

PLANNING COMMITTEE MEETING AGENDA

Monday 15 February 2016

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**WEST CRAVEN
17/2015/16195**

*OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT (CIRCA 4 DWELLINGS) ALL MATTERS
RESERVED WITH THE EXCEPTION OF HIGHWAYS.*

45 – 54

LAND OFF CARLA BECK LANE, CARLETON-IN-CRAVEN.

APPLICANT NAME: MR AND MRS MASON
TARGET DECISION DATE: 06/11/2015
CASE OFFICER: Andrea Muscroft

**SKIPTON EAST
63/2015/16296**

*VARIATION OF CONDITION 2 ATTACHED TO PLANNING
APPROVAL 63/2015/15837 (LINKED TO THE GRANT OF
PLANNING PERMISSION 63/2013/14200 FOR THE FLOOD
ALLEVIATION SCHEME INVOLVING ALTERATIONS AT
SPINDLE MILL SITE, AND CHANGES AT WALLER HILL
BECK SITE INCLUDING REPOSITIONING OF SITE
COMPOUND AND CREATION OF NEW ENTRANCE TO
SITE COMPOUND OFF OTLEY ROAD)*

55 - 63

WALLER HILL BECK FLOOD STORAGE, SKIPTON.

APPLICANT NAME: ENVIRONMENT AGENCY
TARGET DECISION DATE: 24/02/2016
CASE OFFICER: Andrea Muscroft

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

COWLING
22/2015/16431

CONSTRUCTION OF THREE HOUSES AND EXTENSION TO HIGHWAY TO FORM TURNING HEAD (RESUBMISSION OF APPLICATION REFERENCED 22/2014/15193)

LAND OFF ACRE ROAD, COWLING.

APPLICANT NAME: SKIPTON PROPERTIES LTD
TARGET DECISION DATE: 05/02/2016
CASE OFFICER: Ian Swain

This application has been referred to the Planning Committee as it is on a site which has previously been considered by the Planning Committee and the proposal is a departure from the Development Plan.

1. Site Description

- 1.1 The application site is pasture land lying to the south west side of Cowling village; it is beyond the present housing development accessed by Acre Road and has the modern housing on Acre Meadow to the north and the housing of Carr Mill to the east.
- 1.2 The land rises to the south and west and, beyond the site is the detached villa of Moorside with Old Lane beyond. A public footpath is located on the north western boundary of the site.
- 1.3 The site is outside the development limits for the village and in the open countryside. The site is also within the extensive Conservation Area which surrounds the village.

2. Proposal

- 2.1 The application seeks full planning permission for 3no. open market dwellings. Each four bedroomed dwelling would be constructed in natural stone with blue slate roofs and cream uPVC windows and doors. Boundaries would be defined by dry stone walls and timber fencing.
- 2.2 Access to the site would be from Acre Road.
- 2.3 The application is supported by a Heritage Impact Assessment, Landscape and Visual Appraisal and a Design and Access Statement. These documents are available for inspection on the Council's web site.
- 2.4 An appeal has been lodged with the Planning Inspectorate for non-determination of an identical scheme. The Council are now not in a position to formally determine that application, but this duplicate application can be determined.

3. Planning History

- 3.1 The site has a complex planning history. The following applications are of most relevance: -
- 3.2 22/2007/7621. Erection of 13 dwellings. This application was not determined and an appeal lodged against non-determination. The Appeal was dismissed in 2008. The Inspector considered that the impact of the proposal on the Conservation Area was unacceptable.

- 3.3 22/2007/8035. Construction of 13 Dwellings. Refused 15 January 2008 for the following reason: *'The proposed development is on land outside the defined development limits of the village, as set out in the Saved Craven District (outside the Yorkshire Dales National Park) Local Plan, within open countryside and the Conservation Area. In addition to being contrary to the requirements of Saved Policies ENV 1 and ENV2 the development of this site would adversely affect the character and appearance of this area and thus be contrary to the advice contained within Planning Policy Guidance Note 15.*
- 3.4 22/2010/11079. Construction of 20 affordable dwellings. Refused 16.2.2011 for the following reason:- *The proposed development lies outside the development limits for this village and within the Conservation Area, as is shown on the Inset Map to the Local Plan, and is within the open countryside. Notwithstanding the compliance with the principle of Saved Policy H 12, it is considered that the visual impact of the development would detract from the appearance of the open countryside and the setting of the village and its Conservation Area would thus be contrary to Saved Policies ENV 1, ENV 2 and H 12 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and Policies HE 9.1 and 9.2 of Planning Policy Statement 5.s be contrary to and the advice contained within Planning Policy Guidance Note 15.'*
- 3.5 The above application was the subject of an appeal which was dismissed on 5 September 2011. The Inspector concluded that the development would not preserve or enhance the conservation area.
- 3.6 22/2011/11727. Construction of twenty dwellings - extension to Acre Road and layout of public open space. Resubmission of refused planning application 22/2010/11079. Withdrawn August 2011.
- 3.7 22/2014/14311. Construction of 5 dwellings. Application withdrawn 23 July 2014.
- 3.8 22/2014/15193. Construction of 3 dwellings. Appeal for non-determination (awaiting decision).

4. Planning Policy Background

- 4.1 ENV1: Development in the Open Countryside.
- 4.2 ENV2: Requirements for Development in the Open Countryside.
- 4.3 T2: Road Hierarchy.
- 4.4 National Planning Policy Framework.
- 4.5 National Planning Practice Guidance.

5. Parish/Town Council Comments

5.1 Cowling Parish Council object to the application summarised as follows:

- The site is outside the development limits and is also in the special landscape area and conservation areas for the village.
Officer note: The policy protection of special landscape area is no longer of relevance as Policy ENV4 was not "saved" but this does not negate consideration of landscape impact.
- Development has been refused twice by the Planning Committee for this site and twice by the Planning Inspectorate for good and stated reasons

- While the Heritage Impact assessment holds that this conservation site makes only a modest contribution to the village that viewpoint is not held by two Planning Inspectors, who held that it plays an important role in the village.
- As the application concerns a conservation area, it is important that any development is in keeping with the adjacent properties. This is acknowledged by the applicant, yet it is proposed to build very large detached houses adjacent to terraced houses. As an example plot1 occupies a similar footprint to no fewer than three of its neighbouring properties.

5.2 The detailed objections of the Parish Council are available to view on the Council's web site.

6. Consultations

6.1 **NYCC Highway Authority** raises no objections and recommends conditions.

6.2 **Historic England** is not supportive of the application, but also do not specifically object. They state that the application site makes a contribution to the character and appearance of Cowling Conservation Area and this contribution has been recognised by Planning Inspectors at two separate appeals. They indicate that the development will cause harm to this heritage asset, although the harm caused will be less than substantial. They therefore indicate that any development requires clear and convincing justification and the public benefits of the scheme need to be weighed against the harm caused.

6.3 **CDC Conservation Advisor** commented on the previous identical application that has been appealed. He stated that having regard to the advice from Historic England and previous appeal decisions it is considered that the proposed development still covers too large an area and a smaller site with smaller properties would be more appropriate. It is recommended that the current submission should be refused.

7. Representations

7.1 Nine letters of objection have been received raising the following issues:-

- Landscape impact
- Threat to meadow that has abundance of wildlife
- No change in circumstances to previous refusals
- Introduction of further housing into overdeveloped area
- Potential threat to public right of way
- Destroying traditional field pattern
- Flood risk to other properties
- Better alternative brown field sites
- No affordable housing
- Development would increase parking problems on the estate
- Impact of construction traffic on estate road
- Further pressure on school
- Invasion of privacy
- Potential for further development
- Overlooking
- No need for footpath link

8. Summary of Principal Planning Issues

8.1 Land use/ principle

8.2 Design/impact on the conservation area and the countryside.

8.3 Residential Amenity

8.4 Highway Safety

8.5 Other issues

9. Analysis

Land use / principle

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 Cowling 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. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended increased housing requirement for the emerging Local Plan 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 Local Plan figure of 256 dwellings per year should not be used for calculating the 5 year housing supply 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 for the Local Plan indicates that the housing requirement for the District will need to be even 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 site, along with a number of other sites, was identified a possible preferred site for housing in the emerging Local Plan (it should be noted that it is not envisaged that all of the identified sites are needed to meet the Districts housing requirements). 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 village with pedestrian and vehicle connections to local facilities and services. The site is a 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 Cowling, as defined by the 1999 Local Plan, but is located immediately adjacent to residential development in the village. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

Design/impact on the conservation area and the countryside

- 9.16 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.
- 9.17 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities “to pay special attention to the desirability of preserving or enhancing the character or appearance of that area” in considering whether to grant planning permission or not. The NPPF sets out guidance on assessing the impact of development on heritage assets including listed buildings and conservation areas. The historic environment is seen as having potential to contribute to sustainable communities, including economic vitality; and it is therefore desirable that new development make a positive contribution to the historic environment and local distinctiveness (Paragraphs 128 to 141 are particularly relevant).
- 9.18 Paragraph 132 of the NPPF advises 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. At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case Historic England has advised that the development will have less than substantial harm on the character of the heritage asset. The test set out at paragraph 134 of the NPPF is therefore the test to be applied rather than the test at paragraph 133 of the NPPF.

- 9.19 The benefits of the proposal are primarily the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development as set out in the NPPF (the Government advises that significant weight should be placed on the need to support economic growth). These benefits need 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 on the village conservation area.
- 9.20 The site rises from Acre Road towards the south west. There is a public footpath forming the north western boundary of the site. There are open fields to the north west and the south east. The current submission does not propose the development of the whole field. There are no details of the future management of the undeveloped land, but the applicant has indicated on the submitted plans that the land will be retained as open greenspace and no vehicular access onto this land is shown to be retained.
- 9.21 Previous appeal decisions have concluded that the whole field plays an important role in contributing to the enclosing open landscape setting of the village, the development of which was unacceptable. It also forms a visual link between the fields to the north west and those of the rising hillside to the south and separates the main core of the village from the development on Old Lane. The development proposed on this site has been significantly reduced and the developed area is now proposed to be drawn back to more closely align with the dwellings on Acre Meadow. This leaves over 50% of the field as an area of green open space to the south west. The impact of this is to retain the visual link between the fields to the north west and those to the south, thereby retaining a green wedge. It is considered that the amendments go some way to addressing previous concerns on the impact of the development on the conservation area. The development still has some impact on the Conservation Area and this harm has to be weighed against the public benefits of the proposal and a decision reached on the acceptability of the development. There are no other heritage assets unacceptably affected by the proposal.
- 9.22 With respect to the detailed design of the proposals. The Government attaches great importance to the design of the built environment (paragraph 56 of the NPPF refers). Paragraph 60 of the NPPF considers it proper to seek to promote or reinforce local distinctiveness. Paragraph 131 stresses the importance of the desirability of new development making a positive contribution to local character and distinctiveness. This is especially important in a conservation area. It is considered that the use of materials and scale, design and form of the proposed dwellings reflects the form of dwellings in the immediate area. Therefore it is concluded that the design of the buildings does promote and reinforce local distinctiveness and the proposed development does not conflict with the guidance in the NPPF.

Residential Amenity

- 9.23 The distances between the proposed dwellings and existing dwellings are sufficient to provide acceptable levels of residential amenity both for existing and proposed residents. If permitted there would be no unacceptable loss of privacy, any impact on sunlight / daylight would be acceptable, and the development would not be overbearing.

Highway Matters

- 9.24 Concern has been expressed about traffic generation (including construction traffic) and parking. It is not considered that three dwellings would create conditions prejudicial to highway safety and adequate parking and garaging facilities are available for each proposed dwelling. No objections have been raised by the Highway Authority.

9.25 Comments have been made about the impact on public right of way. There is a public right of way to the north west of the site that is outside the application site and this development would not affect that footpath

Other issues

9.26 With respect to wildlife / ecology impact. There are no known protected species on the site.

9.27 Concerns have been raised about flood risk. The proposed development would create hard surfacing (roofs, drives and hardstandings), but appropriate drainage could be provided on site to prevent any run-off into adjacent properties. Both surface water and foul drainage will be connected to mains sewer.

9.28 The absence of affordable housing provision has been raised as a concern, but the development is below the policy threshold to make such a contribution.

9.29 Finally concerns have also been raised about increased pressure on local schools, but it is not considered that this could justifiably be used as a reason to resist a development of 3 dwellings.

Conclusion

9.30 There are a number of competing issues that must be considered in the balance. The principal benefit would be the contribution to the Councils housing supply and the provision of sustainable development. Planning Policy within the NPPF indicates that significant weight should be given to these matters in the decision making process. It should be noted that the weight to be given to these matters has been strengthened by NPPF policy, and the NPPF was published in 2012 after the previous appeals decisions for development on this site (which were decided in 2008 and 2011).

9.31 However, the benefits of development have to be balanced against the adverse impact. Whilst the adverse impact on the conservation area and landscape has been reduced, due to the more limited nature of the proposal, it still remains the case that the development causes harm to the Conservation Area heritage asset.

9.32 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.'

9.33 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.

9.34 The proposal will have an adverse impact on the conservation area, although that harm is not substantial. As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts of a development significantly and demonstrably outweigh the benefits. This scheme will provide new dwellings. The development will have some impact on the conservation area, but the impact is

substantially reduced from previous proposals considered at appeal. On balance, it is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing housing and the proposed scheme is therefore recommended for approval. There are no other material considerations to outweigh that conclusion.

10. Recommendation

10.1 That the application be approved.

Conditions

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

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

2. The approved plans comprise drawings 1324SPL/ARC/RSL01 Rev A, RFE01, RFE02 and RFE03 received by the Local Planning Authority on the 25 November 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. No development shall commence on the construction of external walling and roofing until details of all the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

REASON: In the interest of the visual amenity of the area

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the 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.

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

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing 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) (c) 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 of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Order 2015, the areas shown on drawing 1324SPL/ARC/RSL01 Rev A for parking, turning areas and access shall be kept available for their intended purposes at all times.

REASON: In the interests of highway safety and the general amenity of the development.

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.

Discharge of Condition(s)

1. With regard to Condition No 3 & 4 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.

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

*HELLFLD & LNG P
42/2015/16324*

*ERECTION OF 6 HOLIDAY LODGES, ASSOCIATED PARKING FACILITIES
AND VEHICULAR ACCESS*

GALLABER FARM, GALLABER, LONG PRESTON.

APPLICANT NAME: MR GORDON HERBERT

TARGET DECISION DATE: 17/12/2015

CASE OFFICER: Ian Lunn

Councillor Moorby has requested that this application be referred to Committee because he considers that the development would be contrary to adopted planning policy; would detract from the visual amenity of the area; would adversely affect the level of privacy currently enjoyed by the occupiers of neighbouring residential properties; and would cause undue disturbance to them.

1. Site Description

- 1.1 The application site is an irregularly shaped plot of grade 4 agricultural land of approximately 0.57 hectares in area. It is located to the west of Hellifield in open countryside. The land is enclosed by Gallaber Caravan Park which lies to the immediate north and by a small residential development which lies to the immediate south and west. Public rights of way also lie to the immediate north and south of the site.
- 1.2 The land is not currently used for any purpose. However it is allocated as a Tourism Development Opportunity Site in the Local Plan.

2 Proposal

- 2.2 Planning permission is sought to site six freestanding single storey buildings on this site. These are to be of permanent construction, using natural stone and slate, and are to be used as holiday lodges (three three-bedroom and three two-bedroom units). The proposal also involves the construction of a covered 'wheelie bin' store, a new access road, associated parking facilities and landscaping.

Officer Note:- The application originally sought approval for seven lodges with the seventh located on the southern side of the existing access road. However the seventh lodge has since been deleted from the scheme.

- 2.3 The applicant's agent has also submitted a Design and Access Statement in support of their application in which they state that the development:-
- a) will accord with national and local planning policy,
 - b) will aid the local economy and help to promote tourism in the area,
 - c) will not harm the open character of the surrounding area as it will be small in scale and well screened, and
 - d) will be sustainable being located within walking distance of facilities in Hellifield, the A65 (a bus route) and Hellifield railway station.

They have also indicated that they are willing to accept a condition limiting occupation of the lodges to holiday homes.

3 Planning History

3.2 There have been a number of previous applications that related to the application site. The following are of most relevance:

3.3 42/2000/0325 (Outline) & 42/2005/5082 (Reserved Matters). These permissions granted consent for the establishment of a Rural Environment Centre comprising tourism, exhibition, training, equestrian and livestock uses. The majority of the application site for this proposal was located on the eastern side of the A65. On this western side of the A65 it is understood the land was to be put to an equestrian use.

3.4 52/2002/2024. Planning permission was given in 2002 to use the eastern part of the site (along with additional land to the east) as a recreation, sports and amenity area to be used ancillary to the approved caravan park to the north. It does not seem that this permission was ever implemented.

4 Planning Policy Background

4.2 National Planning Policy Framework (2012)

4.3 Saved Local Plan Policies ENV1, ENV2, EMP11, EMP13, EMP16, and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

5 Parish/Town Council Comments

5.2 **Hellifield Parish Council:-** Object. Consider that the development would be contrary to adopted planning policy; would detract from the visual amenity of the area; would adversely affect the level of privacy currently enjoyed by the occupiers of neighbouring residential properties; and would cause undue disturbance to them.

6 Consultations

6.2 **County Highways:-** No objections. Have recommended an informative to ensure that the adjacent public right of way is not obstructed.

6.3 **CDC Environmental Health:-** No objections. Have recommended a condition controlling hours of construction.

6.4 **The Ramblers Association:-** No objections but the applicant should be made aware of revisions to the line of a public footpath which adjoins their site.

6.5 **Environment Agency:-** No observations received

7 Representations

7.2 Seventeen letters of objection have been received in respect of this proposal. The objections are summarised below:-

- the proposal would be contrary to Local and National planning policy,
- the development would detract from the appearance of the area. Timber lodges would appear out of keeping with the stone dwellings next door. The proposal would also lead to the loss of open amenity land which should have been planted with trees to provide a 'buffer zone' between the residential properties and the adjoining Gallaber Caravan Park.
- approval of this proposal would not be in the best interests of highway and pedestrian safety. The existing access road serving the site is not capable of satisfactorily accommodating any additional vehicular traffic and its increased use is likely to lead to conflict between vehicles and pedestrian users. Increased use of the access would also make it less safe for children to play within the site. The proposal also makes inadequate provision for parking.

- the development would generate undue noise (both during construction and thereafter) and would also generate light which would unduly disturb local residents.
- this is not a sustainable location lacking regular public transport.
- the development would adversely affect wildlife.
- there is no need for another holiday park here there being several others in the locality.
- the development would have no local economic benefits.
- the proposal would adversely affect the level of privacy that the occupiers of existing properties currently enjoy.
- the proposal would adversely affect security levels in the area.
- the existing sewerage system is incapable of accommodating the additional waste likely to be generated by the new lodges.
- the proposal is likely to exacerbate problems of flooding in the area.
- that certain of the residents suffer from health problems and any blockages to the site access, either during the building works or thereafter, could prove fatal to them.
- the proposal makes inadequate provision for the collection of refuse.
- an approval of this proposal would set an unwelcome precedent for allowing similar forms of development in the locality.
- an approval of this proposal would breach the terms of a covenant which relates to the site.

7.2 Two letters of support have also been received in respect of this proposal. These are from residents who consider that tourist development of this nature will bring money into the area and provide jobs for local people.

7.3 An e-mail has been submitted on behalf of the applicant stating that some of the points raised by objectors, concerning matters of ownership and the distances between the lodges and dwellings, are factually inaccurate.

8 Summary of Principal Planning Issues

8.2 The principle of the development; the likely impact of the proposal upon the character and appearance of the surrounding area; the likely impact of the development upon the amenity of neighbouring properties and upon highway safety; the likely impact of the development upon trees; issues of flood risk; the likely impact of the development upon local ecology; drainage issues.

9 Analysis

Policy Background

9.2 The application site lies outside of any defined development limits and the application seeks approval for holiday lodges that are to be housed within permanently constructed buildings. In view of this the proposal needs to be assessed against the requirements of Saved Local Plan Policies ENV1, ENV2, EMP11, EMP13, EMP16 and T2 of the Local Plan.

9.3 Policy ENV1 seeks to protect the open countryside from being spoilt by sporadic development by restricting it to small scale proposals that are deemed appropriate to the scenic qualities of the area and that have a rural character. Such development must also benefit the rural economy, help to maintain or enhance the landscape

character, and be deemed essential for the efficient operation of an agriculture or forestry unit or to meet the needs of the rural community. Where development is deemed to be 'in line' with the terms of this policy it must also comply with the criterion set out in Policy ENV2 which essentially covers matters of amenity and highway safety. An assessment of the proposal against this criterion will be made later in this report.

- 9.4 Policy EMP11 identifies this land as a Tourist Development Opportunity Site.
- 9.5 Policies EMP13 and EMP16 respectively allow for the provision of permanent serviced and self-catering visitor accommodation outside of the development limits of settlements, and for new static caravan and chalet development. However, in both cases the policies set out criterion that needs to be satisfied in order to render such proposals acceptable. These essentially cover matters of design, scale, amenity and highway safety.
- 9.6 Policy T2 seeks to ensure that development proposals do not give rise to any undue highway safety issues. An assessment of the proposal against the requirements of this policy will be made later in this report.
- 9.7 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 prior to the introduction of the Planning and Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with this Act need to be considered in terms of their degree of consistency with the NPPF – 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. As such, where there is any conflict with the Local Plan, the Local Plan policies will carry limited or no weight and the proposal should then be considered against the requirements of the NPPF.
- 9.8 Paragraph 14 of the NPPF states that at its heart there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that 'decision-making' means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise. It also indicates that planning permission should be granted where a development plan is absent, silent or relevant policies are out-of-date unless it can be demonstrated that the adverse effects of so doing demonstrably outweigh the benefits when assessed against the requirements of the NPPF.
- 9.9 Policy ENV1 places significant importance on the presence of development limits. However, as these were defined in 1999 (and have not been reconsidered or altered since) this aspect of the policy is out of date and carries no weight in the decision making process. However, the policy does not conflict with the NPPF in its aim to protect the scenic qualities of the open countryside and the character of the landscape. In this respect therefore it continues to carry some weight.
- 9.10 Policy ENV2, which is linked to Policy ENV1, sets out general planning criterion which needs to be met by proposals for development in the open countryside. Policy T2 seeks to ensure that development proposals do not give rise to any undue highway safety issues. The aims of both policies are considered to be broadly in line with those of the NPPF and as such they are both considered to have some limited weight.
- 9.11 The aims of Policies EMP11, EMP13 and EMP16, which relate in part to proposals for holiday lodge accommodation, are considered to be 'in line' with aims of the NPPF (which is supportive of such development provided that it does not cause harm). These policies therefore carry weight in the decision making process.
- 9.12 The proposal will be considered against the requirements of the above policies later in this report.

Principle

- 9.13 Given the nature and location of the proposed development it is considered that it needs to be judged initially against the requirements of Policies ENV1, EMP11, EMP13 and EMP16 of the Local Plan and the relevant provisions of the National Planning Policy Framework. It is considered that it will essentially meet the aims and requirements of these for the following reasons.
- 9.14 Policy ENV1 does not specifically indicate whether holiday lodge accommodation is appropriate development to locate within the open countryside. However, since it forms part of a Local Plan that also contains Policies EMP13 and EMP16, both of which are broadly supportive of such development in such areas subject to it meeting specified criterion, it seems reasonable to assume that it is.
- 9.15 Policy EMP11 identifies the land as a Tourism Development Opportunity Site. It is considered that holiday lodges could reasonably be viewed as ‘tourism’ related development and therefore appropriate for this site.
- 9.16 Policies EMP13 and EMP16 combined allow for permanent serviced and self-catering visitor accommodation and new static caravan and chalet development in open countryside locations such as this provided that such development meets specified criterion. It is considered that this proposal satisfies this criterion. It seeks approval for the erection of permanent buildings providing self-catering visitor accommodation on a defined Tourism Development Opportunity Site. Furthermore, the development is considered to be of an appropriate design for, and in scale with, its surroundings (for reasons outlined below); will not unduly harm the character and appearance of the surrounding countryside in general (for reasons outlined below); will not, it is considered, give rise to any undue amenity or highway safety concerns (for reasons outlined below); makes suitable provision for the landscaping of the site; is located within an area where there are some opportunities for informal recreation (it immediately adjoins two public footpaths); will be quite well related to the highway and public transport, despite concerns to the contrary, standing within 200 metres of the A65 (a bus route) and just over one kilometre from Hellifield Railway Station; and will not adversely affect sites of nature conservation value, archaeological or historic importance.
- 9.17 Section 3 (paragraph 28) of the NPPF states that planning policies should support economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas and communities provided that they respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. It is considered that the proposal for holiday lodge accommodation, the subject of this application, is ‘in line’ with these aims.
- 9.17 In view of the above, despite concerns to the contrary, the proposal is considered to be acceptable in principle.

The likely impact of the proposal upon the character and appearance of the surrounding area

- 9.18 The lodges are considered to be acceptable in design and scale terms, despite concerns to the contrary, meeting the requirements of Policies ENV2, EMP13 and EMP16 of the Local Plan and Sections 7 and 11 of the NPPF. They will be relatively traditional in terms of their appearance, will incorporate pitched roofs and whilst originally to be constructed of timber and slate are now to be constructed of natural

stone and slate, materials that will match those used in the construction of the nearby dwellings. They are also considered to be acceptable in terms of their scale comprising six relatively modest single storey structures measuring no more than 14.2 metres long, 6.35 metres wide and 4.9 metres high and located next to four more substantial dwellings.

- 9.19 The proposal to site the covered 'wheelie bin' store near to the site entrance is not considered to be ideal. However, it is accepted that it needs to be located in this position to allow suitable access for 'bin wagons'. Furthermore, it will be a relatively modest timber structure occupying a footprint of just 4.25 metres x 3.65 metres, standing no more than 2.4 metres in height and surrounded by landscaping which should help to screen it to some degree and generally 'soften' its appearance. On this basis this element of the proposal is also considered to be acceptable in design, scale and positional terms satisfying the requirements of the above policies.
- 9.20 Finally the new estate road, footpaths and parking spaces forming part of the development are to be constructed respectively of re-inforced stone, natural sandstone and grass. These materials are considered to be acceptable as they will harmonise with the proposed landscaping and match those used in the construction of the new/surrounding development.
- 9.20 The development will be visible to users of the adjoining public footpaths, and the access road serving the housing, at the point where they immediately pass the site. However, in the context of the wider open countryside it will occupy a relatively secluded position. The site is set almost 200 metres back from the A65 and is not readily visible from that highway. It is screened to the north by trees and hedges and to some extent by existing buildings and foliage to the south and west. Additional planting is also proposed by this application and this should help to further 'soften' the appearance of the development. In view of this it is not envisaged that the development will have a significant impact upon the appearance of the surrounding countryside, despite concerns to the contrary, meeting the requirements of Policies ENV1, ENV2, EMP13 and EMP16 of the Local Plan and Section 11 of the NPPF.

The likely impact of the development upon the amenity of neighbouring dwellings.

- 9.21 Light:- The properties most likely to be affected by this development are those to the immediate south. However, the nearest lodge building will stand approximately 28 metres from the nearest dwelling. Consequently, it is contended that the development will not significantly affect the level of light that the adjoining properties currently receive.
- 9.22 Overlooking:- The proposal will not lead to unacceptable overlooking of neighbouring properties either despite concerns to the contrary. There will be a distance of at least 28 metres between the 'habitable room' windows within the new lodges and those within the existing dwellings to the south. Furthermore, new planting is to be undertaken in between.
- 9.23 Noise:- Clearly this proposal is likely to lead to the increased vehicular use of the access road serving Gallaber Farm and to more people being present on site generally. However, only six lodges are proposed and these will provide unserviced holiday accommodation that will be occupied in much the same way as a dwelling. In view of this it is not envisaged that once the development is operational it will generate a level of noise that will unduly disturb the occupiers of the nearby residential properties despite concerns to the contrary. In coming to this view consideration has been given to the views of Environmental Health who have raised no objections.

Concerns have also been expressed about noise during the construction of the development. However, whilst accepting that there will inevitably be some disruption, this is likely to be relatively short lived and a refusal of this application could not

reasonably be justified on such grounds. An informative is recommended regarding hours for construction works.

The likely impact of the development upon highway safety.

9.24 It is proposed to provide twelve car parking spaces in conjunction with the development. Despite concerns to the contrary this is a level of parking that is considered suitable for a development of this scale and nature. Associated turning space within the curtilages of the individual units will not be available. However, it will be possible to satisfactorily turn vehicles by reversing into the new road that is to be formed to serve the development. Since this will be only 55 metres long, will serve just six lodges and will be a cul-de-sac it is contended that such manoeuvres will be safe. A new vehicular access is proposed to the site from the existing access road serving Gallaber Farm and it is considered that this will be suitable to serve a development of this scale and nature. The above arrangements have been considered by County Highways who consider them to be acceptable, despite concerns to the contrary, meeting the requirements of Policy T2 of the Local Plan.

The additional highway concerns expressed by local residents have also been considered. However they are not considered to represent justifiable reasons for refusing this application:-

- a) a development of six lodges is likely to lead to a maximum of twelve additional vehicles using the existing access road. It is considered that the road is capable of reasonably accommodating this increase in vehicular use.
- b) it is not envisaged that the increased vehicular use of the access road would lead to undue conflict between vehicular and pedestrian users despite the lack of a footway. As already indicated that increase is unlikely to be very great and vehicle speeds are likely to be relatively low given the relatively short length of this road and the intention to retain the security gate. Additionally, there is a public footpath nearby that gives access to the larger site and that is available for the separate use of pedestrians.
- c) it is the responsibility of the parents / guardians of children to ensure that they are supervised and safe.

The likely effect of the development upon trees

9.25 A row of trees are located to the immediate north of the site and these provide some screening between this land and the caravan site to the north. These should not be affected by this proposal as they lie just outside of the site boundary. The additional landscaping proposed by this application also includes for the planting of a number of new trees. With this in mind, subject to the imposition of a condition requiring the implementation of the landscaping scheme, it is considered that this proposal should not give rise to any undue tree issues.

Flood Risk Issues.

9.26 The application site lies outside of any recognised area of Flood Risk. In view of this it is considered, on the balance of probability, that future occupants of the lodges will not be at significant risk of flooding and, despite concerns to the contrary, that the development is unlikely to significantly exacerbate problems of flooding elsewhere. The Environment Agency have been consulted for their views but have not responded.

Ecological Issues

9.27 An Extended Phase 1 Habitat Survey has been submitted with this application. This concludes that bats are likely to use the existing trees and hedgerows for foraging and that the existing foliage is likely to support some nesting birds. However, it also concludes that the site is unsuitable for Great Crested Newts, that there is no

evidence of badger activity on the site, that the land is unlikely to support reptiles; and that there is no evidence of any other protected species on or near the site. In view of this it recommends:-

- a) that consideration should be given to planting a native hedgerow around the site, especially along the northern and eastern boundaries, to diversify the current habitat,
- b) that light spill should be limited where it affects the site boundaries in order to ensure that the latter remain suitable for foraging bats,
- c) that any removal of vegetation be undertaken solely between September and February to safeguard nesting birds,
- d) that prior to the commencement of any ground works the site is strimmed/mowed twice 48 hours apart as a precaution against harming reptiles, and
- e) that bat and bird boxes are provided as part of the development.

It is considered that provided that these measures are undertaken as part of the scheme the proposed development is unlikely to have any significant ecological implications despite concerns to the contrary.

Drainage

- 9.28 Surface water is to be discharged via soakaway and to assist in its disposal the new access road and parking areas are to be surfaced using porous materials. Such a drainage solution is the preferred option for surface water and there is no known reason why this will not be acceptable. An appropriate condition is recommended to secure this.
- 9.29 The foul drainage solution is not confirmed. The intention is to drain foul water from the developed site into an existing sewer on the southern side of the site, but if that was not suitable a newly installed mini packaged sewage treatment plant system could be installed. A condition is recommended requiring the final drainage solution to be submitted to the Local Planning Authority and it is considered that a refusal of this application could not reasonably be sustained on drainage grounds despite concerns to the contrary.

Other Issues

- 9.30 The concerns of the objectors to the scheme have been considered. However, they are not accepted for reasons given earlier in the report and below:-
- a) it is not known whether there was ever any formal requirement for this land to be planted with trees to provide a buffer zone between the site and the adjoining caravan park. This aside there is currently a row of trees in between which provides some form of buffer and this application proposes additional tree planting which will add to that barrier,
 - b) a condition can reasonably be imposed on any approval controlling light emissions from the development in the interests of amenity and protecting local ecology,
 - c) given the location and nature of this development there is no need, in this instance, for the applicant to demonstrate that it will have any specific local economic benefits in order to satisfy current planning policy,
 - d) it is not envisaged that a development of this scale and nature is likely to significantly affect security levels in the area especially since it is apparently the applicant's intention to retain the security gate in its current position. In coming to this view consideration has been given to the fact that unrestricted access is currently available to the site via public footpaths and this will remain.

- e) whilst having the utmost sympathy with the individual circumstances of residents occupying the site the Local Planning Authority cannot legitimately refuse a planning application on the grounds that potentially the site access could become obstructed by vehicles on occasion,
- f) it is considered that the development makes suitable provision for the storage of waste in the form of the proposed 'wheelie bin' store. Controls over the collection of that refuse can reasonably be exercised by way of a condition,
- g) a planning application cannot reasonably be refused on the grounds that it may set an unwelcome precedent for other similar forms of development in the locality. All planning applications are treated on their own individual merits having regard to relevant planning policy and material considerations.
- h) concerns about the need for additional holiday accommodation in this area and about the terms of covenants affecting the site cannot justifiably be used as reasons for refusing planning permission.

Conclusion

- 9.31 Paragraph 14 of the NPPF advises that Local Planning Authorities should approve development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, they should grant permission unless:-
- a) any adverse effects of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - b) specific policies in the NPPF indicate that the development should be restricted.
- 9.32 In this case the relevant Local Plan policies are out of date. Nevertheless they do not greatly conflict with the aims and requirements of the NPPF. In view of this, having regard to the above advice, this development should be permitted unless the adverse impacts of so doing would outweigh the benefits.
- 9.33 It is contended that this proposal is acceptable having regard to the requirements of saved Local Plan Policies ENV1, ENV2, EMP11, EMP13, EMP16 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the requirements of Sections 3, 7 and 11 of the National Planning Policy Framework. It will assist in supporting the local rural economy, is considered acceptable in principle and will not, it is contended, give rise to any undue amenity, highway safety, flood risk, drainage or ecological concerns.

10. Recommendation

- 10.1 That planning permission be granted subject to conditions.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise drawing number H-GP-1.6, received by the Local Planning Authority on 22nd October 2015, and the Location Plan and drawing numbers H-GP-1.1-Rev A; H-GP-1.2-Rev A; H-GP-1.3-Rev A; H-GP-1.4-Rev A and H-GP-1.5-Rev A, received on 16th December 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
Reason: To specify the permission and for the avoidance of doubt.

3. Notwithstanding the details given on the submitted application form, the external walls and roofs of the approved lodges shall be constructed of natural stone and slate. This shall match in type, colour, texture, and shall be laid in a manner to match, the stone and slate used in the construction of the external walls and roofs of the adjoining dwellings.

Reason:- To safeguard the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

4. All new windows and doors shall be constructed of timber, set in reveal and painted. Details of the design, position and finish of those windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority before the development of the lodge, to which they relate, commences. The approved windows and doors shall be installed in the positions shown on the approved plans, set in reveal in the approved manner and painted using the approved finish(es) before the lodge to which they relate is first occupied. All windows and doors shall thereafter be satisfactorily retained at all times.

Reason:- To safeguard the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

5. Details of the proposed treatment of the site boundaries, and of any proposed boundary treatment between individual lodges, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved treatment shall be completed before the lodges are first occupied, or within a timescale to be agreed in writing with the Local Planning Authority, and shall thereafter be satisfactorily retained at all times.

Reason:- To safeguard the character and appearance of the surrounding area, to ensure adequate visibility is available at the site access and to protect local ecology, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

6. The landscaping details shown on drawing number H-GP-1.4-Rev A and set out in the 'Tree/Hedge Planting Specification' by Webster Associates shall be implemented in the first planting season following completion of the development, or first occupation, whichever is the sooner. The approved scheme shall be maintained by the applicant or their successors in title for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include for the replacement of any tree, hedge or shrub which is removed, becomes seriously damaged, diseased or dies, by a similar sized tree, hedge or shrub of the same species or other species as agreed in writing by the Local Planning Authority.

Reason:- To safeguard the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Section 11 of the National Planning Policy Framework.

7. No trees or hedges on or adjoining the site shall be lopped, topped, felled, removed or damaged in any way unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of the visual amenity of the area and to protect local ecology, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Section 11 of the National Planning Policy Framework.

8. Samples of the materials to be used to construct the new access road, parking areas and footpaths shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The access road, parking areas and footpaths shall be constructed using the approved materials, and laid out in accordance with the details shown on approved drawing number H-GP-1.4-Rev A, before the lodges hereby approved are first occupied. These areas shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with the approved development, in order to allow vehicles access to and from the site, and for pedestrian access.

Reason:- In the interests of the visual amenity of the area and highway safety, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2, EMP13, EMP16 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

9. The recommendations, detailed in the Extended Phase 1 Habitat Survey by C. Gibney dated 15th September 2015, shall be incorporated into the development in accordance with the timescales specified in that survey or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason:- To safeguard local ecology, in accordance with the requirements of Section 11 of the National Planning Policy Framework.

10. Prior to its first installation, details of the nature, position and intensity of any external lighting to be provided as part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved lighting shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times.

Reason:- In order to safeguard the occupiers of neighbouring properties from excessive light, in the interests of visual amenity and in order to safeguard local ecology, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Section 11 of the National Planning Policy Framework.

11. A scheme for the collection of waste from the site shall be submitted to, and approved in writing by, the Local Planning Authority before the approved lodges are first occupied. The approved scheme shall be implemented following the occupation of the first unit and shall thereafter be retained in place at all times that the approved development is in operation.

Reason:- In order to secure properly planned development and to safeguard the occupiers of neighbouring properties from undue odour, in accordance with the requirements of Saved Local Plan Policies EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Section 11 of the National Planning Policy Framework.

12. Details of the existing and proposed ground levels, and of the finished floor levels of the new buildings, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The ground levels, and floor levels of the buildings, shall thereafter be set at the approved levels.

Reason:- In order to ensure that the development suitably harmonises with its surroundings, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

13. Details of the proposed means of draining foul and surface water from the developed site shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved drainage scheme shall be completed in accordance with the approved details before the approved development is first brought into use and shall thereafter be satisfactorily retained at all times.

Reason:- In order to ensure that the development is satisfactorily drained.

14. The lodges hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable times to the Local Planning authority.

Reason:- For the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.

Informatives

1. Please could you ensure that the adjoining public footpaths are not obstructed in any way either during the construction works or thereafter.
2. Please could you ensure that the access road serving the site is kept clear of any obstruction at all times.
3. No construction works, or deliveries to or from the site, shall take place at any time outside of the hours of 08:00am to 6:00pm Monday to Friday or 08:00am to 1:00pm on Saturdays unless otherwise agreed in writing by the Local Planning Authority. No construction works, or deliveries to or from the site, shall take place at all on Sundays or Bank Holidays.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended information to address the planning issues which have arisen in relation to dealing with this application.

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

*SKIPTON EAST
63/2015/16312*

*PROPOSED INFILL EXTENSION OF ATRIUM SPACE, INCLUDING
CONSTRUCTION OF NEW ATRIUM ROOF AND INTERNAL MEETING
ROOMS AND BREAK-OUT SPACE*

SKIPTON BUILDING SOCIETY, THE BAILEY, SKIPTON.

APPLICANT NAME: SKIPTON BUILDING SOCIETY
TARGET DECISION DATE: 15/12/2015
CASE OFFICER: Ian Lunn

Both Ward Members (Cllrs Harbron & Jacquin) have asked that the application be referred to Planning Committee. Their concerns relate to the Planning History of the site, especially the lack of annual review of the earlier travel plan, and the consultation comment made by Country Highways relating to a planning condition. They also highlight the related public interest in the current proposal.

1. Site Description

- 1.1 The building, the subject of this application, is a substantial freestanding part two/part three storey structure constructed of stone for the external walls under a blue slate roof. It is located due south of the junction of The Bailey and Skipton Road on the northern edge of the town on land forming part of the Skipton Conservation Area. The surrounding area is predominantly residential in character.
- 1.2 The building is currently the headquarters of the Skipton Building Society and is used as offices.

2. Proposal

- 2.1 Planning permission is sought to construct an atrium within an internal courtyard located at the northern end of the building. This is to be used to provide ancillary meeting and breakout (quiet room) accommodation.

3. Planning History

- 3.1 The site has been subject to a number of previous planning applications but of direct relevance is Planning Ref. 63/2004/4277 – Additional car parking spaces – Approved 8th August 2007. This permission was granted subject to S106 legal agreement requiring a Green Travel Plan for the site as a whole to be produced. The S106 attached to this permission requires the Travel Plan to be reviewed on an annual basis

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012)
- 4.2 Saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

5. Parish/Town Council Comments

- 5.1 Skipton Town Council:- No observations received

6. Consultations

- 6.1 **NYCC Highways:-** Raise no objections, but indicate that all the information provided in the travel plan that accompanies the application is not agreed. In particular NYCC Highways ask for the plan to include a target for reduction of single occupant cars (a 10% reduction over 5 years), and an agreed expenditure on travel plan measures of

£3000 / year. The Highway Authority therefore suggests that additional matters are addressed either through a S106 planning agreement or by the imposition of conditions requiring the submission of a revised travel plan.

Officer Note:- The premises as a whole are already currently the subject of a Green Travel Plan and this is currently due for review. Officers do not propose introducing a mechanism through this application requesting the production a further travel plan as this would in effect be a duplication of the measures that are already required. Instead it is proposed to request an updated travel plan under the terms of the existing S106 agreements should be required. The Council could request that such a plan should include the additional measures requested by the Highway Authority.

7. Representations

- 7.1 One letter of objection has been received in respect of this proposal. The objections are that the proposal would exacerbate existing problems of 'on-street' parking.

8. Summary of Principal Planning Issues

- 8.1 The principle of the development; the design and scale of the development and its likely impact upon the character and appearance of its surroundings; the likely effect of the development upon neighbouring amenity and highway safety.

9. Analysis

Principle

- 9.1 Given the nature and location of the proposed development it is considered that it needs to be judged against the requirements of Policies EMP4 and EMP6 of the Local Plan and Section 2 of the National Planning Policy Framework. It is considered that it will essentially meet the aims and requirements of these for the reasons given below:-
- a) whilst these offices occupy an 'edge-of-centre' location, and this proposal seeks to enlarge them, it is not envisaged that this will have a significant effect upon the vitality or viability of Skipton Town Centre. The existing building is quite substantial, and the proposed extension will represent a relatively modest addition in comparison increasing the floor area of the premises by approximately 584 square metres. Furthermore, the additional accommodation it will provide is stated to be used solely in conjunction with the existing offices and, given its intended use, may not lead to any increase in staff.
 - b) the proposal seeks to expand premises that lie within the identified Development Limits of Skipton,
 - c) the development is considered to be acceptable in design and scale terms and will not adversely impact upon the character of its surroundings (for reasons outlined below),
 - d) it is contended that the proposal will not adversely affect the amenities of occupiers of nearby properties or adversely affect highway safety (for reasons outlined below),
 - e) the proposal will not lead to the loss or damage of recreational, amenity or open space of value nor will it have an adverse effect upon buildings of architectural interest, sites of nature conservation value or sites of archaeological importance,
 - f) the development is considered to be sustainable. It seeks the extension of a building that lies on a bus route and within 400 metres of Skipton Town Centre.

In view of the above the proposal is considered to be acceptable in principle.

The design and scale of the development and its likely impact upon the character and appearance of its surroundings

9.2 The extension will appear as a relatively modern addition to this more traditionally designed part of the host building. It will occupy the whole of the existing courtyard, will have a significantly lower pitch, and is to be constructed of materials that will not match the existing stone and slate, namely glass set in a metal frame under a metal roof. It will, however, be wholly screened by the host building itself and will not therefore be visible at all from outside of the site other than potentially from areas of higher ground. In view of this it is considered that it will have no significant effect upon the character of the host building or the surrounding conservation area and on this basis it is considered to be acceptable in design and scale terms.

The likely effect of the development upon neighbouring amenity

9.3 Light:- The extension will be wholly screened from surrounding properties by the host building itself. It will not therefore have any effect upon the level of light that those properties currently receive.

Overlooking:- The proposal will not give rise to any issues of unacceptable overlooking of neighbouring properties either for the same reason.

Noise:- The extension is to be used in conjunction with B1 offices, the latter being a use that is normally deemed compatible in/adjoining a residential area being one that does not normally generate much noise. It is also to be wholly enclosed by the host building which should help to further reduce any noise generated. In view of this, and as it would appear that the offices tend to operate during normal daytime hours, it is not envisaged that enlarging them as proposed is likely to give rise to any undue disturbance of local residents.

The likely effect of the development upon highway safety

9.4 The applicants have indicated that the new atrium will provide an additional 584 square metres of floor space but have not supplied any details of the floor area of the existing premises. This makes it difficult to precisely ascertain whether the 560 car parking spaces that are currently available to the premises will be adequate to serve the enlarged building. Putting this aside it is contended that, despite some concern to the contrary, a refusal of this proposal on highway safety grounds could not reasonably be sustained in this instance. This is:-

- a) because the proposed extension will represent a relatively modest addition to these significantly larger premises and, given its intended use, may not lead to any increase in staff, and
- b) because this site occupies a sustainable location within 400 metres of Skipton Town Centre where it is readily accessible by walking.

With the above in mind, as the existing parking, turning and access arrangements available to the premises are considered to be adequate in terms of their layout, and as these are to be retained unaltered, the proposal is considered to be acceptable in highway safety terms. County Highways have not objected to the proposal subject to a revised travel plan being submitted. It is considered that this can be separately addressed (see 'Officer Note' in the 'Consultations' section above).

Conclusion

9.5 It is contended that the proposal will comply with the requirements of saved Local Plan Policies EMP4 and EMP6 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the requirements of the National Planning Policy Framework. The proposal is considered to be acceptable in principle and will not, it is contended, give rise to any undue amenity or highway safety concerns.

10. Recommendation

10.1 That planning permission is granted subject to conditions.

Conditions

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

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

2. The approved plans comprise drawing numbers P(000)100, P(000)101, P(000)102, P(000)103, P(000)104, P(000)105, P(000)106, P(000)107 and P(000)108 received by the Local Planning Authority on the 20th 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 permission and for the avoidance of doubt.

Informative

The existing Skipton Building Society premises are currently the subject of a Green Travel Plan which is required to be reviewed on an annual basis. This is now due for review. An amended travel plan that incorporates the comments made by NYCC Highways for this planning application shall be submitted to the Local Planning Authority. Please contact the Planning Service to discuss this further. They can be contacted on (01756) 706453.

Statement of Positive Engagement: -

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

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

*AIRE VAL W LOTH
73/2015/16064*

*DEMOLITION OF EXISTING LIGHT INDUSTRIAL UNITS AND
CONSTRUCTION OF 4 NEW HOUSES AND ASSOCIATED ACCESS AND
EXTERNAL WORKS*

LIGHT INDUSTRIAL UNITS, KILDWICK.

APPLICANT NAME: MR JIM PERSSON

TARGET DECISION DATE: 02/10/2015

CASE OFFICER: Mark Moore

The application is referred to Planning Committee as it is a departure from the development plan.

1. Site Description

- 1.1 The application site lies on the north side of a narrow lane that runs between the settlements of Kildwick and Silsden. It lies immediately to the east of Kildwick Grange and is an elongated rectangular site occupied by two long, low agricultural buildings that have been used for chicken rearing but have remained vacant for a number of years.
- 1.2 The buildings are constructed of vertical timber boarding with profiled cement fibre sheeted pitched roofs and feature regularly spaced ventilation stacks along the ridge. The buildings are presently in a poor state of repair.
- 1.3 The access is to the eastern end of the site opening onto the Kildwick - Silsden road at an acute angle. This access also serves Hainsworth House Farm to the north-west of the site.
- 1.4 The buildings on the site have had planning permission for conversion to small workshops (Ref: 73/2007/7479) granted in 2007 but have never been used for this purpose. The lawful use of the site remains as poultry sheds although it is important to note that minor works have been undertaken to the buildings to commence the development permitted under 73/2007/7479 and ensure it remains extant.
- 1.5 The site is located outside of development limits in an area defined as open countryside in the Local Plan but is located within Kildwick Grange conservation area and near to Grade II listed buildings at Grange Hall and Grange Farm to the west.
- 1.6 The landscape within which the site is located is categorised as *'Intermediate – Pasture with Wooded Gills and Woodland'* in the Craven District Landscape Appraisal 2002.

2. Proposal

- 2.1 It is proposed to demolish the existing buildings on the site and construct 4 detached houses. Each of the proposed houses are individually designed and to be constructed in stone with natural slate roofing, weathered timber panels and painted timber windows. Three 5 bedroom and one 4 bedroom properties are proposed and all feature attached double garages.
- 2.2 The existing access to the site is to be used which would be re-routed to run behind the line of the western poultry building and serve all four proposed dwellings.
- 2.3 It is proposed to retain as much of the existing planting as possible although it is indicated that 6 trees would be removed and substantial new tree planting undertaken to the south and east of the area to be developed.

2.4 Following discussions with the Council's conservation advisor and advice from Historic England it is proposed to only develop the western part of the site. This entails incorporating land to the north of the poultry site which would be developed instead of the eastern end of the site. This would allow a 'cluster' of housing close to the existing group of buildings that lie immediately to the west of the site rather than a linear development following the line of the existing buildings and is in line with the advice of Historic England (set out at 6.4 below). It is proposed that the eastern end of the site would be undeveloped and remain in agricultural use.

Officer note: A previous application Ref: 73/2014/15178 sought to construct 4 dwellings in a straight row located on the site of the existing poultry buildings. Following advice from the Council's Conservation Advisor and Historic England this application was withdrawn.

3. Planning History

3.1 5/73/54 – Outline Application for erection of dwelling for agricultural worker. Refused December 1990. Appeal dismissed July 1991.

3.2 5/73/83 – Erection of poultry shed. Conditional Approval – 20 June 1996.

These two permissions relate to the application site. There is a lengthy history in relation to the Grange settlement to the west, including conversions and rebuilding of agricultural buildings to form dwellings.

3.3 73/2004/4630: Proposed demolition of existing chicken factory and erection of four dwellings. Refused October 2004.

3.4 73/2004/4999: Proposed demolition of existing chicken factory and erection of three detached dwellings. An area of tree planting was also indicated within the site boundary. Refused February 2005.

3.5 73/2005/5173: Proposed demolition of existing chicken factory and construction of two dwellings. This application was withdrawn before any decision was made.

3.6 73/2005/5360: Proposed erection of two dwellings on the site of the former agricultural buildings. Refused 28 June 2005. An appeal was also dismissed

3.7 73/2005/5780: Proposed erection of two houses. Refused December 2005.

3.8 73/2007/7479: Conversion of redundant chicken sheds to small workshop units. Approved July 2007.

3.9 73/2007/7917: Demolition of existing chicken sheds and erection of two workshops. Refused November 2007. The refusal was based on the fact that the existing buildings on the site had permission for re-use and that new building would not be appropriate in this rural setting.

3.10 73/2007/8238: Amendments to approved planning application 73/2007/7479. Approved February 2008.

3.11 73/2010/11242: Discharge of conditions 4, 5 & 7 of planning approval 73/2007/8238 for the conversion of redundant chicken sheds to small workshop units (amended scheme to approval 73/2007/7479). Conditions discharged.

3.12 73/2013/13298: Demolition of existing business/light industrial units, change of use of land to C3 Residential and construction of four detached houses. Withdrawn December 2014.

3.13 73/2014/15178: Demolition Of Existing Business/ Light Industrial Units, Change Of Use Of Land To C3 Residential And Construction Of Four Detached Houses. Withdrawn December 2014.

4 Planning Policy Background

4.1 **The National Planning Policy Framework**

4.2 **National Planning Practice Guidance.**

4.3 **Saved Local Plan Policies:**

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in the Open Countryside

ENV10: Protection of Trees and Woodlands.

T2: Road Hierarchy

5 Parish/Town Council Comments

5.1 **Kildwick Parish Meeting:** This is the eleventh application to build on the site all of which have been turned down by CDC. Several have been turned down on appeal. The reasons for refusal have been as follows:

- The location of the site is in open countryside and outside any development boundaries and this site has no history of domestic accommodation and is unrelated to the adjacent historic settlement of Kildwick Grange. Policy ENV1.
- The proposal would damage the appearance of Kildwick Grange Conservation Area in the Special Landscape Area in which the development is proposed.
- The development would, if approved set a precedent for such similar developments which would be difficult to resist resulting in damage to local interests and encourage ribbon development up the West Yorkshire border.

5.2 Kildwick Parish Meeting agrees with and endorses all of these points but are aware that planning regulations have changed although the situation on the ground is the same as when previous decisions were made.

5.3 The Kildwick Parish Meeting response concludes by stating how vulnerable Kildwick is and that they can only try to convince the planners how potentially damaging schemes like this can be to a lovely district.

6 Consultations

6.1 **CDC Environmental Health:** There are no contaminated land issues associated with this site. It is recommended that controls be imposed on construction times and dust in order to protect the amenity of nearby residents and that the developer be advised of the need for disposal of Asbestos from the site to be undertaken by a suitably qualified and licensed contractor.

6.2 **CDC Building Control:** No comments.

6.3 **CDC Tree Officer:** The design and access statement refers to the fact that 'trees are a key feature of the area and contribute significantly to its green and leafy character and appearance' but makes no mention of the protection afforded to trees by the conservation area.

A satisfactory bat, barn owl and nesting bird survey has been submitted. No bats or barn owl roosts were found on site. Recommendations and mitigation measures detailed at paragraph 9 of the report should be conditioned to be followed throughout the development process.

There are numerous trees on and around the site which, given the conservation area, will be protected and may also be subject to TPO. A tree survey report in accordance with BS 5837 (2012) which would and should inform the layout and design of the scheme should have been submitted but could be conditioned prior to the commencement of any works on site. Apart from detail of the trees extant, it should

also provide detail of the protection measures for all the retained trees to ensure their healthy safe retention to maintain tree cover.

Drawing 003 has been submitted which shows six trees coloured brown which appear to be having to be removed for the access road. This is acceptable but a detailed landscape and tree planting scheme in mitigation and to provide screening and amenity should be conditioned to be provided.

6.4 **CDC Conservation Advisor:** Comments that he is satisfied that the proposal can be recommended for approval.

The Conservation Advisor states that he was impressed by the detailed Heritage Statement which he considers has taken into account all of the issues 'flagged up' on site including:

- The character of the existing listed buildings and conservation area houses.
- The tree cover.
- The views in and out of the site.

The Conservation Advisor concludes by stating that he considers the correct design approach to have been followed i.e. the 'traditional'. He comments that the proposed buildings reflect the materials, scale, proportion and detailing of the Kildwick Grange Conservation Area in a confident, robust way. In other instances a traditional approach may look artificial and pretentious but here he is of the opinion that it is the only option. In doing so the development would add to and enhance the existing character and appearance of the Conservation Area and the reinstatement of the open part of the site to agricultural land will enhance its setting.

6.5 **Historic England (HE):** The proposed replacement of two single storey light industrial units (originally poultry sheds) with four two storey houses will change the rural character of this part of the Kildwick Grange conservation area to one with a suburban character, particularly as the new houses will be taller than the sheds. In order to establish whether this impact will be harmful we recommend your Council assesses the visual impact of the development upon the conservation area, including views into it locally and also from a distance (especially from the south) and also views out of it. We also recommend your Council assesses the impact on the setting of the listed buildings within the conservation area. If harm is caused we recommend that your Council assesses whether the proposals meet the justification tests in paragraphs 132 to 134 of the *National Planning Policy Framework*.

If the Council is minded to grant consent we recommend that conditions are applied to control materials, detailing and landscaping.

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

Officer note: In response to the previous (withdrawn) planning application (Ref. 73/2014/15178) HE (then English Heritage) commented as follows:

'The present industrial units (former modern agricultural barns) are unattractive features which harm the conservation area. Their removal and the reinstatement of the open fields would enhance the conservation area to a greater extent than further development of the site. However, if in the view of your Council the planning position is such that the presence of buildings on this site is the only reasonable way forward, then the replacement of the units with appropriately designed houses constructed in high quality, appropriate materials could also be an enhancement. If your Council is minded to entertain the re-development of the site for housing, we suggest the

possibility is considered of grouping the houses in a more cohesive way than the indicative plans currently show, within the boundary of the existing site and with appropriate landscaping. We suggest any development, if allowable, 'aspire[s] to a quality of design and execution which may be valued now and in the future'. (Conservation Principles page 9, para 14c)

6.6 **NYCC Highways:** No objections subject to a planning condition being attached to restrict the conversion of the garages to habitable accommodation.

6.7 **Yorkshire Water:** Kildwick Grange, where the proposed site is located, is not served by a public water mains network. One public pipe stops outside by an access to The Old Vicarage at Kildwick, whilst at the other end, the pipe stops outside a property called Crossfield at Silsden. Most likely, Kildwick Grange has a private water supply (borehole system at a guess).

Officer note: YW has no specific comments to make regarding this proposal and does not object to the development.

6.8 **Environment Agency:** No comments.

6.9 **Natural England (NE):** Has no comments to make subject to Council referring to the identified Impact Risk Zones and application being consistent with national and local policies on the natural environment.

Officer note: The NE database has been checked and no ecological risks have been identified.

6.10 **Yorkshire Wildlife Trust:** A biodiversity survey for bats, barn owls and nesting birds was carried out during August 2014 by Envirotech Ecological Consultants. The desk survey found no records of bats or barn owls on site. The field survey found no evidence of barn owls having used the site and a negligible potential as a bat roosting site, due to the cement and metal roof structure and open windows and gables. No bats were found nor any evidence of bats. As the site was classified as having negligible roost potential, no emergence survey was undertaken. The Trust is satisfied that the survey was sufficient given the unsuitability of the site for roosting bats. No evidence of the barn owl use was discovered at the site; however, a low number of old bird nests were discovered. Overall, the low foraging potential of the surrounding areas suggests that the site does not have significant potential for nesting birds.

7 Representations

7.1 One letter has been received from the occupier of Hall Croft House which is located to the west of the application site but does not adjoin it. The occupier of this property has complained at not being notified by letter of the application (see officer note below) and raises the following objections:

- The existing buildings are redundant chicken houses.
- The site is vacant apart from the applicant's use of a small area for parking cars in connection with his motor trading activities.
- There is no reference to the water supply. There is no mains water at Kildwick Grange and a borehole supply will be necessary. Existing houses struggle for water supply and extra demand from new houses could be seriously detrimental to other properties.
- Why are the houses so close together when the applicant's site would allow a much more comfortable spacing. Is this in reality a phase 1?
- The purpose of a conservation zone is to conserve not to allow an increase in housing. Proposal would increase number of dwellings on Kildwick Grange by 20%.

- The applicant is called Nils Persson, not Jim. That is a nickname.
- The site address is wrong and leads to a web search failing to identify the existence of this application. The correct address is Kildwick Grange, Kildwick, BD20 9AD.

Officer notes:

- i) The statutory consultation requirements have been met in respect of this application which, in addition to neighbour notification letters (sent to properties adjoining and in close proximity to the site), has been advertised by way of both site and press notices.
- ii) The name of the applicant is of no relevance to the consideration of the planning merits of this application.
- iii) The site description refers to the demolition of light industrial units which relates to a planning permission that was never implemented. The lawful use of the site therefore remains as poultry buildings although the planning permission has been secured by the carrying out of works on the site and is therefore extant. This distinction was not considered relevant to the description of development as it is clear which buildings are proposed for demolition. The point is addressed in more detail in the case officer's report.
- iv) The objector's comment regarding the purpose of a conservation zone (area) is entirely incorrect.

8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact/ Impact on heritage assets.
- 8.3 Impact on amenity.
- 8.4 Highway safety issues.
- 8.5 Impact on drainage and flood risk.
- 8.6 Ecological impact/impact on trees.

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 form the 'Saved' policies in the Direction.
- 9.2 The application site is located outside of development limits 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. It 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 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 and Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Therefore, where there is any conflict the local plan policies carry limited or no weight and the application should be assessed against the NPPF.
- 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 planning 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 cannot currently demonstrate a 5 year supply. With the inclusion of required buffers to ensure choice and competition in the housing market and in recognition of a persistent under delivery of housing within the District, the report indicated that there is presently a shortfall of 165 dwellings. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply. 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 is an important material consideration.
- 9.8 This application is slightly unusual in that it is on the edge of a very small settlement and is not a location that is likely to be allocated for housing development through the Local Plan process (due to its small size and more remote location). With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of an existing small cluster of development and has reasonably good connections to local facilities and services (Silsden, Cross Hills and Skipton are close by, although none are easily walkable). Due to its location it is possibly not the most sustainable site, but its use can achieve a high quality development. Such a resulting use would be compatible with other residential uses that are adjacent and would therefore offer environmental benefits.
- 9.9 Prior to the introduction of the NPPF, previous proposals for residential development on this site have been resisted. Residential development outside development limit boundaries was considered to be unacceptable in principle and the site is not the most sustainable location. Furthermore, it is not considered that this site constitutes previously developed land for the purposes of planning as this definition excludes land that is or has been occupied by agricultural buildings as is the case here. However, notwithstanding that the actual change of use of the buildings has not occurred the planning permission to use the site for workshops has been implemented and the permission is therefore extant. The implication of this is that irrespective of the outcome of this application it would be possible for the site to be used for the purpose of workshops in accordance with the 2007 planning permission (Ref: 73/2007/7479). This is considered to be a material consideration in the overall

assessment of this application as the existing buildings can remain on site and be re-used and moreover, the principle of development of the site for a use other than agricultural has been established albeit not for residential development. For this reason it would not be appropriate in this case to consider the site purely as agricultural and some weight must be given to the extant planning permission in the overall planning balance.

- 9.10 Taking the above into consideration it is held that the proposal does not fundamentally conflict with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives of the new Local Plan and is on a site where a commercial use of the land has been established despite the actual change of use not having been implemented.
- 9.11 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 that 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.
- 9.12 In conclusion, the application site is not within recognised development limits as defined by the 1999 Local Plan, but is located immediately adjacent to an existing cluster of development albeit in a location that is not considered to be entirely sustainable. However, by virtue of the extant planning permission to use the land commercially the site does have consent for development. It is considered that the proposed residential use of the site offers environmental and residential amenity benefits. On balance residential development at this location is therefore considered to be acceptable in principle and to be in accordance with NPPF policy.

Visual impact/ Impact on heritage assets:

- 9.13 Notwithstanding that the land is not previously developed for the purposes of the principle of development it is considered reasonable to take into account the presence of the existing structures in assessing the question of visual impact. This applies both in relation to the wider landscape setting and the setting of the heritage assets which in this case comprise the Kildwick Conservation Area and nearby listed buildings.
- 9.14 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.
- 9.15 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.
- 9.16 In this case Saved Local Plan Policies ENV1 and ENV2 are of relevance to the consideration of this application.
- 9.17 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.

- 9.18 It is considered that the benefits of the provision of housing to meet the Council's housing land supply, the removal of the unattractive poultry buildings 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 particularly in relation to the conservation area and nearby listed buildings and the potential for urbanisation of a small settlement located in a rural setting.
- 9.19 The planning application has been accompanied by a comprehensive Design, Access and Heritage Statement. It is considered that it has been successfully demonstrated by the applicant that the proposed development would have no significantly adverse impact on the views, setting and overall character of the conservation area or nearby listed buildings. 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.
- 9.20 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.
- Officer note:** The form of the proposed development i.e. replacing the existing poultry buildings with suitably designed housing and re-grouping development in a more cohesive way relative to the existing development, is fully in accordance with the recommendations of Historic England and the Council's Conservation Advisor. Removal of the existing buildings and re-instatement of the land to agricultural use is accepted as being less harmful but is not realistically an option and ultimately the proposed development would arguably be less intrusive than retention or re-use of the existing buildings.
- 9.21 The proposals seek to preserve the existing boundary treatments and the planting would for the most part remain in-tact with the exception of six trees that are located to the rear of the western poultry building. The proposed new development has been set well into the site with a distinct green buffer including new planting located between the proposed housing and the main road to the south of the site which would ensure that the appearance of the development would not be overly urbanised. In addition the overall density of the development is not considered to be excessive, buildings would be two-storeys and the eastern end of the site would remain as an undeveloped area of land which would improve the character of the area and create a physical separation of new development from the road frontage which in this case is limited to the site access. The conclusion is that the immediate road approaches and wider setting of the conservation area 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.
- 9.22 With regards to the impact on listed buildings there are three grade II buildings located within close proximity to the west of the application site. As none of these listed heritage assets are directly impacted upon the only potential would be for the development to result in an adverse impact on their setting.

9.23 It is considered that in this case there would not be any real impact on the setting of the listed buildings which are all well screened from the application site and form part of a larger cluster of development which informs the setting of those buildings to a much greater extent than the application site. In coming to this view it is noted that the proposed dwellings would be taller than the existing buildings on the site but their replacement with good quality residential development is considered to be a significant improvement which would be a positive benefit to the overall quality and character of the area and to the setting of the listed buildings.

9.24 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

Impact on amenity:

9.25 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, loss of daylight or loss of privacy.

9.26 In this case the only neighbouring property that could be impacted upon directly is Grange Cottage located immediately to the west of the site. This property would lie 30m and 40m away from the nearest of the proposed new dwellings and it is considered that the development would lie sufficiently distant from this property and be orientated such that there would be no significant loss of amenity arising from overshadowing, loss of outlook or loss of privacy.

9.27 It is considered that the proposed development accords with both the Local Plan and the NPPF and is acceptable in terms of impact on amenity.

Highway safety issues:

9.28 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'.

9.29 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.

9.30 No objections have been received in relation to highways issues associated with this proposed development and NYCC Highways are supportive of the application. Whilst not considered by NYCC Highways the lawful use of the site and potential for alternative uses to be introduced are matters which raise elements of 'trade-off' in this case given the level and type of activity that could arise should the site not be developed for residential use. It is considered that whilst this is not a major factor in the determination of this application it is nevertheless, on balance, appropriate to take into consideration the number and type of vehicle movements that would be associated with the lawful use of the site or other potential uses that it may be put to such as workshops as approved under the extant planning permission.

- 9.31 It is considered that the proposed development accords with both the Local Plan and the NPPF and is acceptable in terms of highway safety.

Drainage, flood risk and water supply:

- 9.32 In relation to the first two issues there are no objections to the proposals from the Environment Agency or CDC Environmental Health and it is considered that the development is acceptable in terms of drainage and flood risk subject to appropriate planning conditions being imposed.
- 9.33 An objection has been submitted that comments on the matter of water supply, specifically that there is no mains supply in the area and the proposed development will exacerbate supply problems to existing residential properties.
- 9.34 The water supply situation has been verified by Yorkshire Water as set out above. Planning Practice Guidance advises that water supply is unlikely to be a consideration for most planning applications. However, it is potentially a planning issue, and whilst in all likelihood a supply can be provided in the circumstances it seems prudent for the developer to demonstrate that a private water supply will be established prior to the commencement of development. An appropriate condition is therefore recommended.

Ecological impact/impact on trees:

- 9.35 No objections have been raised to the proposals on ecological grounds subject to appropriate informatives being attached to remind the developer of the need to comply with legislation in relation to protected wildlife species which in this instance is predominantly bats.
- 9.36 The application has been accompanied by a Bat, Barn Owl and Nesting Bird Survey which has been carried out to an acceptable standard by a professionally competent ecological consultancy. It is considered that there are no specific ecological constraints associated with the development site and that permission should be granted subject to appropriate planning informatives.
- 9.37 With regards to tree protection it is noted that six trees are scheduled for removal but also that this is to be offset by a substantial new planting to the south and east of the development that would more than offset the amenity value of the trees that would be lost.
- 9.38 The CDC Tree Officer has commented on the application and despite initially being concerned that the submitted tree survey was lacking in information has commented that permission should be granted subject to a planning condition being attached to require submission of a detailed tree survey and landscaping plan.
- 9.39 It is considered that the landscaping indicated on the submitted plans clearly shows that, subject to suitable replacement planting, the site is capable of being developed without an unduly adverse impact arising from tree loss. Accordingly, it is considered that permission should be granted subject to an appropriate planning condition to require the submission and prior approval of a full tree survey and landscaping proposals.

Summary:

- 9.40 In the consideration of this application one benefit would be the contribution to the Councils housing supply as set out in the report. Additionally, there is also benefit to be derived from the removal of the existing buildings which would allow development that would be less harmful to the character and appearance of the Conservation Area. As set out above the site has the benefit of an extant planning permission that would allow re-use of the buildings as workshops and arguably residential development would be a better option in terms of the potential impacts on residential amenity and is therefore a further benefit. However, any benefits have to be

balanced against adverse impacts which in this case comprises of development of a site that is located outside of development limits and will ultimately impact on the setting of heritage assets comprising listed buildings and the Conservation Area.

- 9.41 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.'*

9.42 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.

9.43 The proposal will also have some impact on the conservation area although the plan for the site provides good open space buffers adjacent to highways and it is not considered that any sensitive views or heritage assets would be affected to a significant extent.

9.44 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 and the design and location of the proposed houses together with the landscape buffers will help to acceptably mitigate any adverse impacts such as the location of the site. It is also the case that as a result of the extant planning permission for commercial use of the existing buildings the status of the site, i.e. as agricultural land, is not so clear cut and remains a factor that has some weight in the overall planning balance.

9.45 It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and improving the character and appearance of the area and the proposed scheme is therefore considered to be acceptable.

10. **Recommendation**

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

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with the drawing nos. 001 revision B, 002 revision B and 003 revision A received by the local planning authority on 26th January 2016 and the Design Access and Heritage Statement and Bat, barn Owl and Nesting Survey received on 29th July 2015.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where

alternative details have been subsequently approved following an application for a non-material amendment.

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

3. Prior to the commencement of the development hereby approved full details of the proposed ground levels of the proposed houses relative to the existing housing, site levels and site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. The development shall not begin until details of private water supply measures have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory means of water supply.

5. Notwithstanding the details shown on the approved plans the garage doors shall be side hung the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation.

Reason: In the interests of visual amenity.

6. Prior to their first use all building facing materials and finishes; surface material finishes for the access, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. Prior to the commencement of the development hereby approved a scheme for landscaping, including a detailed tree survey and scheme of planting of trees and/or shrubs shall be submitted to and approved by the Local Planning Authority and shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

The development shall be undertaken in accordance with the approved landscaping scheme and shall be maintained at all times thereafter.

Reason: In the interests of visual 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 the easternmost building on the site has been demolished and all materials arising from the demolition of both that and the westernmost building have been permanently removed from the site.

Reason: In order to ensure that the development is carried out in accordance with the approved plans and in the interests of visual amenity.

Informatives:

1. During construction/demolition, there is a potential for noise nuisance to nearby residential properties. To safeguard the living conditions of nearby residents particularly with regard to the effects of noise the operating times for demolition/construction should be limited to:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No Sunday or Bank Holiday working.
2. Regard should be had for the safe removal of any potentially asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.
3. Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority (Environmental Health). 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.
4. The developer is strongly advised to ensure that the proposal complies with the requirements of the Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4.

The Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4 clearly set out a foul drainage hierarchy which aims to encourage foul drainage disposal to a mains sewer system whenever one is available. Where a mains sewer connection cannot be achieved, applicants must first consider the use of a package treatment plant discharging to a soakaway. Provided there is sufficient land available and the ground conditions are such that a soakaway will be effective, the ground will provide additional attenuation to the quality of the water discharged. A septic tank discharged to soakaway may also be acceptable in some circumstances.

If neither the use of a soakaway or a direct discharge is possible, consideration may then be given to the use of a system without any discharge such as a sealed cess pool or chemical toilet. Such sealed systems are a last resort given their need to be regularly emptied and their capacity to overflow or be breached. The traffic impacts and carbon emissions associated with regular emptying, and the risk that they may discharge raw sewage direct to the water environment means these solutions have the potential to render such a development unsustainable.

In addition, the developer may also require an Environmental Permit from the Environment Agency for water discharge activity. You are advised to contact the National Permitting Service (Tel. 08708 506506) at the earliest opportunity. For more general advice, applicants are advised to refer to the Environment Agency's Pollution Prevention Guidance Note number 4 via:

<http://publications.environmentagency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=e>.

5. Advice to applicant in relation to contaminated land - It is recommended that developers should:
- i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - ii) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 - iii) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on the Environment Agency website at:
<http://www.environmentagency.gov.uk/research/library/publications/40741.aspx>
 - iv) Refer to the Environment Agency website at; www.environment-agency.gov.uk for more information.
6. 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 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228.

As bats are a European protected species, a bat handling licence is required to move them. Therefore, the Trust recommends that if any bats are found, that a suitably qualified ecologist is contacted immediately to relocate the bat.

The Trust also recommends that a bat box be installed on the site, prior to commencing demolition works, so that any bats can be easily relocated to a suitable environment.

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

Discharge of Conditions:

1. With regard to Condition Nos. 3, 5 and 6 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.

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

*WEST CRAVEN
17/2015/16195*

*OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (CIRCA 4
DWELLINGS) ALL MATTERS RESERVED WITH THE EXCEPTION OF
HIGHWAYS.*

LAND OFF CARLA BECK LANE, CARLETON-IN-CRAVEN.

APPLICANT NAME: MR AND MRS MASON
TARGET DECISION DATE: 06/11/2015
CASE OFFICER: Andrea Muscroft

This application has been submitted by a Member of Craven District Council. Under the terms of the Code of Conduct for Members/Officers, such applications fall to be determined by the Planning Committee.

Monitoring Officer has stated that ‘In accordance with Paragraph 4 of the Members’ and Officers’ Code of Practice for Dealing with Planning Matters, I can confirm that this application has been processed normally’.

The development proposal is also a departure from the Development Plan.

1. Site Description

- 1.1 The application site relates to parcel of land that lies directly off Carla Beck Lane covering an area of approximately 0.23 hectares. The site is partially enclosed along the northern boundary by a selection of trees & shrubs, with further shrubs continuing along the eastern boundary, a wire fence runs along the southern boundary separating the site from agricultural fields to the south, with the western boundary comprising of a low level wall, 1mtr fencing and a 2.5m high hedge.
- 1.2 Changes in ground levels means that the access to the site slopes uphill southwards into a large cleared area with two large agricultural buildings mainly of corrugated metal construction located within the site. Approximately three quarters of the site has been subject to some level of hard standing with the remaining area comprising of rough grassed area sloping uphill southwards.
- 1.3 To the west of the site are a number of residential dwellings with further dwellings located to the south and south west of Carla Beck Lane. In addition, there are a scattering of farming buildings within the surrounding area.
- 1.4 A public right of way runs northwest to southeast through the site.
- 1.5 Located to the north of the site is a row of trees protected by a Tree Preservation Order.
- 1.6 The site is located outside of the Development Limits of Carleton and therefore is consequently located in the open countryside as defined in the Local Plan.

2. Proposal

- 2.1 The proposal is seeking outline permission for a residential development (circa 4 dwellings). The only detailed matter proposed for consideration is access into the site. The appearance, landscaping and layout of the development are reserved matters.
- 2.2 The proposal is supported by the following documentation:-

- 2.3 Design & Access Statement.
- Planning Statement.
 - Indicative Site Layout Plan.
 - Indicative Site Sections.
 - Tree Survey
3. Planning History
- 3.1 5/17/244 – Retention of agricultural access – Approved November 1999.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policies ENV1, ENV2, ENV10 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 **Carleton Parish Council:** The Parish acknowledges that the proposal is only for outline and that issues surrounding design, scale, layout etc. will be considered at a later date. However, we would like to bring to your attention a concern expressed by an adjacent resident over potential negative impact on his existing views in terms of sight and light aspects.
6. Consultations
- 6.1 **CDC Tree Officer:** No objection to the proposal subject to conditions.
- 6.2 **NYCC Highways Authority:** Raises no objections subject to conditions.
- 6.3 **NYCC Footpath Officer:** No objection but request that should permission be granted an informative is attached advising the applicant/developer of protecting and keeping clear the PROW at all times.
7. Representations
- 7.1 Three letters of objection have been received. Comments have been summarised below.
- 7.2 **Local/National Policy.**
- Proposal is contrary to the Local Plan Policies.
- 7.3 **Visual Impact**
- Concern over the visual impact of the development due to its elevated position.
 - No reason that a development on this site couldn't be achieved on the footprint of the existing buildings.
- 7.4 **Amenity.**
- Concern over the proposal impact in terms of loss of privacy and natural daylight.
 - Concern over the close proximity of 'plot A' with existing dwellings.
- 7.5 **Highway issues.**
- Concern over the potential impact on highway safety due to inadequate visibility.
 - Concern over pedestrian safety due to the lack of any foot path or street lighting.
 - Disagree with the statement that the footpath is 'seldom used' in fact the PROW is well used by local residents and dog walkers. As a consequence it is felt that it is

completely unnecessary for the footpath to be moved when there is ample land to the east which could be development which would leave the PROW untouched.

- Would like assurance that the moving of the PROW would be made to North Yorkshire Country Council.
- Would suggest that consideration is given to a change in the speed limit for this part of Carla Beck Lane.

7.6 **Other matters**

- No pre-consultation was undertaken with neighbouring properties.
- Request that the current application is withdrawn and that a full application is submitted as this form of development warrants a more detailed application.
- Concern over access to old generator building that backs onto the site. However, in discussions about buying land to the front and site of the building to alleviate this issue.

8 Summary of Principal Planning Issues

8.5 Principle of development.

8.6 Visual impact.

8.7 Impact on Protected Trees.

8.8 Impact of development on the amenity of neighbouring properties.

8.9 Highways impact.

8.10 Other issues.

9 Analysis

Principle of development.

9.5 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.

9.6 The application site lies outside but within close proximity to the existing development limits of Carleton 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.

9.7 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; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.

- 9.8 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.
- 9.9 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.
- 9.10 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.11 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.
- 9.12 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. This 165 dwelling shortfall is the figure to be used for Development Control purposes when establishing whether the District has a 5 year land supply.
- 9.13 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended increased housing requirement for the emerging Local Plan 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 Local Plan figure of 256 dwellings per year should not be used for calculating the 5 year housing supply until it is tested properly through the Local Plan process.

- 9.14 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence for the Local Plan indicates that the housing requirement for the District will need to be even 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.
- 9.15 It is acknowledged that the application site is not one that has not been put forward as one of the preferred sites that would be brought forward for development in Carleton. Notwithstanding this, the emerging policy within the Council's Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.16 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is located outside of the development limits of Carleton. However, it is located adjacent to an existing collection of dwellings, which are located within walking distance of the centre of Carleton (although there is not a footpath for the entire length of Carla Beck Lane). The settlement has good pedestrian and vehicle connections to local facilities and services (e.g. Public House, Post Office & Pharmacy). In addition, the village is serviced by local transport services which connect with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.13 The submitted plan shows that the site is suitable for residential use, can achieve a high quality and use land effectively, although it is accepted that the layout is indicative only and that the numbers and mix of house types may be subject to change. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.14 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. 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 Carleton, as defined by the 1999 Local Plan, but is located adjacent to the exist built up area of Carleton. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details submitted.

Visual impact.

- 9.16 It should be noted that the external appearance, landscaping, layout and scale elements of the proposal are reserved matters and therefore cannot form part of the assessment of the current proposal.
- 9.17 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identify of local surroundings and materials, while

not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.

- 9.18 Although the proposal is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.19 The application lies adjacent to Swallow House and The Old Byre located to the west of the site with The Bungalow, The Coach House (Nursing Home) to the north separated from the site by Carle Beck Lane. A further group of housing is located to the east identified as Carla Beck House 1 – 5. These houses are characterised by a mixture of differing periods, styles and materials. To the southern and eastern boundaries the site backs onto agricultural fields, free from development.
- 9.20 It is considered that the site is capable of being developed in a way that would visually relate to the existing built-up character of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.

Impact of development of protected trees.

- 9.21 The proposal is seeking to enlarge the existing access onto Carla Beck Lane; as a consequence it is necessary to access the potential impact of the development on the protected trees situated to the north of the site.
- 9.22 Saved Policy ENV10 seeks to safeguard protected trees from harm or unjustifiable loss as they can both individually and in groups, play an important role in forming the character and attractiveness of the landscape.
- 9.23 Located along northeast boundary are a number of protected trees. A Tree Survey has been submitted with the application and has identified 6 individual trees assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value.
- 9.24 Submitted details indicate that the site will be accessed and developed in accordance with the submitted indicative layout plan and that no construction or excavation works will be undertaken within the trees Root Protection Area. The Council's Arboricultural Officer has conducted a site visit and is satisfied that the submitted indicative plan shows that the proposed development would be undertaken outside of the RPA. Notwithstanding this, it is considered appropriate to attach conditions relating to erection of protective fencing and a restriction of any excavation/grading works within the RPA. The document also identifies the removal of one tree (T3 – Hawthorn that is dead) and remedial works to remaining trees. The Council's Arboricultural Officer has been consulted and has raised no objection to the proposals.
- 9.25 Based on the information submitted it is considered that the site could be development without any unacceptable impact on the protected trees.

Impact of development on the neighbouring properties.

- 9.26 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 9.27 A local resident has expressed concern over the potential loss of privacy and natural light. However, the submitted indicative plan demonstrates that a scheme could be produced that provides adequate spacing within the layout and neighbouring properties to meet acceptable separation standards for privacy and light.
- 9.28 The details of the dwellings and landscaping treatment are reserved for future considerations. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be unacceptably affected in terms of overlooking or overshadowing.

Impact on highway network.

- 9.29 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.30 In this instance the proposal is only seeking outline permission and thus it is not possible to comment on a detailed layout. Therefore, the only issue for consideration is whether or not the access can safely accommodate the proposed residential development and whether any increased usage would compromise highway safety.
- 9.31 The proposal is seeking to utilise the existing access onto Carla Beck Lane. NYCC Highways have been consulted and have raised no objections to the use of the existing vehicular access on receipt of drawings that demonstrate the ability to provide suitable visibility splays onto the minor road.

Conclusion.

- 9.32 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.*
- 9.33 In this case the benefits of boosting the supply of housing remains an important planning consideration with the provision of economic benefits and the redevelopment of previously developed land providing further benefits of the scheme.
- 9.34 It is considered that any adverse impacts as a result of the development do not significantly and demonstrably outweigh the benefits of the proposed development.

10 **Recommendation**

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

Conditions

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

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

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

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

2. The approved plans comprise drawings no's 884/4G & 884/5B received by the Local Planning Authority on the 29th January 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

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

Reason: In the interest of visual amenity.

4. No development shall take place until a plan showing details of the existing site levels and the slab levels of the proposed dwellings has been submitted to and approved in writing by the local planning authority. The levels shown on the plan shall be related to a datum point outside the site boundary and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the amenity of the occupiers of neighbouring properties.

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 submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

Reason: To ensure the implantation of appropriate landscaping which will improve the environmental quality of the development.

6. Prior to any site activity is commenced in association with the development barrier fencing shall be erected along the protected trees adjacent to the site in compliance with BS 5837 (2012) Trees in Relation to Construction – Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to the protected trees during construction works.

7. No excavation or grading shall be undertaken within the Root Protection Area without the prior approval of the Local Planning Authority.

Reason: To prevent damage to the protected trees during construction works.

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

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

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 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 not exceeding 1 in 10.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: 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.

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of **60 metres** measured along both channel lines of the major road **Carla Beck Lane** from a point measured **2 metres** down the centre line of the access road. The eye height will be **1.05 metres** and the object height shall be **1.05 metres**. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along centre line of the major road Carla Beck Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

Informatives

1. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
2. With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.
3. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
4. In imposing conditions above relating to highways it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
5. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

Statement of Positive Engagement: -

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

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

SKIPTON EAST
63/2015/16296

VARIATION OF CONDITION 2 ATTACHED TO PLANNING APPROVAL 63/2015/15837 (LINKED TO THE GRANT OF PLANNING PERMISSION 63/2013/14200 FOR THE FLOOD ALLEVIATION SCHEME INVOLVING ALTERATIONS AT SPINDLE MILL SITE, AND CHANGES AT WALLER HILL BECK SITE INCLUDING REPOSITIONING OF SITE COMPOUND AND CREATION OF NEW ENTRANCE TO SITE COMPOUND OFF OTLEY ROAD)

WALLER HILL BECK FLOOD STORAGE, SKIPTON.

APPLICANT NAME: ENVIRONMENT AGENCY

TARGET DECISION DATE: 24/02/2016

CASE OFFICER: Andrea Muscroft

This application has been referred to the Planning Committee as it is amendment to an application previously approved by the Planning Committee. This application was previously taken to Planning Committee on 3rd August 2015.

1. Site Description

- 1.1 Planning permission was granted in 2014 for work at five sites in and around Skipton, which form part of the Skipton Flood Alleviation Scheme, to be carried out by the Environment Agency. Those works were to protect the centre of Skipton from flooding by constructing a flood storage reservoir at Waller Hill Beck, and constructing flood walls at various locations within the centre of Skipton. Various associated works have also been approved, as part of the wider scheme, by the Yorkshire Dales National Park Authority, and North Yorkshire County Council, as set out in section 3 of this report.
- 1.2 The current application amendments relates to only Waller Hill Beck and adjacent agricultural land located to the east of Skipton between the A65 and A6069 (Otley Road). The site is within a valley that slopes down from the roads to the valley bottom and is primary grassland. This site lies outside of the development limits of Skipton in an area classified as Open Countryside by the Local Plan.

2. Proposal

- 2.1 The proposal is seeking approval for amendments to the approved scheme by varying condition 2 of planning approval 63/2015/15837 to amend the approved plans.
- 2.2 The development originally approved (by ref. 63/2013/14200) proposed works access to the site off the A6069, with a temporary access gained from the north via an existing highway access off the A65 leading to a temporary site compound to the north east corner of the site. A subsequent amendment (ref: 63/2015/15837) resulted in the temporary site compound being located in the south east corner of the site the temporary access off the A6069 Otley Road to serve the site compound. In addition minor alterations were sought in relation to alteration to surfaced pedestrian path, redesign of emergency bypass, reinforcement of concrete inlet structure and a minor amendment to the alignment of the watercourse to the east of the dam.
- 2.3 The previous approvals included compensatory habitat improvements to the beck to the east of the proposed dam through a Biodiversity Action Plan. Following continued discussions with the landowner the Environment Agency now proposes to provide the BAP habitat off site at Eller Beck as part of the overall Skipton Flood Alleviation Scheme. As a consequence of this change a number of amendments now require planning approval, and there are also other minor changes.

2.4 Works proposed are detailed below:

- The site access track has now been realigned to run parallel to Otley Road.
- The area between the haul road and site compound has been designated as additional storage and laydown area.
- Fencing repositioned around culvert structure.
- Fencing located across the river channel of the culvert.
- Fencing to protect newly planted trees.
- Surfaced pedestrian path realigned closer to dam.
- Changes to river realignment plan to allow the removal of the previously proposed habitat creation areas upstream and downstream of the dam.
- Channel located downstream to connect into the existing river bed after approximately 50m, rather than original approved 250m.
- Channel located upstream to connect into existing river bed after approximately 100m, rather than originally approved 500m.
- Downstream of dam a new river channel would provide the connection between proposed culvert and existing channel.

3. Planning History

- 3.1 63/2015/15997 - Application to discharge condition no's 5, 6, 12, 15 and 17 of planning approval ref 63/2015/15837. Approved 8 September 2015.
- 3.2 63/2015/15837 – Amendment to approved flood alleviation scheme involving alterations at Spindle Mill Site, and changes at Waller Hill Beck site including repositioning of site compound and creation of new entrance to site compound off Otley Road (Variation of condition 2 of previous application 63/2013/14200). Approved 03/08/2015.
- 3.3 63/2014/15313 - Application for variation of conditions 5 and 17 (relating to the maintenance of landscaping at the site) of planning permission referenced 63/2013/14200. Refused as it was considered that a longer landscaping maintenance period was necessary, and details were required to be submitted prior to the commencement of development.
- 3.4 63/2013/14200 – Construction of a flood storage reservoir on Waller Hill Beck and associated works. Installation of flood walls at Ginnel Mews, Devonshire Place, Morrison's Supermarket and Spindle Mews. Approved 11/03/2014.
- 3.5 C/26/765 – Full planning permission for construction of flood storage reservoir including dam with a crest height of 14 metres, spillway, stilling basin, control structure, minor diversion of Eller Beck, new road junction and access road from the A65 and landscaping and habitat creation. Approved 14/08/2014 by the Yorkshire Dales National Park.
- 3.6 NY/2013/0417/ENV – Extraction of clay from borrow pit for use at Eller Beck and Waller Hill Beck Flood Storage reservoirs. Land at Waller Hill Beck, between A6069 and A65 East of Skipton. Approved 12/09/2014 by North Yorkshire Country Council.
- 3.7 NY/2013/0407/ENV – Construction of a flood storage reservoir on Eller Beck including a dam with a crest height of approximately 14 metres, a spillway to the east of the dam, a stilling basin, a control structure, minor diversion of Eller Beck, a new road junction and access road from the A54 and landscaping and habitat creation. Land at Eller Beck to the south of Skipton Golf Course. Approved 02/09/2014 by North Yorkshire County Council.

4. Planning Policy Background
 - 4.1 The National Planning Policy Framework – NPPF.
 - 4.2 Planning Practice Guidance – PPG.
 - 4.3 Saved Policies ENV1, ENV2 and ENV10 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Skipton Town Council: No comments received at the time of compiling this report.
6. Consultations
 - 6.1 **Airedale Drainage Board:** “I would like to confirm that the proposed works are on sites outside the Drainage Board area. The Drainage Commissioners however broadly support the aims of the scheme and would not wish to raise any objections to this already approved project”.
 - 6.2 **CDC Contaminated Land:** “No contaminated land implications.
 - 6.3 **CDC Tree Officer:** No objection as the re-positioning of the temporary haul road is well outside the necessary protection distance from the roadside trees as such the trees will be unaffected by the scheme.
 - 6.4 **Environment Agency:** “No objections to this variation of condition”.
 - 6.5 **Natural England:** “No comment to make on the variation of condition 2”.
 - 6.6 **Northern Gas Networks:** “Do not have any additional comments to make with regard to this application.”
 - 6.7 **NYCC Highways:** No objection subject to the use of appropriate conditions.
7. Representations
 - 7.1 One letter of support has been received from the Stapleton Family.
8. Summary of Principal Planning Issues
 - 8.1 The principle of the development has already been established in the original planning approval.
 - 8.2 Considerations regarding this application are visual impacts, highway safety, protected species and protected trees.
9. Analysis
 - 9.1 The principle of development, considered under Saved Local Plan Policy ENV1 and the NPPF, has already been accepted under original application 63/2013/14200. Saved Local Plan Policy ENV2 sets out that development acceptable in principle under Saved Policy ENV1, must meet certain criteria. Development must be compatible with the character of the surrounding area, and must not have an unacceptable impact on the landscape and must safeguard landscape features including stone walls and hedgerows, worthy of protection. The design of buildings and structures and the materials proposed must relate to the setting, taking account of the immediate impact and public views of the development. Rural access roads should be capable to accommodating the traffic likely to be generated by the proposal. Finally, services and infrastructures should be provided without causing serious harmful change to the rural character and appearance of the locality.
 - 9.2 A number changes at this site are of a very minor nature, and are set out in paragraph 2.4 of this report. These amendments would largely take place adjacent to the new dam and culvert structure and would be seen in the context of the larger project. Thus resulting in minimal changes to the visual appearance of the development. In respect

of the visual considerations, the proposal is considered to accord with Saved Policy ENV2 which seeks to protect character and appearance of the open countryside.

- 9.3 Although the proposed amendments would result in the realignment of the site access track this would not generate any more traffic than the original scheme. The A65 access would remain unchanged. NYCC Highways have been consulted and have raised no objections to the proposed amendment.
- 9.4 With regards to protected species and archaeology, the addendum to the original Environmental Statement considers these aspects and finds the amendments to be acceptable. Previously proposed on site BAP improvements to the beck channel to the east and west of the proposed dam are no longer implementable. A condition is therefore recommended requiring details of alternative compensatory measures in the interests of enhancing habitat quality and biodiversity.
- 9.5 With reference to the trees on site, Tree Preservation Orders are in place along Otley Road. Previous approval (ref: 63/2015/15837) showed the site compound access off Otley Road within a clearing where there are no trees, the current application seeks no change to its location. However, the proposal does seek to realign the site access track parallel to Otley Road. Notwithstanding this amendment the proposed track would be positioned outside of the RPA and as such this minor amendment would not negatively impact on the protected trees. The Council's Tree Officer has been consulted and has raised no objection to this amendment.
- 9.6 Overall, the proposed amendments at Waller Hill Beck would have no greater impact upon the character and appearance of the surrounding area, than the original permission. The proposed amendments are therefore considered to accord with the aims and objectives of Saved Local Plan Policy ENV2, ENV10 and the NPPF.

Conclusion

- 9.7 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date (as is the case with Craven's Saved Local Plan), planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.8 It is considered that the public benefits of the Skipton Flood Alleviation scheme far outweigh any adverse impacts in terms of the visual impact that would occur as a result of this development. Therefore there are not considered to be any adverse impacts which would significantly and demonstrably outweigh these benefits, and so the proposal is considered to accord with paragraph 14 of the NPPF.

10. Recommendation

- 10.1 To grant approval subject to conditions.
- 10.2 **Officer Note:** It is good practice to repeat all previous conditions attached to planning permission so these are included below. As some of the conditions have been agreed it is also necessary to adjust all other conditions as necessary to reflect the current position

Conditions

1. **CONDITION DELETED** (Condition 1 was the time limit condition, but as development has commenced it is no longer applicable).
2. The approved plans comprise:
WH 101 C9 received by Craven District Council on 1st February 2016.
WH 103 C4 received by Craven District Council on 14th October 2015.
WH 104 C5 received by Craven District Council on 14th October 2015.

WH 203 C3 received by Craven District Council on 14th October 2015.
 WH 202 C6 received by Craven District Council on 1st February 2016.
 WH 501 C4 received by Craven District Council on 14th October 2015.
 WH 610 C5 received by Craven District Council on 14th October 2015.
 WH 620 C5 received by Craven District Council on 14th October 2015.
 WH 601 P2 received by Craven District Council on 17th December 2013.
 WH 604 P2 received by Craven District Council on 17th December 2013.
 TW 101 P2 received by Craven District Council on 17th December 2013.
 TW 102 P2 received by Craven District Council on 17th December 2013
 TW DP 103 P2 received by Craven District Council on 17th December 2013.
 TW GM 103 P2 received by Craven District Council on 17th December 2013.
 TW MS 103 P2 received by Craven District Council on 17th December 2013.
 TW SM 103 C1 received by Craven District Council on 22nd May 2015.
 TW 103 P2 received by Craven District Council on 22nd May 2015
 WH 302 P2 received by Craven District Council on 22nd May 2015
 WH 303 C1 received by Craven District Council on 22nd May 2015.

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

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

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

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

5. AMENDED CONDITION. Landscaping details shall be completed in accordance with the details previously approved under discharge of conditions application 63/2015/15997. Any amendment to these approved details shall first be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest. The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that original planted.

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

6. AMENDED CONDITION. The scheme for the protection of all trees/hedges approved under discharge of conditions application 63/2015/15997 shall be retained for the duration of the development, and only removed once the development is complete and all machinery and works material removed from the site. Any amendment to the

approved details shall first be submitted to, and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

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

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

(iii) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres measured along both channel lines of the A6069 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

12. AMENDED CONDITION. Measures to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site shall be undertaken in accordance with the details previously approved under discharge of conditions application 63/2015/15997. The precautions shall be retained 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. Any amendment to these approved details shall first be submitted to, and approved in writing by, the Local Planning Authority.
- Reason: In accordance with policy T2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. AMENDED CONDITION. On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway, and on-site materials storage area capable of accommodating all materials required for the operation of the site shall be provided in accordance with drawing No. WH_101 Rev C9 received by Craven District Council on 1st February 2016. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
- Reason: In accordance with policy T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. AMENDED CONDITION. The approved routes to be used by HCV construction traffic, as detailed on drawing WH_104 C5 received by Craven District Council on 14th October 2015 shall be used by all vehicles connected with construction on the site.
- Reason: In accordance with policy T2 and in the interests of highway safety and the general amenity of the area.
15. AMENDED CONDITION. The development shall be undertaken in accordance with the written Scheme of Archaeological Investigation that has previously been approved under discharge of conditions application 63/2015/15997. Any amendment to these approved details shall first be submitted to, and approved in writing by, the Local Planning Authority.
- The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: To ensure accordance with Section 12 of the NPPF as the site is of archaeological interest.
16. Unless otherwise agreed in writing by the local planning authority, no obstruction shall be located over or within 3.0 (three) metres either side of the centre line of any sewers and water main(s), which cross the sites.
- Reason: To ensure that the proposed development does not have an adverse impact on sewers within the vicinity and to allow for their continued maintenance.
17. AMENDED CONDITION. The programme for the restoration of the land shall be carried out in accordance with the details previously approved under discharge of conditions application 63/2015/15997 once the development has been completed. Any amendment to these approved details shall first be submitted to, and approved in writing by, the Local Planning Authority.
- Reason: In the interests of the amenity of the site.

18. Unless conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved by a further application, the proposed development shall be carried out wholly in accordance with the Environmental Action Plan submitted as part of the Environmental Statement.

Reason: To ensure the development does not have an unacceptable impact on the environment.

19. This grant of consent does not extend to the removal of any trees to form the new site compound entrance off Otley Road (A6069). Before any site activity is commenced in association with the formation of the new site compound entrance off Otley Road (A6069), barrier fencing shall be erected around all existing trees on the site in compliance with BS 5837 (2012) Trees in Relation to Construction – Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all the development works and removal of site vehicles, machinery, and materials in connection with the development.

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

20. ADDITIONAL CONDITION. Within 3 months of the date of this planning permission, a scheme (including a schedule for completion) for the provision of compensatory Biodiversity Action Plan measures shall be submitted to the Local Planning Authority for approval. The development shall thereafter be completed in accordance with the approved measures.

Reason: This amended application deletes previously proposed BAP improvements to the Beck Channel to the east and west of the proposed dam. Details of alternative compensatory measures are therefore required in the interests of enhancing habitat quality and biodiversity.

Informatives

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
2. The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act, 1981, and related European legislation and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species or its habitat and works affecting such a species or habitat are likely to require a licence with DEFRA (0117 372 8291 www.defra.gov.uk) or Natural England depending on the protected species involved. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England. Applicants are also advised that it is a criminal offence to disturb any wild bird listed in Schedule 1 of the Wildlife and Countryside Act while it is (a) nest building, (b) at a nest containing eggs or young, or

(c) there is a dependent young bird at the nest. The typical nesting period for British birds is mid-February to mid July though this can begin earlier and run later. Typical affected habitats include scrub grassland and any sites containing trees but applicants are advised that birds may nest in any location that suits them.

3. The application sites are in a number of different ownerships and the applicants should ensure that they have the appropriate permissions to carry out the work prior to its commencement.
4. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
5. Yorkshire Water has advised that there is no company infrastructure in the main part of the site, however, Devonshire Place/ Ginnel Mews area has foul and surface water sewers (discharging into watercourse) and live water mains within the red line site boundary which are likely to be affected by defence works. They have therefore requested plans which show the site surveyed position of all sewers and water main(s) in relations to the works being carried out and Method Statements to show how Yorkshire Water assets will be protected during the proposed works on site.

Statement of Positive Engagement: -

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