi-detached dwelling located to the east and north of the site. In addition, the modest scale and mass of the buildings would ensure that the dwellings would not appear prominent within the street scene.
- 9.9 The proposal would see the creation of two parking spaces within the grassed area located to the south of the site. However, it is considered that the loss of this area would not result in any unacceptable visual harm to the street scene.
- 9.10 The use of materials that reflect those used in the construction of adjacent dwellings further ensures that the development harmonises well with the character and appearance of the surrounding area and would not result in any visual harm.
- 9.11 In conclusion, it is considered that the proposed dwellings in terms of their design, scale, appearance and use of appropriate materials can be accommodated without any unacceptable detriment to the character and appearance of the surrounding area.

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

- 9.12 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.
- 9.13 The nearest dwelling to the application site is No. 20 Burnroyd Avenue. The side elevation of this existing property is situated approximately 5.2m from the side gable end of the nearest proposed dwelling. As the proposed dwellings are located to the south of No. 20 Burnroyd Avenue it will have some impact on light. However, the principal front and rear elevations of 20 Burnroyd Avenue are unaffected and there are small secondary windows in the side elevation. On balance it is considered that the proposal would not result in any unacceptable level of overshadowing or obstruction of habitable windows. Similarly, the northern elevation of the proposed northernmost dwelling would remain blank to ensure that the occupants of this property do not experience any unacceptable loss of privacy.
- 9.14 The next nearest dwellings to the application site are located to the south situated approximately 12m from the site. It is not considered that the proposal due to its location and separation distances would result in any unacceptable overshadowing or obstruction of habitable windows. In addition, the southern gable would also remain blank thus ensuring the privacy of the occupants of these dwellings.
- 9.15 Properties to the east are located in excess of 27m from the proposed dwellings. As such when considering any potential impacts on the occupants of these dwellings it is considered that due to the separation distance that there would be no unacceptable overshadowing. Furthermore, whilst it is accepted that the proposal would result in windows facing across to dwellings No. 17 – 23 it is considered that there is sufficient separation to ensure no loss of privacy to the occupiers of these dwellings. To the rear (west) there are further properties, but again distances are considered to be sufficient to ensure that residential amenity is not unacceptably impacted upon.

- 9.16 Turning to the amenity space for future occupiers of the development the proposal has been designed to provide each dwelling a private amenity area. On this basis it is considered that the proposal would provide adequate level of private amenity space for this development. Furthermore, the layout would ensure that each dwelling receives adequate levels of natural light and also would not experience any unacceptable loss of privacy between dwellings. It is therefore considered that the proposal would provide adequate accommodation to meet the needs of any future occupants.
- 9.17 It is acknowledged that the redevelopment of this site could result in some noise disturbance during the construction stage of the development. However, should any noise complaints be received these could be dealt with by separate legislation enforced by the Council's Environmental Health Department.
- 9.18 In conclusion, it is considered that the proposed dwelling would not result in any unacceptable loss of privacy or amenity to the adjacent dwellings.

### **3. Highway issues.**

- 9.19 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.20 The proposal would utilise an existing vehicle access onto Burnroyd Avenue and would provide on-site parking. In addition, the site would connect with existing footpaths linking the site with the village centre. It is considered therefore, that the proposal would not create any increase in on street parking or conditions contrary to highway safety.
- 9.21 The decision of the Council not to allow the use of this land for rented garaging is not a decision for the Local Planning Authority (it is a decision for the Council acting in its capacity as land owner). Notwithstanding this the Council's Planning Committee has already approved an earlier application to provide residential development on this site.
- 9.22 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety for both pedestrians and vehicle users and as such the proposal complies with Saved Policy T2 and the aims and objectives of the NPPF.

### **4. Flood Risk.**

- 9.23 The application site is previously developed land that lies within Flood Zone 2 & 3 (as does the adjoining residential area) as identified by the Environment Agency. The application has therefore been supported by a Flood Risk Assessment. The Environment Agency has been consulted and has stated that subject to appropriate conditions that the site is suitable for development.
- 9.24 When considering a previous application on the site members decided there was a need for a condition in reference to an alternative provision for the storage of sand bags. Officers do not consider that the condition is reasonably related or necessary for this proposal. However, the matter is brought to the attention of the members should they wish to re-attach the condition and the wording for this condition is set out at the end of this report.

### **Conclusion.**

9.25 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.

9.26 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

### 10. **Recommendation**

10.1 To grant planning permission subject to the following conditions.

#### **Conditions**

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

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

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

- 914 - 02 Rev A received by the Local Planning Authority 25<sup>th</sup> September 2015.
- 914 - 03 received by the Local Planning Authority on 22<sup>nd</sup> September 2015.
- 914 - 04 received by the Local Planning Authority on 22<sup>nd</sup> September 2015.

The development hereby approved 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 approved plans for the avoidance of doubt.

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

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

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

**Reason:** To ensure a satisfactory appearance to the development

5. Prior to the first occupation of the dwellings hereby approved the refuse storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facility for the storage of refuse.
6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development.
7. Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site. Or alternatively, measures to divert or otherwise formally close the water main that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local planning authority.  
**Reason:** In the interest to maintain the public water supply.
8. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.  
**Reason:** To ensure that no surface water discharge take place until proper provision has been made for its disposal.
9. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.  
**Reason:** To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WDP ref: KL2533/SA and the following mitigation measures detailed within the FRA:  
1. Finished floor levels are set no lower than 300mm above existing ground levels.  
2. The flood proofing/resilient measures detailed within the FRA are incorporated into the development.  
The mitigation measures shall be fully implemented prior to occupation.  
**Reason:** To reduce the risk of flooding to the proposed development and future occupants.
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 requirement:



- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or specification of the Highway Authority and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5m of the public highway shall not contain any loose materials that are capable of being drawn on the existing or proposed public highway.

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

#### **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. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on **914/02/A** for parking spaces, turning areas and access shall be kept available for their intended purposes at all times

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

#### **Informatives**

1. The garages may contain asbestos and removal of such material from the site should be carried out in an appropriate manner by a suitably qualified company.
2. 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 Country Council, the Highway Authority, is available at the County Council's offices. The local offices of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.
3. 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.

4. The developer should identify all areas of the site and the site operations where dust may be generated and identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.
5. With regard to Condition Nos. 3, 4, & 8 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.

**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

**Condition previously imposed by the Planning Committee for Planning Ref. 32/2013/14187 (see paragraph 9.24 of this report).**

Details of alternative provision for the storage of sand bags in the local area, that are required to prevent flooding of nearby properties, shall be submitted to the LPA and approved in writing. The development shall not begin until the details that have been approved as acceptable, have been fully implemented in accordance with the approved details.

Reason: To safeguard residential amenity and to provide satisfactory sandbag storage facility in accordance with the National Planning Policy Framework.