

PLANNING COMMITTEE MEETING AGENDA

Monday 18 January 2016

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WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SKIPTON NORTH
63/2015/16113***OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DWELLINGS,
INCLUDING DETAILS OF LAYOUT AND ACCESS, WITH ALL OTHER
MATTERS RESERVED FOR FUTURE CONSIDERATION**LAND AT CORNER FIELD TO THE NORTH OF A6131/HARROGATE ROAD,
SKIPTON.*

APPLICANT NAME: RAWSON DEVELOPMENTS LTD

TARGET DECISION DATE: 13/11/2015

CASE OFFICER: Mark Moore

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

1. Site Description

- 1.1 The application site comprises a triangular shaped plot of agricultural land located to the north-east side of Skipton town centre. The site is approximately 3.22 ha in area and is devoid of any landscape features although the periphery is well defined with low stone walling and established trees and hedgerows.
- 1.2 The site bounds the A6131 to the south where it is set back from the road frontage behind a wide grassed verge and extensive boundary screen planting. There is residential development on the south side of the road which marks the edge of the settlement boundary and development limits of Skipton.
- 1.3 To the east is relatively new build residential development that is within the Skipton development limits and is the most north-easterly part of the settlement.
- 1.4 To the north-west the site bounds Skipton Road which is characterised by stone walls that run along the western edge of the road. Beyond the wall there is a band of open countryside that is bounded further to the north and west by Skipton Woods. Skipton Road is a key link between Skipton and Embsay and is characterised by stone walling and well established tree/hedgerow planting with a narrow grassed verge along the edge of the application site.
- 1.5 The trees to the south and north of the site are protected by group Tree Preservation Orders. Neither of these TPO's are within the application site. There are 5 trees subject to individual TPO's that are within the site and are located along the western boundary adjoining Skipton Road.
- 1.6 There is a non-designated heritage asset on the site comprised of medieval crop marks.
- 1.7 A 6m wide sewer easement runs from the proposed access point directly northwards across the eastern end of the site.
- 1.8 The site is located within the Skipton conservation area and has been identified as a housing site (SK086) in the Skipton: Preferred sites for consultation draft report (Summer 2014).
- 1.9 The site is located within a landscape identified in the Craven Landscape Appraisal as: *Intermediate 10 - Pasture with Wooded Gills & Woodland.*

2. Proposal

- 2.1 This is an outline planning application seeking approval for the principle of development, layout and access of a proposed development of 83 dwellings (indicative). This equates to a density of approximately 26 units per hectare.

- 2.2 The appearance, landscaping and scale are reserved matters.
- 2.3 The proposal is for a layout that would be served by a single access from the A6131 located towards the south-eastern corner of the site.
- 2.4 In addition to the vehicular access it is proposed to create 3 footpath links at the south of the site that would connect with a footpath network throughout the development and allow access to the public road via a further footpath link at the north-east corner of the site.
- 2.5 Following discussions with NYCC Highways and the Council's Sports Development Officer it is proposed that the footpath links running around the periphery of the site should be dual use for both walking and cycling.
- 2.6 The proposals include the construction of a pedestrian island and other highway improvement works on the A1631 as agreed with NYCC Highways. This has been subject to some discussion and the footpath connections have been revised from what was originally proposed in order to improve the permeability of the site and access to the surrounding footpath network.
- Officer note:** The submitted plans have also been revised following advice from the CDC Tree Officer in order to minimise the potential impact of the proposed footpaths on the existing trees.
- 2.7 The actual layout within the site and distribution of housing that is proposed is fairly conventional with a proposed main central road serving a number of smaller spurs and cul-de-sacs. The indicative plans show a mix of terraced, semi-detached and detached dwellings. Although the actual details and appearance of the proposed houses is a reserved matter a supporting statement accompanying the application sets out the proposed affordable housing mix as comprising 6 x 1 bed maisonettes, 20 x 2 bedroom houses and 7 x 3 bedroom houses equating to 40% affordable units. Open market properties are to be 2, 3 and 4 bedroom housing at a ratio of 3:4:3.
- Officer note:** This detail is indicative only and not for consideration as part of this application.
- 2.8 It is proposed to construct the housing in stone with slate roofing. As appearance is a reserved matter this is a detail that would be dealt with in the reserved matters application.
- Officer note:** The Design and Access Statement states that the proposed materials would be brick and red roofing tiles. The applicant's agent has subsequently confirmed that this is an error and is to issue a revision to the statement.
- 2.9 Landscaping is a reserved matter but it is proposed to retain as much of the planting and dry stone walling around the periphery of the site as possible although some would need to be removed in order to create the proposed access points. New landscaping is proposed throughout the site which would be subject to detailed submissions for approval at the reserved matters stage.
- 2.10 The layout includes an area of public open space at the south-west corner of the site that would also form part of the Sustainable Drainage Scheme (SuDS) for the site. In addition it is proposed to create a visual link across the site terminating in a 'green feature' adjacent to the northern boundary.
3. Planning History
- 3.1 5/63/563: Extension of existing caravan site. Refused October 1978.
- 3.2 5/63/683/A: Extension of existing caravan site to provide static holiday area and re-organising of existing site. Refused May 1979.

- 3.3 5/63/683/B: Residential development with access road and a density of approximately 2 dwellings per acre. Refused May 1989.
- 3.4 5/63/683/C: Residential development and section of access road. Refused November 1989.
- Officer note:** The above B and C applications were refused on the grounds of the site not being allocated in the draft Skipton Local Plan and development being contrary to policy H1 of the Structure Plan. The refusals were also based upon the importance of the site to a principal approach to the town and the wider setting of Skipton castle.
- 3.5 5/63/683/D: Temporary use of part field for topsoil storage. Approved December 1989.
- 3.6 63/2014/14216: Screening opinion for an Environment Impact Assessment in advance of a planning application. EIA not required, February 2014.
- 3.7 63/2014/15166: Application for outline consent for residential development. Application not validated.

4. Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

ENV10: Protection of Trees and Woodland.

BE2: Protection of the Road Approaches to Skipton.

T2: Road Hierarchy.

- 4.2 The National Planning Policy Framework

- 4.3 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 **Skipton Town Council:** Believes that the development should be refused for the following reasons:

- Housing Land Allocation:
The five-year housing allocation, as set out in the Craven District Council emerging Local Plan, has already been reached. So, although the land has been included within the SHLAA (with an estimated capacity for 40 dwellings) there is no evidence of need for an additional development of this size.
- Previous Planning Decisions:
It is probably worth noting, at this stage, that an application for a residential development on this site was previously refused in 1989. Whilst one of the reasons for refusal (i.e. that the land was not, at that time, allocated for residential development in the then draft Local Plan) is clearly no longer relevant, the second reason for refusal, the Committee feel, is still pertinent.

The refusal states: "The District Planning Authority considers that the site of the proposed development forms part of an attractive open area which is important to the setting of the town by reason of its prominent location at one of the principal approaches to the town and its relationship to the immediate environs of Skipton Castle."

- Overdevelopment:
The Committee feels that the number of proposed dwellings is excessive and represents an overdevelopment of the site – particularly given that the emerging Local Plan acknowledges the suitability of the site as being 40 dwellings, less than half of that being proposed.
- Sustainability:
The Committee feels that, given the proposed quantity of dwellings, the development is unsustainable in terms of local services. In particular, the Committee feels that already stretched local schools and doctor's surgeries would be unable to cope with the increased demand.
- Highways Impact & Road Safety:
The Committee believes that there is already evidence of congestion on The Bailey, particularly at the point where it joins Skipton High Street. The development would add to this congestion and would put further strain on Skipton High Street, particularly at peak hours where both the roundabout at the War Memorial and the High Street itself are susceptible to delays.

Additionally, the Committee is concerned that a number of footpaths and access 'gates' to the proposed development indicate a lack of local knowledge. It appears that some of the suggested pedestrian entry points open up onto adjoining roads with little or no pedestrian footways.

Members of the public made representations to the Committee citing their concerns that additional traffic to and from the proposed development would have a detrimental impact on pedestrians using parts of The Bailey – and, in particular, school children who regularly use the route when walking to and from school. The Committee would ask that this concern be raised with the Highway Authority to ascertain their view.

- Drainage & Flood Risk:
The Committee has some concerns about the water run-off provisions within the proposed development given that it would not benefit directly from the Flood Alleviation Scheme currently planned.
- Trees:
The Committee is concerned at the likely loss of established trees within the development site, many of which have existing preservation orders.

6. Consultations

- 6.1 **CDC Environmental Health:** There is no contaminated land or environmental protection issue associated with this site. Recommend a planning condition to restrict the hours of construction and ensure that the effects from dust are mitigated in order to protect the amenity of nearby residents.

Officer note: The above matters are to be addressed by way of a planning informative.

- 6.2 **CDC Project Delivery Officer:** Sustrans produced an Access Development Plan that refers to a proposal to improve sustainable access between Skipton and Embsay. Due to land availability issues the Access Development Plan proposal focuses on improvement to the existing footway on the western side of Skipton Road although it is noted that improving this section would require a number of solutions including increasing the width of tarmac, relocation of dry stone walls and installation of guard rails adjacent to the carriageway. During development of the Plan, although not included in the current draft, it was noted a more desirable

solution would be the provision of a multi-use path on the western boundary of the above development site.

This outline application for access and layout details on site footpaths including a new footway on the southern boundary of the site but multi use linkages on the western boundary is limited to minor footpaths connecting to Skipton Road. Incorporation of a multi-use path along this western boundary that facilitates a safer off highway multi-use route between Skipton and Embsay would contribute greatly towards delivery of the Access Development Plan.

Officer Note: Amendments to the scheme were provided to include a multiuse footpath along the western boundary of the site.

6.3 **CDC Strategic Housing:** The applicant has submitted an outline application for 83 dwellings of which 33 will be affordable. This equates to 40% affordable housing to be provided on site, which is in line with Cravens Interim Affordable Housing Policy Position Statement. The proposed site, falls into the Skipton Ward, which according to the 2011 SHMA has a need for 134 homes per year, a total of 670 affordable homes over a five year period for which the SHMA is valid (2011-2016). To date a total of 85 homes have been provided between 2011-2015, leaving a shortfall of 585 homes still required, with a further 40 homes on site and expected to be delivered by March 2015.

Whilst the application is only at outline stage the applicant has submitted a degree of detail for the affordable housing to be provided on the site. In line with 2011 SHMA the following mix has been provided:

20% 1 beds
60% 2 beds
20% 3 beds

The mix noted above is based on the findings of the SHMA which indicates that there is a greater demand across the District for smaller 1 and 2 bed starter homes. However it does recognise the need for housing for growing families hence a small provision of 3 bed family homes. The units are also distributed within the site in an acceptable manner. Whilst there does appear to be large groups of affordable homes, they face onto varying aspects of the sites and as such the distribution is acceptable.

Following any reserved matters application, Strategic housing would expect an applicant to provide the mix noted above with sizes for the affordable homes to be as follows:

20% 1 beds – 60m² houses
60% 2 beds – 70m² houses
20% 3 beds – 85m² houses

Of the units provided it is anticipated that 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 m² for houses and £900 per m² for flats.

Strategic Housing has no objections to the application. The council's target housing provision is subject to viability, which is determined at the point of a reserved matters application being submitted.

- 6.4 **CDC Sports Development Officer:** The officer accepts the outline application in terms of the amount of on-site provision and outline layout.

The on-site provision will only partially meet the youth and adult provision and therefore an off-site contribution should be made in order to fully meet the needs generated by the development. This should be £150,000 and used to enhance and or provide youth and adult provision for sport and recreation elsewhere in Skipton.

The details of these two elements should be controlled by way of a conditions set on any approval that the Council may grant in order to fully meet SRC2 policy requirements.

- 6.5 **CDC Tree Officer:** Notes that application includes a master plan and there will be more detailed drawings to follow. The plan is annotated as showing a path that would be close to the trees on the western side of the site. This would be constructed of gravel which is ok as it is porous. However, it appears to be shown right up to the wall which is where the trees are situated. If a path is necessary along that boundary, it should be moved into the site to provide a minimum of one metre distance between the nearest path edging and the nearest point of the trunks of the trees there. It should also be constructed using a no-dig specification in accordance with BS 5837 (2012).

- 6.6 **CDC Conservation Advisor:** The latest master plan indicative layout from the Pegasus Group is a vast improvement on the previous schemes from other architects. In particular, at this "edge of town" location, it is vital that the rural charm of the sweeping road to Embsay, with its trees and stone walls is maintained and enhanced, and there are well located green wedges/buffers.

Rather than the earlier ideas of a large 3-storey block at the prominent corner, the Conservation Advisor likes the idea of the public open space with its attenuation pond and its tree planting. The main road set-back footpath and strengthening up of the tree planting will help to retain an attractive view either entering or leaving Skipton.

The Conservation Advisor also likes the linking paths within and through the site, with green swathes stating that the layout produces a good organic/ cluster of dwellings, giving interest, variety and helping to create a "community feel" to each part of the scheme.

Officer note: The above comments that make reference to a 3 storey block and previous architects refer to the previous application that was not validated.

- 6.7 **NYCC Highways:** No objections

A revised transport assessment and various revised master plans have been submitted by the applicant, that include a porous tarmac cycleway /footway connected to the A6131/ Skipton Rd junction.

The Local Highway Authority recommends that various standard conditions are attached to any permission granted. In summary the recommended conditions would refer to footpath/road/crossings construction, off-site highway works, visibility splays, retention of garaging, precautions to prevent mud on the carriageway, approval of compound details, on-site storage and management of construction traffic and approval of a Travel Plan.

- 6.8 **NYCC SUDS Officer:** With regard to the above outline planning application, further to a review of the flood risk assessment that has now been provided, I can confirm

that we have no objections to the application in principle. Condition is recommended to address surface water run-off.

- 6.9 **NYCC Archaeological Officer:** The Heritage Statement concludes that the site has potential for features dating from the medieval period to present and has recommended a programme of evaluation to determine the archaeological potential, significance and character of the site. Therefore The Archaeological Advisor recommends that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. In the first instance it is advised that this evaluation should comprise a geophysical survey, to be followed by trial trenching, as appropriate.
- 6.10 In accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, 2012 this evaluation should be undertaken prior to determination of the planning application. This will enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form. If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.
- 6.11 **NYCC Education:** The Education Authority were consulted on this application but have not commented.
Officer note: Notwithstanding the lack of response from the Education Authority in the absence of any Development Plan policies it is not possible for the local authority to request financial contributions towards educational facilities.
- 6.12 **Environment Agency:** Advised that proposal falls outside the scope of applications on which the EA wish to be consulted.
- 6.13 **Yorkshire Water:** No objections. Conditions are recommended to ensure that there is no encroachment of development within the 6m sewer easement. YW also comment on the need to ensure that surface water is dealt with in a sustainable manner.
- 6.14 **Historic England:** Do not wish to comment but understand that an assessment of the suitability of this site for housing is being undertaken as part of the development of the Craven Local Plan. HE recommend that any findings of the assessment be taken into account in determining this application, especially those relating to the impact of the proposal on the character and appearance of the Skipton Conservation Area, including and how any adverse impacts can be minimised.
- 6.15 **Natural England:** Confirmed that the proposal is unlikely to affect any statutorily protected sites or landscapes. No protected species are in evidence but standing advice is referred to in the consultation response as is the need to ensure that there is no impact on the national park and to incorporate landscape and biodiversity enhancements within the application site.
- 6.16 **Yorkshire Wildlife Trust:** The Trust is happy with the ecological information provided in the good quality survey by MAB Ecology and does not have any further comments to make.
- 6.17 **Yorkshire Dales National Park:** No objection provided there is retention of roadside trees and greenery around the junction and a robust planting scheme is submitted. The area is valued as it is the approach road into the National Park.

7. Representations

7.1 The application was publicised by 4 Site notices (posted 4/9/2015), a press notice, and 46 neighbour notification letters. There are 25 responses from third parties including the North Yorkshire Police Designing out Crime Officer and the Skipton Civic Society. All of the responses with the exception of 1 object to the proposals for the following (summarised) reasons:

Officer note: One letter is in support of the development on the proviso that the density is reduced and the layout revised to move new housing away from the site boundary to Cross Bank and Overdale.

Amenity:

- Development would result in an impact on the amenity of the residents of neighbouring properties through overlooking and loss of privacy.
- Outlook from the neighbouring properties would be lost.
- Development would contravene the right of existing residents to enjoy their private surroundings contrary to the Human Rights Act.

Officer note: This application falls to be considered against planning policy and other material planning considerations.

- Proposed housing would be located too close to the existing housing that lies adjacent to the site.
- Proposal would cause problems with the existing utilities e.g. water supply and wastewater/sewerage provision will not be of sufficient capacity to deal with increased housing. Also gas, electricity, telephone internet etc.

Officer note: The utilities providers referred to above (other than in relation to water supply/wastewater management) have not commented on the planning application. In any case the matter would not provide grounds to refuse planning permission.

- Schools and medical facilities in the area could not cope with increase in numbers that would be generated.

Officer note: The Education Authority has been consulted but has not commented on the application. Notwithstanding there is no policy provision that would enable the local authority to insist the developer makes contributions towards educational/health care provision. Equally these matters would not constitute grounds to refuse planning permission.

- Development would lead to an increase in noise.
- Trees on boundaries of existing houses are not acceptable as screens as they do not screen all year round and may not be permanently in situ.
- There may be a tunnel under the site which should not be disturbed.

Officer note: There is no evidence on the Council's database and no identified planning constraint relating to a tunnel under the site

- Would children on estate have to use the run down playground on the Regents Estate.
- Proposed housing would lead to drop in the value of the neighbouring houses.

Officer note: This is not a material planning consideration.

- Loss of landscape and wider impact is not acceptable.
- There is a limited public transport service for the site.
- The site is has been neglected by the landowner which can be easily rectified by local volunteers.

Officer note: The condition of the site or the probability of it being improved is not of significance to the merits of the application.

Design:

- Scale, mix, massing and density of the development is inconsistent with existing dwellings and too great for the site.
- The proposed materials are unsympathetic.
- Loss of open space would adversely affect setting of the conservation area and would be contrary to NPPF policy.
- Proposals do not have adequate parking.
- Large estate would have a negative impact in the area and would be out of character.
- Site is an attractive approach into Skipton that should not be lost.
- Development would affect the setting of nearby listed buildings such as Skipton Castle.

Proposal takes no account of the TPO's on the site.

- Additional planting would only be effective when in leaf and would create a shaded poorly lit estate.
- Design would transform the rural character of the site and eliminate to a large extent views available to drivers and walkers over to Embsay and High Moor.
- A number of design features should be incorporated at the detailed planning stage to ensure that the development is protected against crime.

Policy:

- Development would be contrary to Saved Local Plan policy BE2 that seeks to protect the road approaches into Skipton.
- The conservation area should be afforded the same importance as green belt as it serves the same purpose and therefore the proposals are contrary to section 9 of the NPPF 'Protecting Green Belt Land'.
- Development would result in the loss of a heritage asset of medium sensitivity and impact on an area of archaeological importance.
- Proposal would result in a loss of biodiversity.
- Development would result in an over-supply of residential land and would therefore be unsustainable and contrary to the Council's Five Year Housing Land Supply and Methodology.
- There are existing permissions that should be developed before any more approvals are given.
- There has been a lack of consultation with local residents.
- Proposals would not be sustainable development and therefore would be contrary to the NPPF.
- Council has previously refused to allow development on this site.
- CDC Plan indicates that site is suitable for the construction of 40 houses and yet application more than doubles this.

Highway Safety:

- Development would add to traffic and congestion on the local road network.
- Access to the site is poor and dangerous to pedestrians.

- There is a lack of adequate footpaths in the area.
- NYCC Highways could not designate the road as a built up area because of the tree/shrub screening and therefore could not reduce the speed limit on the road as would be needed.
- The Travel Plan is highly unachievable.

Officer note: This is a matter upon which NYCC Highways has commented. Notwithstanding the submitted Travel Plan NYCC Highways has recommended a planning condition to require submission of and approval of a Travel Plan.

Flooding:

- SUDs information was not available to view online. Applicant has not demonstrated how surface water run-off would be mitigated.
- Loss of field would increase problems of flooding.

Ecology:

- Site has a diverse wildlife population and provides a good habitat for a number of different species.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location.
- 8.2 The effect of residential development on the character and appearance of the area including the impact on heritage assets.
- 8.3 Residential amenity issues.
- 8.4 The impact of development on the local highway network, traffic movement, and vehicle/pedestrian traffic safety.
- 8.5 The impact of development on drainage and flood risk.
- 8.6 Affordable housing and open space provision.
- 8.7 Ecology & Archaeology.

9. Analysis

Principle of development:

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 The application site lies outside but within close proximity to the development limits of Skipton and therefore, saved Local Plan policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

- 9.3 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires local authorities' to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. To produce the Five Year Housing Land Supply Methodology and Report the Council first had to identify the District's objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.
- 9.8 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council's five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended housing requirement of 256 homes per year. This objectively assessed housing need figure has been accepted by a meeting of the Full Council for the purposes of the preparation of a Draft Local Plan. The revised Five Year Housing Land Supply Methodology and Report explains that the emerging figure of 256 dwellings per year should not be used for calculating the 5 year housing supply and therefore in officer's opinion limited weight should be attached to this evidence until it is tested properly through the

Local Plan process. Furthermore a housing distribution strategy for the 256 homes has also been agreed by a meeting of the Full Council which would suggest that Skipton should receive 50% of the new housing to be provided. Whilst this resolution is noted, in Officers opinion limited weight has to be attached to this evidence until it is tested properly through the Local Plan process.

- 9.10 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence indicates that the housing requirement for the District will need to be higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 The application site is identified as a preferred site to be brought forward for housing development by the Council's 2014 Pre-Publication Draft Local Plan. Notwithstanding this, the emerging policy within the Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.12 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 the principle town within the District with pedestrian and vehicle connections to local facilities and services. The site is a very sustainable location for residential development.
- 9.13 The site is suitable for a residential use and can achieve a high quality development. 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 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 Skipton, as defined by the 1999 Local Plan, but is located immediately adjacent to the exist built up area of the town. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

Visual impact/impact on heritage assets:

- 9.16 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.17 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 9.18 In this case Saved Local Plan Policies ENV1, ENV2 and BE2 are of relevance to the consideration of this application.
- 9.19 Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.
- 9.20 Also of relevance is Saved Policy BE2. This policy seeks to preserve the road approaches into Skipton and refers to the Harrogate Road approach which is described as being of great importance to the setting of the conservation area and a vital component to the character of the town as it brings the open countryside into the heart of the town centre. The policy seeks to restrict development in those areas identified as protected landscapes other than in very exceptional circumstances.
- 9.21 Policy BE2 which was saved in September 2007 has been supplemented by the introduction of the Skipton Conservation Areas Appraisal (2008). This document covers the entire Skipton conservation area and does not specifically refer to the application site in its assessment of road gateways into the town, key views and vistas or of open/green spaces. Nevertheless, the site has been retained within the conservation area and is identified as an open space within the conservation area and its significance to the towns setting and network of open spaces is therefore acknowledged. The application would not be consistent with Policy BE2.
- 9.22 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits derive primarily from the visual impact of the development, loss of the open space identified in the Conservation Area Appraisal and the implications of Saved Local Plan Policy BE2.
- 9.23 With regards to the loss of the open space it is acknowledged that the land is within Skipton Conservation Area, but this alone is not sufficient to come to a view that planning permission should not be granted. It is considered that it has been successfully demonstrated by the applicants that the proposed development would only have a very slight adverse impact on the views, setting and the significance of the conservation area. Specifically, it is considered that taking into account the policy at paragraph 133 of the NPPF the proposals would not result in substantial harm to the significance of the designated heritage asset of the conservation area. It is therefore the case that the harm caused is 'less than substantial' (as defined at paragraph 134 of the NPPF) and the harm caused should be weighed against the other benefits of the proposal.
- 9.24 It is noted that no objections have been raised by the Council's Conservation Advisor to the principle or detail of the proposed development. Historic England has also raised no intrinsic objections to the development recommending that the Council bases its decision on national and local policy guidance.
- 9.25 The proposals seek to preserve the existing boundary treatments along both road frontages of the site and that the boundary walling and planting would for the most part remain in-tact. The proposed development has been set well into the site with a distinct green buffer located between the proposed housing and the main roads around the periphery of the site which would ensure that the appearance of the road frontages would not be overly urbanised. In addition the overall density of the development is not considered to be excessive, buildings would be restricted to no more than two-storeys and the western corner of the site is to remain as public open space which would retain the distinct character of the road junction and a

physical separation of new development along the road frontages. The conclusion is that the immediate road approaches would not be altered to an extent that would support refusal of planning permission. In coming to this view it is accepted that the proposed access and highway works would inevitably change the character of the northern side of the A1631 and that the open aspect of the existing field would be lost but this in itself is not considered to be sufficiently harmful to justify refusal of planning permission.

- 9.26 With regards to the impact on listed buildings there are none located within close proximity to the application site, the nearest being the Grade I listed Skipton Castle and its associated buildings and the Grade II listed castle wall that extends some 250m alongside The Bailey towards the application site but (the listed section) terminating some distance away. As no listed heritage assets are directly impacted upon the only potential would be for the development to result in an adverse impact on their setting.
- 9.27 It is acknowledged that the impact on the setting of listed buildings is a material planning consideration, one which is referred to in the NPPF at paragraph 132. This requires local planning authorities to apply great weight to the conservation of designated heritage assets and sets out a specific requirement that substantial harm or loss of a Grade II listed building, park or garden should be '*exceptional*' whilst substantial harm to or loss of designated heritage assets of the highest significance such as Grade I listed buildings should be '*wholly exceptional*'.
- 9.28 It is considered that in this case there would not be any real impact on the setting of listed buildings which are all distant and well screened from the application site. In coming to this view the Council's previous reasons for refusal of the applications for residential development in 1989 are noted but given that these decisions were based upon a Local Plan and Structure Plan that is no longer extant it is considered appropriate to re-evaluate the proposals in the light of the most recent planning policy.
- 9.29 In conclusion, it is considered that the overall design of the development and the layout that has been proposed is a good quality of design that would not erode the key characteristics of the site or heritage assets to an unacceptable extent. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect

Residential amenity issues:

- 9.30 There are specific requirements under both saved Local Plan Policies and the NPPF that new development should not adversely impact upon the amenity of any neighbouring property either through a significant loss of outlook, daylight or arising from a loss of privacy. In this case the only neighbouring properties that could be impacted upon directly are those located at Overdale and Cross Bank to the east of the site.
- 9.31 In this case the proposed layout indicates that the development would lie sufficiently distant from and be orientated such that there would be no significant loss of amenity to any of the existing neighbouring houses. Additionally it is considered that overshadowing would not occur to an extent that would constitute a significant amenity issue.
- 9.32 In terms of outlook, whilst the details of the appearance of the house types are yet to be agreed, it is considered that the impact on the amenity of the residents of neighbouring properties would not be sufficiently adverse to constitute grounds for refusal of planning permission.

The impact of development on the local highway network, traffic movement, and vehicle/pedestrian traffic safety:

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

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

- 9.34 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.35 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, lack of footways and pedestrian safety. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.

- 9.36 A number of objections to the proposed development relate to congestion and road safety issues. In planning terms such congestion would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road does not in itself mean that the road is impassable provided vehicles are not parked illegally and causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.

- 9.37 The main access into the site would be constructed to NYCC Highways specifications as would the off-site highways works indicated on the proposed master plan. At the request of NYCC Highways the applicants have also agreed to provide a cycle/footpath link that would connect the roads to the north and south of the site and a planning condition is proposed to require full approval of the details of the dual-use path.

- 9.38 In summary, it is considered that there are not sufficient grounds to refuse planning permission over matters of highway safety.

The impact of development on drainage and flood risk:

- 9.39 Foul drainage is to be disposed of to the mains sewer. The application forms also indicate that surface water is to be disposed of to the mains sewer, but subsequent information has been received that indicates that surface water drainage is to soakaway to a Sustainable Drainage System (SuDS). This is a major development proposal and planning guidance indicates that SuDS should be used where possible.

- 9.40 Some objections have been raised by local residents over the ability of the site to be drained both in respect of surface water and foul drainage although the site is not identified as being within a flood plain or an area at risk of flooding.

- 9.41 No objections to the proposals have been received from the Environment Agency, Yorkshire Water or the NYCC SUDS officer. On the basis that there are no technical objections from the statutory authorities it is considered that, subject to the conditions recommended to ensure approval of a satisfactory scheme for the

drainage of foul and surface water from the site, the application is acceptable in terms of drainage and flood risk.

Affordable housing and open space provision:

- 9.42 Craven District Council's Interim Approach to Negotiating Affordable Housing (2015) requires affordable housing at 40% provision on sites of 5 dwellings or more. It is proposed to provide 40% affordable units in line with the Council's affordable housing policy. It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition is proposed to control the means and level of provision.
- 9.43 With regards to open space provision the CDC Sports Development Officer has commented that the on-site proposals would partially meet the Saved Local Plan Policy SRC 2 requirements and subject, to a financial contribution towards off-site sports and recreation provision (£150,000), are acceptable. It is proposed to attach a planning condition to require the on-site provision, including details of how the land is to be managed and maintained in perpetuity, and also to require further details of how the requirements of Policy SRC2 are to be met.

Ecology & Archaeology:

- 9.44 The application has been submitted with an ecological assessment that has been prepared by a consultancy on behalf of the applicants. No technical objections have been raised to the development of the site by either Natural England or The Yorkshire Wildlife Trust that latter commenting that they *'were happy with the ecological information provided in the good quality survey by MAB Ecology and does not have any further comments to make.'*

Officer note: The ecological report concludes by recommending mitigation comprising:

- Renovation of the stone wall around the whole site so it continues to provide a wildlife refuge.
- Planting of a band of 8-10 native shrubs and trees each with bat and bird boxes attached.

- 9.45 In view of the above it is considered that there are no ecological issues associated with the site that would constrain development from taking place. Notwithstanding it is proposed to attach informatives to ensure that the developers are made aware of the need to comply with the appropriate regulations should any protected species be found to be present on the site and also to ensure that the initial development does not take place during the bird breeding season. In addition it is proposed to condition any approval to ensure that the mitigation measures set out above are complied with.

- 9.46 The NYCC Archaeologist has concurred with the conclusions of the applicants Heritage Statement that a scheme of archaeological evaluation be undertaken but has requested that this 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 issue 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.

Summary:

- 9.47 This outline application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Councils housing

supply and are as set out in the report. However, that benefit has to be balanced against the adverse impacts, which in particular comprises the development of a green field site within the conservation area that also positively contributes to the character of the approach roads into the town.

- 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 some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore 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 The proposal will also have some impact on the conservation area and protected road approach into Skipton, but the master plan for the site provides good open space buffers adjacent to highways and it is not considered that any sensitive views would be affected to a significant extent.

- 9.51 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 new dwellings including affordable units. The development will have some impact on the conservation area, but the landscape buffers and area of public open space will help to acceptably mitigate any adverse impact. It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is acceptable.

10 Recommendation

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

Conditions

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-
 - (a) appearance;
 - (b) landscaping;
 - (c) scale.

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

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

2. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

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

Reason (for 2 & 3): Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years.

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated August 2015 and accompanying approved plans.

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

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

Reason: In the interests of visual amenity.

6. None of the houses hereby approved shall be more than two-storeys.

Reason: This has been specified in the Design and Access Statement accompanying the application and therefore the application has been assessed on that basis. Furthermore it is considered to be necessary in order to ensure that the development remains of an appropriate scale in the wider context of the site.

7. 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. 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.

Reason: To safeguard the rights of control by the Local Planning Authority and to protect the existing trees in the interests of amenity.

8. 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.

9. No development shall take place until details of the proposed means of foul drainage has been submitted to and approved in writing by the Local Planning

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

Reason: To ensure that the site is properly drained.

10. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within the 6m easement either side of the centre line of the water main that crosses the site.

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

11. The development shall not be carried out other than wholly in accordance with the drawing no: YOR.2495.001 revision H received by the local planning authority on 5th January 2016 and supporting documents (including the Design and Access Statement, the mitigation measures set out in the Ecological Assessment , Heritage Statement and Flood Risk Assessment) received by the Local Planning Authority on 14th August 2015.

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

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

12. 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).

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.

13. No development shall take place until either:

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

(ii) Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

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

14. No development shall begin until a scheme for the laying out and landscaping of the proposed on-site 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.

Reason (for 13 & 14): In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Informative: The current submission does not fully meet the requirements of Saved Local Plan Policy SRC2. The Sports Development Officer has indicated that this requirement could be met through the contribution of £150,000 used to enhance or provide youth and adult provision for sport and recreation elsewhere in Skipton.

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

- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
- the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.

- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Informative:

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

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

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

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

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

17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) The crossing of the highway verge and/or footway or proposed highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient no steeper than 1/20.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative:

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

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

18. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road A6131 from a point measured 4.5m 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.

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

(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. Provision of tactile paving
- b. 2.5m wide bitmac footway / cycleway adjacent to Skipton Rd, extending full length, up to Skipton Rd / A6131 junction.

(ii) An independent Stage 2 Road Safety Audit for the agreed 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) The developer's 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.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. 2.5m wide bitmac footway / cycleway adjacent to Skipton Rd, extending full length, up to Skipton Rd / A6131 junction.

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

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

2.5m wide bitmac footway / cycleway adjacent to Skipton Rd, extending full length, up to Skipton Rd / A6131 junction.

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

Informative: There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

21. 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.

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

Reason: To protect pedestrians and other highway users.

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

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

Informative:

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

24. There shall be no access or egress 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 60m measured along centre line of the major road Skipton Rd from a point measured 1m down the centre line of the access. The eye height will be 1 metre and the object height shall be 0.6 metres in height. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason (for 23 & 24): In the interests of road safety.

25. 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.

26. 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

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

27. 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.

28. Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations where dust may be generated and further 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.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

29. No development, including any site clearance works, shall be commenced 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.

Informatives:

1. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981(as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228.

Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park ,Electra Way, Crewe, Cheshire, CW1 6GJ.
3. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.
4. 36. Operating times for construction should be limited to:
 - 0730 to 1800 Monday to Friday
 - 1800 to 1300 Saturday
 - No Sunday or Bank Holiday working.

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
- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.

Discharge of Condition(s)

1. The developer should note that Condition Nos 5, 7, 9, 12, 13, 14, 15, 19, 21, 23, 25, 26, 27, 28, and 29 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****63/2015/16230***APPLICATION TO VARY CONDITIONS 2, 8, 10, 13, 14 16 AND 20 AND THE REMOVAL OF CONDITION 12 OF APPROVAL 63/2014/14916.**GUYSON INTERNATIONAL LTD, KEIGHLEY ROAD, SKIPTON.*

APPLICANT NAME: GUYSON INTERNATIONAL & OPUS LAND NORTH

TARGET DECISION DATE: 05/01/2016

CASE OFFICER: Mark Moore

The application is referred to Councillors for a decision as it seeks to vary conditions attached to a decision that was originally granted planning permission by the Planning Committee.

1. Site Description

1.1 This application relates to the Guyson's International Ltd site located off Keighley Road, Skipton. The site was recently granted planning approval for the construction of a retail park (ref: 63/2014/14916) and for demolition of existing factory buildings and their replacement elsewhere on the Guyson's site.

2. Proposal

2.1 To vary conditions 2, 8, 10, 13, 14, 16 and 20 and to remove condition 12 of planning permission Ref: 63/2014/14916.

2.2 This was a permission to demolish buildings and extend the factory and to build a retail development with new (retail park) access and parking on the Guyson's International Ltd. site off Keighley Road, Skipton.

2.3 As the planning permission covers two distinct elements, i.e. the factory extensions and the retail development, it has presented some problems in that some of the planning conditions are not applicable to both. Therefore, for the most part, this application seeks to vary the planning conditions so that where relevant they apply only to the retail element of the approved scheme.

2.4 In summary, the proposed variations/removal of condition are as follows:

2.5 Condition 2:

This is a standard condition that specifies the approved plans. In this case the original condition contains an error whereby Plan Ref: Project 7342 (000) 005 Revision H is referred to. This has been superseded by Revision L and therefore Revision H needs to be omitted from the list of approved plans and replaced by Revision L.

Officer note: The revisions to the plan include changes discussed during the determination of the application and the addition of a single storey fluid store building granted permission since the original approval of the retail development and factory extensions granted under ref: 63/2014/14916.

2.6 Condition 8:

This condition requires prior approval and implementation of a scheme to address any increase in surface water run-off that may arise from the development.

The variation sought is to revise the condition so that it would only apply to the retail development i.e. if the variation were to be approved the scheme would only need to be submitted and implemented for the retail development and not for the factory extensions that are part of the same planning permission.

2.7 **Condition 10:**

This condition is related to condition 8 and prohibits piped discharge of surface water from the application site.

The variation sought is to revise the condition so that it would only apply to the retail development i.e. the scheme to be submitted would only be required for the retail development and not for the factory extensions that are part of the same planning permission.

2.8 **Condition 12:**

This condition requires prior approval of the details of the new access to serve the retail development (including construction details, highway verge details, details of gates and barriers and surfacing/highway works).

The application seeks removal of this condition. The condition would in fact be amalgamated into the wording of condition 16 and therefore is not to be removed altogether.

2.9 **Conditions 13, 14 and 16.**

These are standard highways conditions that require:

- i) Provision of visibility splays onto Keighley Road (Condition 13 and 14).
- ii) Construction of highway works agreed to improve pedestrian access (Condition 16).

The requested variations seek to revise the wording of each of the above conditions so that the conditions are more clearly worded and apply only to the retail development and not to the factory extensions. This would allow works to the factory extensions to proceed without the need to discharge highways conditions that do not apply to that element of the planning approval.

In the case of condition 16 the requirements originally set out in condition 12 have been included in the revised wording.

2.10 **Condition 20:**

This condition requires approval of a Travel Plan prior to the retail development being brought into use. The requested variation is to allow the Travel Plan to be submitted for approval within 3 months of occupation of the retail development.

This variation would allow additional time for the applicant to identify travel patterns prior to submission of the Travel Plan.

3. Planning Policy Background

3.1 **National Planning Practice Guidance.**

4. Planning History:

4.1 Of relevance to this site are the following:

4.2 63/2014/14916: Partial Demolition, Extension and refurbishment of the existing Guyson's International advanced manufacturing facility and the redevelopment of part of the site for non- food bulky goods retail, with new access from Keighley Road and associated parking. Approved December 2014.

4.3 63/2015/15774: Erection of a fluid store building. Approved July 2015.

4.4 63/2015/16234: Certificate of Lawful Development for proposed use of mezzanine floor in Unit 2 as a pet care and treatment centre. Not determined.

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** No comments received.

6. Consultations

6.1 **CDC Environmental Health:** Has advised verbally that condition nos. 8 and 10 should remain as the requirements of the conditions in relation to the management of surface water run-off from the site apply equally to both elements of the application.

6.2 **NYCC Highways:** No objections.

6.3 **Environment Agency:** Advise that they did not actually recommend the conditions. The response to the original application was that surface water arrangements should be agreed with the Internal Drainage Board.

6.4 **Yorkshire Water:** Have reviewed the FRA submitted with the original application and advise that they have no opinions on whether the conditions should only apply to the new retail development.

6.5 **Airedale Drainage Commissioners:** Consider that the scheme to deal with the increase in surface water from the factory extensions and car park are an important part of the application and therefore advise that the variation should be refused.

7. Representations

7.1 No comments received.

8. Summary of Principal Planning Issues

8.1 The acceptability of the requested variations to the planning conditions attached to the original planning permission.

9. Analysis

9.1 **Condition 2:**

This variation seeks to update the list of approved plans to ensure that it refers to the most up to date revisions.

Officer note: The landscaping details on drawing no. project 7342 (000) 005 revision L differ from those that were agreed in conjunction with the CDC Tree Officer and are shown on drawing no. MR14-032/101 revision B. It is therefore proposed to include the following additional wording to the revised condition 2 to ensure that it is the final agreed landscaping scheme that is implemented:

'Notwithstanding the details shown on any other approved plans the landscaping shall only be carried out in accordance with the details of drawing no. MR14-032/101 revision B received by the local planning authority on 27th January 2015'.

Officer note: Condition 7 has also been re-worded in order to specify the approved landscaping details.

9.2 **Condition 8:**

This condition was requested by the Airedale Drainage Board (ADC) in their consultation response to the original planning application.

The request to limit the planning condition to the retail development alone is not considered to be acceptable. ADC did not distinguish between the retail site and the factory extensions in their original consultation replies and have since commented that the proposal to vary the condition should be refused. CDC Environmental Health officers have also confirmed that it does not consider it appropriate to limit the condition as requested.

Notwithstanding the above it is considered appropriate to re-word the condition to allow the developer the opportunity to discharge the condition separately for each element of the planning permission. For this reason it is proposed to vary condition 8 as follows:

'Neither the factory extensions (and associated car parking) nor the retail development (and associated car parking) hereby permitted shall be commenced until such time as schemes to ensure that there is no increase in surface water run-off have been submitted to, and approved in writing by, the local planning authority.'

The schemes, which can be submitted separately for the factory extensions and the retail development, shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the schemes or within any other period as may subsequently be agreed, in writing, by the local planning authority'.

9.3 **Condition 10:**

This condition was recommended by Yorkshire Water in their consultation response to the original planning application.

It is considered that the requested variation is not considered to be acceptable. However, for the reasons set out above it is proposed to re-word the condition as follows:

'No piped discharge of surface water from either the factory extensions (and associated car parking) or the retail development (and associated car parking) 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 in writing by the Local Planning Authority'.

9.4 **Condition 12:**

The proposal to remove condition 12 is considered to be acceptable as the matters contained within this condition are to be encompassed in the re-worded condition 16.

9.5 **Conditions 13, 14, 16 and 20:**

NYCC Highways has confirmed that the requested variations are acceptable. The revised wording of the conditions is as set out below.

9.6 **Other Matters**

The existing planning permission is subject to a S106 to secure the provision of off site highway works comprising: -

- i) A commuted sum (£15,000) to facilitate re-configuration of the traffic lights at the junction of Keighley Road/Carleton Road.
- ii) A commuted sum (£20,000) to facilitate widening and improvement of footpath and cycle linkages between the application site and Skipton town centre.

A deed of variation or amended S106 will need to be entered into to ensure that these requirements remain applicable to the revised proposal.

10. Recommendation

- 10.1 That members resolve to grant delegated authority to the Development Control Manager to grant planning permission as set out at Section A below subject to the applicant first entering into an amended / varied Section 106 Legal Agreement to secure the offsite highway works set out at Section B below:

Section A:

- i) The requested variations to conditions 2, 13, 14, 16 and 20 of planning permission Ref: 63/2014/14916 are granted.
- ii) The requested variations to conditions 8 and 10 of planning permission Ref: 63/2014/14916 are not granted as applied for, but that the conditions are varied to allow the discharge of these conditions to be undertaken separately for each of the two separate elements of the planning permission.

Section B:

- iii) A commuted sum (£15,000) to facilitate re-configuration of the traffic lights at the junction of Keighley Road/Carleton Road.
- iv) A commuted sum (£20,000) to facilitate widening and improvement of footpath and cycle linkages between the application site and Skipton town centre.

Conditions

1. **(Amended Condition)** The development hereby permitted shall be begun not later than 29th September 2018.

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

2. **(Amended Condition)** The development shall not be carried out other than wholly in accordance with the following drawing nos:

- CAD 102, 104, 105, 110, 007 revision H, 008 revision F, 011 revision D, and 012 revision C received on the 4th August 2014 and project 7342 (000) 005 revision L received 6th January 2016
- MR14-032/102 rev C received by the Local Planning Authority on 2nd December 2014.
- 006 revision C, 016 revision C, 017 revision C, 018 revision C, 021 revision H, 022 revision G, 023 revision F, Drawing nos. MR14-032/101 revision B and the amended Design and Access Statement received on 27th January 2015.

Notwithstanding the details shown on any other approved plan the landscaping on the site shall only be carried out in accordance with the details of drawing no. MR14-032/101 revision B received by the local planning authority on 27th January 2015.

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

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

3. Notwithstanding any details specified on the approved plans and supporting documentation prior to their first use on site details of types and colours of all external materials, including hard surfacing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: In the interest of visual amenity.

4. The retail units hereby granted permission shall be limited to the sale of non-food bulky goods comprised of DIY and gardening products; furniture and floor coverings; electrical goods; pet products; and motoring/bike accessories and for no other purpose.

Reason: For the avoidance of doubt and to safeguard the vitality and viability of Skipton town centre.

5. The total gross floor space of the retail units hereby permitted shall not exceed a combined total of 4240 m² including any mezzanine floor space and the external sales area proposed at unit 1.

Reason: For the avoidance of doubt and to safeguard the vitality and viability of the town centre of Skipton.

6. The retail units hereby granted planning permission shall not be occupied until the extension of the existing factory has been completed and brought into use.

Reason: For the avoidance of doubt and to mitigate for the loss of the employment land required in connection with the proposed retail development.

7. **(Amended Condition)** All soft landscape works shall be carried out in accordance with the approved drawing (Ref: MR14-032/101 revision B received by the local planning authority on 27th January 2015) and shall be implemented during the first planting season following completion of the development hereby permitted and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

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

8. **(Amended Condition)** Neither the factory extensions (and associated car parking) nor the retail development (and associated car parking) hereby permitted shall be commenced until such time as schemes to ensure that there is no increase in surface water run-off have been submitted to, and approved in writing by, the local planning authority.

The schemes, which can be submitted separately for the factory extensions and the retail development, shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the schemes or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

Reason: In the interests of satisfactory and sustainable drainage.

10. **(Amended Condition)** No piped discharge of surface water from either the factory factory extensions (and associated car parking) or the retail development (and

associated car parking) 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 in writing 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.

11. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 no fascias, banners, projecting signs or other forms of advertisements shall be attached to the exterior of the building without the prior approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the development and the wider area.

12. **(Condition Deleted – now incorporated into Condition 16)**

14. **(Amended Condition)** There shall be no access or egress by any vehicles between Keighley Road and the retail development 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 Keighley Road from a point measured 4.5 metres looking south, 2.4 metres looking north 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.

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

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

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

15. Unless otherwise approved in writing by the Local Planning Authority, the retail development hereby approved shall not be occupied until:

(i) A scheme for the provision of the required highway improvement works, listed below has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

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

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Works on Keighley Road i.e. access, pedestrian island and the means by which a new footway widened for shared use footway between site and Cawder Bridge (connection to canal towpath) is to be secured. The development shall thereafter be implemented in accordance with the approved details.

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

16. **(Amended Condition)** Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the retail development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:

Works on Keighley Road i.e. access, pedestrian islands and new footway as shown on the approved plans.

The works to the access require the following:

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (iii) Any gates or barriers shall be erected a minimum distance of 3 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
- (v) The final surfacing of any private access within 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.
- (vi) Provision of tactile paving in accordance with the current Government guidance.

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

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

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

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

- (i) Have been constructed in accordance with the approved drawing.
- (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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

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

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

19. 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 HGV 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.

20. **(Amended Condition)** Within three months of occupation of any part of the retail premises hereby approved a Travel Plan shall have been submitted to and, within 5 months from the first date of occupation, be subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) The appointment of a travel co-ordinator
- (ii) A partnership approach to influence travel behaviour
- (iii) Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) Provision of up-to-date details of public transport services
- (v) Continual appraisal of travel patterns and measures provided through the travel plan
- (vi) Improved safety for vulnerable road users
- (vii) A reduction in all vehicle trips and mileage
- (viii) A programme for the implementation of such measures and any proposed physical works
- (ix) 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.

21. Other than within the external sales area (Project Centre) adjoining Unit 1 (which may be used for the display of produce, equipment and materials for sale), no materials, produce, equipment or waste materials shall be stored outside the buildings except for waste materials contained within bins for periodic removal. There shall be no obstruction of the delivery/vehicle manoeuvring areas.

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

22. Prior to its installation on site details of the external lighting in and around the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting to the southern elevation of the southernmost retail unit. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposed lighting does not give rise to amenity or highway safety issues.

23. Following completion of any measures identified in the Remediation Strategy approved by Craven District Councils Environmental Health Officers a Validation Report shall be submitted to the Local Planning Authority. The Validation Report shall be prepared in accordance with current best practice and the site shall not be brought into the use hereby granted planning permission, until such time as the validation report has been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to determine whether or not the site has been rendered suitable for use and that contamination has been dealt with so as not to present significant environmental risks.

24. The mitigation measures set out in the submitted 'White-clawed Crayfish and Bat Activity Surveys' document produced by Brooks Ecological and submitted to the Council on 4th August 2014 shall be fully implemented during the construction phase and subsequent occupation of any part of the retail development hereby approved.

Reason: In the interests of the protection of wildlife species.

Informatives:

1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the construction period.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

3. Please note that no consent has been granted for the erection of any form of advertisement as part of this planning permission.
4. Operating times of the demolition and then construction site should be limited from 7:30am to 6:00pm Monday to Friday, 08:00am to 1:00pm Saturday and no Sunday or Bank Holiday working, the objective being to minimise disturbance from the site affecting nearby property.
5. The developer should note that condition Nos. 3, 8, 10, 14, 15, 18, 19, 20 and 23 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

Please note that in order to assist the Council and enable the Local Authority to deal effectively with your application to discharge conditions it is requested that a schedule is submitted with any subsequent application that identifies the condition numbers and the relevant plans, reports, documentation etc. that relates to that condition.

6. 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
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation.

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

*SETTLE & RIBBLE
62/2015/16346*

*APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL
ALTERATIONS AND EXTERNAL ALTERATIONS.*

POLICE STATION, DUKE STREET, SETTLE.

APPLICANT NAME: CANDELISA LTD
TARGET DECISION DATE: 06/01/2016
CASE OFFICER: Andrea Muscroft

This application has been referred to Planning Committee at the request of Councillor Staveley as he considers the external changes proposed, specifically the roof terrace, would be detrimental to the character of such a prominent building in the town centre.

1. Site Description

- 1.1 The application property is the former Settle Police Station, a substantial Grade II Listed property dating to circa 1830 that was originally a house. The building is located on Duke Street, Chapel Street runs adjacent to the north elevation, and Cragdale is located to the east (rear) of the building. The property is located within Settle's Conservation area and an Article 4 direction area.
- 1.2 The Listing description reads as follows; "Formerly house, now Police Station. c.1830. Ashlar, slate roof. 2 storeys, 5 bays. Central entrance is flanked by 2 pairs of Tuscan pilasters with rectangular light between each pair to illuminate hall. Pilasters rest on sill band and support an open pediment. 6-panel door has round-headed fanlight. All windows have sashes and continuous sill band. Central first floor window is tripartite. Eaves cornice. Gable end stacks. Group Value."

2. Proposal

- 2.1 The proposal is seeking listed building consent for internal/external alterations.
- 2.2 The amendments comprise the following:-
- 2.3 **Western elevation.**
- Repositioning of single window.
- 2.4 **Southern elevation.**
- Omission of Tri bi-folding doors.
 - Omission of 3no. Roof lights.
 - New double door opening.
 - Reposition of door serving roof terrace and formation of roof over – Unit 7.
 - Introduction of roof terrace to Unit 5.
- 2.5 **Northern elevation.**
- Omission of 3no. Roof lights.
 - Insertion of tri bi-folding doors.
- 2.6 **Eastern elevation.**
- Lowering the overall height of the three storey rear extension.
 - Reposition the double windows located in the three storey rear extension.

- Double doors shown on elevation (omitted from approved elevation drawings ref: 62/2015/15570).

2.7 Internal alterations.

- Alterations to the staircase/landing arrangements.
- Reduction in accommodation at second level for Unit 2.
- Removal of fire place located in living room of Unit 3.
- Reduction in size of mezzanine floor to Unit 1.
- Minor internal alterations.

2.8 Officers Note:

Both planning permission and listed building consent has already been granted for a very similar development proposal (Planning Refs. 62/2015/15570 & 71). This application is seeking amendments to the approved listed building consent granted in 2015 under ref no: 62/2015/15571. The purpose of the application is to assess the appropriateness of the amendments on the historic character and interest of the Listed Building. Amendments to the planning permission originally approved under 62/2015/15570 have already been accepted as being non-material (62/2015/16245).

3. Planning History

- 3.1 5/62/105/PA – Erection of 15ft alloy pole aerial of 2” diameter. Approved 24/03/1977.
- 3.2 5/62/560 – Construction of access for disabled persons at The Courthouse, Settle. Approved 29/03/1999
- 3.3 5/62/560/A – Listed building application for construction of access for disabled persons at The Courthouse, Settle. Approved 29/03/1999.
- 3.4 62/2013/13608 - Conversion from a police station to provide 10 residential flats, an extension to the North East elevation and an increase in parking spaces at the new police station. Withdrawn 06/08/2013.
- 3.5 62/2013/13609 – Listed building application for conversion from a police station to provide 10 residential flats, an extension to the North East Elevation and an increase in parking spaces at the new police station. Withdrawn 06/08/2013.
- 3.6 62/2015/15570 – Full application for conversion of former police station and court house to form 7 no. dwellings, involving internal and external alterations and extension to convert former police station and court house into 7 no. dwellings. Approved 12/06/2015.
- 3.7 62/2015/15571 – Full application for conversion of former police station and court house to form 7 no. dwellings, involving internal and external alterations and extension to convert former police station and court house into 7 no. dwellings (Listed Building Consent). Approved 12/06/2015.
- 3.8 62/2015/16227 - Discharge of conditions 4, 6, 8, 9, 11, 12, 13, 14, 15, 16 & 17 to approved application 62/2015/15570 and conditions 4, 5, 9, 10, 11 & 12 to approved listed building consent application 62/2015/15571 – Split Decision 2015.
- 3.9 62/2015/16245 – Non material application for previously approved application 62/2015/15570 – Approved 03/11/2015.
- 3.10 62/2015/16365 – Small glazed garden room to serve unit 6 – Not determined.
- 3.11 62/2015/16363 – Small glazed garden room to serve unit 6 – Not determined.

4. Planning Policy Background

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

- 4.3 Historic Environment Good Practice Advice Planning Note: Managing significance in Decision Taking.
- 4.4 Historic Environment Good Practice Advice Planning Note: The Setting of Heritage Assets.
5. Parish/Town Council Comments
- 5.1 Settle Town Council: No comments received at the time of compiling this report.
6. Consultations
- 6.1 None necessary.
7. Representations
- 7.1 The application was advertised in the Craven Herald on the 20th November with Site Notice posted adjacent to the site. In response to the publicity the Council received one letter of representation. Comments summarised below:-
- 7.2 Support in principle, but concern that the boundary wall of unit 2 is being positioned where access will be extremely restricted.
- 7.3 **Officers Note:** Whilst these comments are noted the position of the boundary wall is already approved. This application does not seek to make any amendments to this aspect of the previously approved development.
8. Summary of Principal Planning Issues
- 8.1 Whether the proposed works would result in any unacceptable harm or loss to the historical and architectural interest of the listed building.
9. Analysis
- 9.1 In terms of considering a proposal for listed building consent, under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 section 16(2) requires that special regard must be had to the desirability of preserving the building features of special architectural or historical interest.
- 9.2 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.3 The proposal is seeking to undertake a number of minor external and internal alterations specified in section 2 of the report. During the site visit it was noted that internally the building has been subject to limited alterations with the result that the majority of the historical and architectural fabric remains.
- 9.4 With regards to the changes to the internal configuration the proposed amendments to the previously approved scheme are minor in scale and would result in no unacceptable loss of any historic or architectural fabric. Furthermore, the proposed internal works would not negatively impact on the special historic and architectural significance of the listed building and are therefore considered acceptable.
- 9.5 In addition, to the internal works, the proposal is seeking consent for alterations to the external approved window/door openings, lowering of the approved two storey extension and the creation of a terrace to unit 5, and the repositioning of the door serving the roof terrace on unit 7 with the formation of a new roof over.
- 9.6 The alterations involving changes to the approved window and door opening whilst having a material visual impact on the listed building are considered to be high quality, sympathetic and in keeping with the existing building. With regards to the lowering of the two storey element this would result in a structure more in keeping with the scale of the listed building and would result in a visual enhancement to the listed building. Turning to the creation of a terrace off unit 5 this would require alterations to a window opening to form a doorway and the installation of a glass balustrade measuring approximately 1.8m in height. Given the overall scale of building, the sympathetic

nature of alteration, the set back and its position to the rear it is not considered that this element of the proposal would result in any loss of historical or architectural fabric or negatively impact on its listing or significance. However, it is considered appropriate to attach a condition requiring further details relating to the installation of the balustrade to safeguard the listed building. Finally, the proposed new roof to accommodate the repositioning of the terrace doors for unit 7 would involve the construction of a small flat roof dormer. With regards to any potential impact that this element of the proposal would have on the listed building, it is considered given its limited scale that there would be no unacceptable loss of historical or architectural fabric to withhold listed consent. Notwithstanding this, it is considered appropriate to attach a condition requiring further details relating to the proposed materials to safeguard the listed building.

9.7 Conclusion.

9.8 The proposed internal and external alterations will have an impact on the listed building, however, overall that impact is limited and would not result in any unacceptable loss of historical or architectural fabric. Furthermore, given the sympathetic approach concerning the external alteration the proposal would not impact on the significance of the listed building.

9.9 **Summary**

9.10 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.

9.11 In this case, it is considered that the proposal would not detract from the special architectural or historic interest of the listed building or result in any adverse impacts that would significantly and demonstrably outweigh the benefit of the heritage assets continued use to withhold listed building consent.

10 Recommendation

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

Conditions

1. Works to which this consent relates shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

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

2. The approved plans comprise Drawings 111401-02-H & 111404-04 -G received by Craven District Council on 29th October 2015.

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

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

3. All existing windows shall be retained as existing and repaired and/or upgraded in line with the advice set out in Historic England document 'Traditional Windows: their care, repair and upgrading.'

4. The existing two doors on the western elevation shall be externally finished in RAL 7046 (a muted grey) and retained thereafter.

5. Prior to their first installation, full details of all newly formed windows and external doors, and all new external doors, shall be submitted to and approved in writing by the Local Planning Authority. Those details, which shall be provided on plans of scale 1:10 or 1:20, shall include materials (which shall be timber), finish and colour, and details of the surrounds to the windows and doors. All newly formed windows and doors shall be set in a minimum external reveal of 100mm. All new windows and doors shall be installed in accordance with the details so approved.
6. All roof lights shall be "Conservation style" and shall not be fitted other than flush with the plane of the roofslope.
7. All existing cast metal down pipes and gutters shall be retained and repainted black. All plastic down pipes and gutters shall be replaced in cast metal, to match the existing metal down pipes and gutters, and finished in black. In the event that any existing cast metal down pipes and gutters require replacement, these shall be replaced in cast metal, to match the existing metal down pipes and gutters, and finished in black.

Reason (3 - 7): To ensure the use of appropriate materials in the interests of maintaining the special architectural character and interest of the Heritage Asset, and to accord with the NPPF.

8. In the event that any repairs or works are required to the original ceiling following removal of the suspended ceiling in Unit 6, details of those repairs or works shall be submitted to, and approved in writing by the Local Planning Authority, prior to those repairs or works taking place. The repairs or works shall be carried out in accordance with the details approved.
9. Prior to its installation, details of the proposed staircase located in the communal landing/hallway, to provide access between the first floor and the attic, shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include scale drawings of the proposed staircase and shall be shown in relation to the surrounding walls/features. The details shall also include the design and materials of the staircase. The staircase shall be installed in accordance with the details approved.

Reason (8 – 9): To ensure that internal alterations maintain the character and special architectural interest of the Heritage Asset, and to accord with the NPPF.

10. The boundary wall on the northern boundary of the site adjacent to Chapel Street shall be constructed in accordance with sample approved under planning application 62/2015/16227 and retained thereafter.

Reason: To ensure the replacement boundary wall is of an acceptable appearance, and to accord with the NPPF.

11. No work shall commence on the external walling or finish of the proposed extension until such time as a sample of the materials to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. The development shall re-use existing roof slates. In the event that any existing roof tiles require replacement, these shall be replaced to match existing roof slates.

Reason (11 & 12): To ensure the use of appropriate materials in the interests of visual amenity, and to accord with the NPPF.

13. Prior to the first occupation of unit 5 details shall be submitted of the 1800 mm high colourless, clear frameless glass balustrade to be used to define the 5.5 m x 5.5 m (approx.) terrace area indicated on the approved plans. The screen shall be installed in accordance with the approved details and the approved plans prior to the first occupation of unit 5 and shall be retained in place as such thereafter.

Reason: To ensure that the proposed guarding for the terraced area does not unacceptably impact on the historic architectural interest of the listed building; through the achievement of appropriate design detailing and the guarding's erection in the location shown on the approved plans.

14. Prior to the first use of external surface materials to be used in the construction of the rear dormer to unit 7 details of the materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building.

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.

Discharge of Condition(s)

1. With regard to Condition Nos. 5, 9, 11, 13, & 14 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.