

PLANNING COMMITTEE MEETING AGENDA

Monday 11th April 2016

CONTENTS

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
<i>SKIPTON WEST 63/2015/16300</i>	<i>CONSTRUCTION OF 39 NO HOUSES AND ASSOCIATED ACCESS ROADS LAND TO THE SOUTH OF BURNSIDE CRESCENT, SKIPTON. APPLICANT NAME: CANDELISA LTD TARGET DECISION DATE: 03/02/2016 CASE OFFICER: Mark Moore</i>	3 - 24
<i>SUTTON 66/2015/16211</i>	<i>ERECTION OF STABLES AND FEED ROOM LAND ADJACENT TO ELLERS ROAD, SUTTON-IN-CRAVEN. APPLICANT NAME: MR G WHITE TARGET DECISION DATE: 11/11/2015 CASE OFFICER: Mark Moore</i>	25 - 29
<i>BENTHAM 08/2016/16561</i>	<i>APPLICATION TO CHANGE USE OF AN EXISTING BUILDING USED FOR A1 (RETAIL) TO A FACILITY FOR THE PROVISION OF D1 (EDUCATION) 13 MAIN STREET, LOW BENTHAM. APPLICANT NAME: HEXAGON CARE SERVICES TARGET DECISION DATE: 18/03/2016 CASE OFFICER: Sam Binney</i>	30 - 33
<i>SKIPTON NORTH 63/2016/16569</i>	<i>PROPOSED SIDE EXTENSION, NEW PITCHED ROOFS OVER EXISTING GARAGE AND FRONT BAY WINDOWS (RESUBMISSION OF APPROVED APPLICATION REFERENCED 63/2015/15908) GLEN CROFT, 72 RAIKES ROAD, SKIPTON. APPLICANT NAME: MR F FEDDO TARGET DECISION DATE: 14/03/2016 CASE OFFICER: Natasha Szuszkó</i>	34 - 37
<i>SKIPTON NORTH 63/2016/16600</i>	<i>CHANGE OF USE TO A3 (RESTAURANT AND CAFÉ). CAFE CAPO, 10 SWADFORD STREET, SKIPTON. APPLICANT NAME: MR LEONARDO CAPOZIO TARGET DECISION DATE: 13/04/2016 CASE OFFICER: Natasha Szuszkó</i>	38 - 41

*INGLETON & CLAP
45/2016/16610*

*REMOVAL OF FIRST FLOOR ANNEX TO REAR BEDROOM
AND REPLACE WITH A BALCONY. FITTED UPVC DOOR &
CASING TO EXISTING OPENING TO MATCH/BE IN
KEEPING WITH THE REST OF THE PROPERTY*

42 - 45

38 HIGH STREET, INGLETON.

APPLICANT NAME: MR & MRS THISLETHWAITE
TARGET DECISION DATE: 11/04/2016
CASE OFFICER: Neville Watson

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

*SKIPTON WEST
63/2015/16300*

*CONSTRUCTION OF 39 NO HOUSES AND ASSOCIATED ACCESS ROADS
LAND TO THE SOUTH OF BURNSIDE CRESCENT, SKIPTON.*

APPLICANT NAME: CANDELISA LTD
TARGET DECISION DATE: 03/02/2016
CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a departure from the Local Plan.

1. Site Description

- 1.1 The application site comprises a 1.66ha area of land that is located to the rear (south) of existing residential development at Burnside Crescent and Willow Way in Skipton
- 1.2 There is an existing access from Burnside Crescent at the northern end of the site. This access originally serviced an area of land that had a number of Council owned garages and has since been developed by the construction of 4 new houses (Ref: 63/2015/15323).
- 1.3 The site adjoins existing residential development to the north, a recreational ground to the east and open grassland to the south. To the west the site bounds Eller Beck and there is Carleton Road, more open land and Skipton Crematorium located further to the west.
- 1.4 The neighbouring housing comprises a mix of older terraced properties to the north and east that feature rendered walls and newer terraced, semi-detached and detached housing constructed with a mix of stone and render that adjoin the northern site boundary.
- 1.5 The application site is grassed over and relatively level with a slight gradient falling to the south and west.
- 1.6 The site is located outside of development limits and lies partially within areas designated as falling within Flood Zones 2 and 3 and an area of flood storage.
- 1.7 The north west corner of the site adjoins the outer edge of the Skipton Conservation Area.

2. Proposal

- 2.1 This application seeks full planning permission for the construction of 39 houses and access roads which would be served off the existing access onto Burnside Crescent. No other vehicular access points are proposed although a footpath link is to be provided to the recreation ground to the east of the site.
- 2.2 The proposed housing would be arranged off a principle road that would run north to south and link to two spurs to the east and west. The spurs would delineate from the main estate road by being surfaced with block paving.
- 2.3 All of the housing would be two-storeys arranged in a mix of detached, semi-detached and two blocks of 3 terraced houses and would be arranged with a higher density towards the northern part of the site where it lies adjacent to existing housing.
- 2.4 The proposed materials would comprise a mix of random Yorkshire stone facings to principal elevations, buff coloured render to rear elevations, gables and some panelling, stone quoins, upvc windows and doors set within stone surrounds and slate grey roofing tiles.
Officer note: This approach reflects the new housing nearing completion at the site entrance by the same developer.
- 2.5 It is proposed to provide a total of 77 parking spaces (which includes some garaging) and 1 visitor space for every 5 dwellings.

Officer note: The application forms states 71 spaces are to be provided but the plans have been revised since the application form was completed.

- 2.6 The proposed housing would be in the following mix:
- 3 x 1 bedroom.
 - 17 x 2 bedroom.
 - 14 x 3 bedroom.
 - 5 x 4 bedroom.
- 2.7 Of the 39 units 16 would be affordable units comprised of:
- 3 x 1 bedroom.
 - 10 x 2 bedroom.
 - 3 x 3 bedroom.
- 2.8 The 16 affordable units would represent 40% of the total number of houses proposed and is consistent with the Council's requirements as set out in the Council document '*Negotiating Affordable Housing Contributions – October 2015*'.
- 2.9 Boundary treatments would comprise 1.8m timber palisade fencing to individual property boundaries, 900mm stone walls to some of the communal boundaries and post and rail fencing to the southern boundary where it adjoins the open land that forms part of the flood zone.
- 2.10 There are no detailed landscaping proposals although some indicative tree planting is shown on the proposed site plan and it is stated in the Design and Access Statement accompanying the application that '*the existing site boundaries will be retained as existing and repaired or renewed as required*'. The north and west site boundaries are very well screened with established tree and hedgerow planting.
- Officer note:** The layout has been designed to utilise land that falls outside of the flood zones. Notwithstanding, the garden areas of plots 11 to 25 would fall within flood zones. The proposed housing itself has been carefully positioned to ensure that no built property would fall within the flood zones as identified in the Environment Agency's Strategic Flood Risk Assessment mapping.
- 2.11 In a follow up to the original FRA the applicant's consultants have advised that the proposed development would be constructed with a surface water drainage system that would discharge into Eller Beck and that any rainfall falling on the impermeable area within the development will be intercepted by the surface water drainage system. If the capacity of the system is exceeded flows would be routed along the roads of the development and discharged onto the River Aire flood plain to the south.
3. Planning History
- 3.1 There is no recent planning history associated with the application site. However, the land adjoining the site entrance (formerly Council garaging) was recently developed by the construction of 4 houses. This development was undertaken by the applicants under the following planning permissions:
- 63/2014/14374: Outline application with all matters reserved for a small residential development consisting of 3 three-bedroom and 1 four-bedroom houses. Approved April 2014.
- 63/2015/15323: Four 3 bed family dwellings with associated parking. Approved February 2015.
- 63/2015/15949: Application for non-material amendment to previous approval referenced 63/2014/15323 for amendments to individual parking layouts for plots 1 – 4. Approved July 2015.

63/2015/16092: Non material amendment to previously approved application referenced 63/2014/15323 to raise the proposed ridge height to provide additional space in the attic. Refused September 2015.

63/2015/16093: Discharge of condition no's 3 & 4 of previously approved application referenced 63/2015/15323. Approved November 2015.

4. Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

ENV10: Protection of Trees and Woodland.

SRC2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Practice Guidance.**

5. Parish/Town Council Comments

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

- The negative impact on the highway infrastructure particularly the Burnside Crescent junction with Carleton Road which, with the proposed Wyvern Park development adjacent to the site, would make this area a major vehicular entrance to the town.
- The absence of a traffic survey.

Officer note: The site falls below the indicative thresholds where a Transport Statement is required as set out in the NYCC Interim Guidance on Transport Issues (2015).

- The strain on current utilities, local amenities and services including schools.
- This area is part of the floodplain and outside the current local development limits.
- Existing contractors vehicles has led to congestion on Burnside Crescent which would get worse with bigger development.
- Due to failure of Council to adopt a Local Plan developers are now jumping on the band wagon.
- Local residents at Burnside and on Carleton Road will pay the price of this development and the Wyvern Park development.
- Trees on the boundary with the recreation ground are home to a number of species of birds and need to be protected.

6. Consultations

6.1 **CDC Environmental Health:** Advise that no objections but developer should be made aware of need to limit the hours of construction and to manage dust in order to protect the amenity of the occupiers of neighbouring properties. There are no contaminated land implications in relation to this application.

6.2 **CDC Strategic Housing:** The development is for 39 houses including 16 affordable homes. Craven District Council's '*Negotiating Affordable Housing Contributions – October 2015*'

requires that 40% of units on schemes of 5 or more are provided as affordable housing. The proposed 16 units on this scheme are in line with this policy.

Craven has recently had a new Strategic Housing Assessment (SHMA) undertaken and published. In previous years affordable housing data contained within the SHMA went down to a Ward/Parish level and affordable housing need was considered on this basis. However, data contained within the new SHMA looks at affordable housing need on a District level rather than on a Ward or Parish level. The information contained within the 2015 SHMA indicates that Craven has a need for 114 homes to be provided per year. The provision of these 16 units on the development at Burnside will go some way towards meeting this need. Whilst need is being measured at a District level, the S106 agreement will contain provision for the units to be allocated through a cascade system to eligible applicants, starting with those who have a local connection to Skipton in the first instance, before cascading out to the South Sub area and then the rest of the Craven District. In terms of the size and type of dwellings provided the applicant has discussed this with Craven's Strategic Housing team. It has been agreed that the following mix will be provided:

- 10 x 2 bed houses at 70m² in size (60%)
- 3 x 1 bed houses at 60m² in size (20%)
- 3 x 3 bed houses at 85m² in size (20%)

Subject to providing this mix and to the affordable homes being well integrated within the site, Strategic Housing is supportive of proposals.

- 6.3 **CDC Sports Development Officer:** The SDO accepts the application in terms of the on-site footpath link, subject to a suitable condition to control the detailed design, specification and maintenance. With no on-site provision SRC2 policy requires an off-site contribution to be made in order to fully meet the needs generated by the development (equipped play, informal play space youth and adult provision). This could be a contribution of £39,000 to implement phase II development of Burnside Recreation ground, plus additional toddler items, as well as some form of provision to meet youth and adult provision (equivalent to £120,000).
- 6.4 **CDC Tree Officer:** Comments that there is a hawthorn hedge along the northern boundary, but individual trees within it are not in good condition. There are no trees on site that merit a Tree Preservation Order. Conditions are recommended to require a detailed planting scheme along the riverside banking to protect local public amenity and tree protection measures during the course of development.
- 6.5 **NYCC Highways:** No objections are raised by the NYCC Highways. In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The following works are to be carried out on the access road between 64 and 66 Burnside Crescent:

- Kerbing.
- Overlay of footways and carriageway.
- Extra gully.
- Also potential traffic calming at Burnside / Carleton Rd junction.

The design standard for the site is Manual For Streets and the required visibility splay is 2 metres by 35 metres. The available visibility is greater than this.

Consequently the Local Highway Authority recommends that permission should be granted subject to various standard highways conditions.

- 6.6 **NYCC SuDs Officer:** Has not raised any concerns with the submitted FRA but comments:

- The run-off rate from the site should not exceed green field run-off rates and the applicant must demonstrate how this will be addressed.
- SuDS design must ensure that any receiving water body should not be polluted and applicant must show how this is to be addressed.
- A site plan showing surface water exceedance flow routes must be provided by the applicant.
- Construction has not been considered in the documents submitted with the application

Given the above comments the SuDS Officer recommends a planning condition that would require prior approval of the details not contained within the applicants FRA.

- 6.7 **NYCC Education Authority:** Advise that a developer contribution will be sought for education facilities as a result of this development. The Education Authority calculate a requirement for the developer to fund 9.75 places at £13,596 per place equating to a contribution of £132,561.

Officer note: Whilst the request of the Education Authority is noted, in the absence of any Saved policy or guidance in relation to this issue it is not possible for the Council to insist on the developer providing this contribution.

- 6.8 **Environment Agency:** No objections provided the development is built in accordance with the submitted FRA with all built development located in flood zone 1 and surface water discharge restricted to the green field run-off rate. A condition is recommended to restrict raising of ground levels within flood zone 3.

- 6.9 **Yorkshire Water:** The last received consultation response from Yorkshire Water was an objection to the application. The objection was made solely on the grounds that plots 24 & 25 would be sited over a Yorkshire Water sewer and therefore either amendments were requested to the site layout to give a standoff distance of 3 metres from the sewer, or alternatively, diversion of the public sewer was requested at the developers expense. Since originally submitted the application has been amended to address Flood Risk issues and development is no longer proposed in the vicinity of the public sewer. Yorkshire Water has been re-consulted and whilst no further response has been received from the organisation the objection can no longer stand as development is no longer proposed in the vicinity of the public sewer.

- 6.10 **Airedale Drainage Commissioners:** The Board comments that, where practicable, the risk of flooding should be reduced. Surface water emanating from a developed site should be managed in a sustainable manner; mimicking or improving on the predevelopment surface water drainage conditions. This should especially be considered when surface water directly or indirectly discharges into a watercourse within the IDB district.

The site is in an area where drainage problems exist and development should not commence until the Local Flood Risk Authority is satisfied that surface water drainage has been appropriately considered. Any approved development should not adversely affect nearby property's amenity.

Should the Council be mindful to approve this planning application, the Board recommends that conditions be attached to require prior approval of a scheme for the provision of surface water drainage works and to restrict the rate of discharge from the site.

- 6.11 **Canal and River Trust:** Advise that the scale of the proposed development falls outside the threshold for consultation and they do not wish to comment.

- 6.12 **Historic England:** HE has commented that it appears likely the development will affect views out of the conservation area to the south and west, especially from Carleton Road, views into the conservation area from the south along this road and possibly views from parts of the A629 bypass to the south. They conclude that there is therefore likely to be

some harm to the landscape setting of the conservation area.

HE recommend that in accordance with Para 131 of the *National Planning Policy Framework* any harm should require clear and convincing justification and that the Council should assess whether the public benefits would outweigh this harm. If the Council is minded to grant consent HE suggest care is taken to ensure that the boundary treatment (for example to rear gardens) is designed to create a smooth transition into the adjoining countryside (HE suggest close-boarded fences are avoided in favour of less suburban boundary treatments); also that existing trees and field boundaries are retained. If the Council is minded to grant consent HE suggests that these aspects need to be carefully conditioned.

6.13 **Natural England:** No comments.

7. Representations

7.1 The application was originally advertised by way of 4 site notices (posted 11/11/2015), a press notice (in press 12/11/2015) and 61 neighbour notification letters (sent 4/11/2015). Amendments to the application were subsequently made and further publicity and consultation was undertaken in both December 2015 and January 2016.

7.2 There are 39 responses including comments from the Skipton Civic Society and photographs of local flooding. In addition a petition with 97 signatures has been submitted.

7.3 All of the representations object to the application for the following (summarised) reasons:

Amenity:

- Properties at the top end of the plot are too close to existing houses.
- The proposed houses will overlook neighbouring properties resulting in loss of privacy.
- Development will impact on view from neighbouring properties.
- Development would lead to overshadowing of neighbouring houses.
- Burnside only has a small recreation ground which isn't sufficient to accommodate increased number of young children.
- Construction would lead to loss of amenity to local residents from noise and disturbance.
- Building works would have a significant impact on the peace and tranquillity of the nearby cemetery.

Highway Safety:

- Burnside is heavy with traffic and has a 20mph speed limit. Traffic conditions would be made worse by the proposed development.
- Development would increase parking congestion in the area.
- Local road junctions cannot cope with additional traffic/parking.
- Educating the potential purchasers of the properties to benefits of public transport and cycling/walking will have little impact on vehicle movements.
- Proposed access to the site is wholly inadequate, too narrow and potentially dangerous and was rejected for use as an access to Willow Way/allotment site in 2008.
- No traffic study has been provided with the application.

Officer note: The site falls below the indicative thresholds where a Transport Statement is required as set out in the NYCC Interim Guidance on Transport Issues (2015).

Flooding:

- Site is prone to flooding and not suitable for development.
- Extra housing will add to the already strained flood relief system in Skipton.
- Surface/foul water drainage systems are not clearly set out in the application.
- Site lies just outside of flood zones 2 and 3. Who is in a position to accurately predict where that limit will be in the future?
- Flooding issues will make the houses uninsurable.
- The Flood Risk assessment submitted with the application was drawn up in the summer and published in October 2015 and is already inadequate and out of date.

Visual impact:

- Loss of open green field would have adverse visual impact on the outlook of existing properties.
- Design demonstrates an inept mixture of materials and ill-proportioned windows, in particular the elevations of the large detached Type G.
- Site is an area of outstanding natural beauty and any development would wholly detract from the local area.

Officer Note: The site has no special landscape status.

Other:

- Development will de-value existing houses in the area.
- Development will impact upon bats that use the area.
- Infrastructure in the area cannot cope with additional development.
- Local schools/ hospitals and surgeries cannot cope with additional children.
- There is no need for more housing in Skipton.
- If development allowed would other proposed homes go ahead through some sort of legal wrangling?
- This is green belt and needs to be left untouched.

Officer note: Craven District has no green belt areas.

- Site adjoins a conservation area and is protected.
- Site is located outside of the Council's development limits or part of the CDC Local Development Plan.
- Land is unstable and too wet to build on.
- Further development will erode the character of Skipton and urbanise the area.
- Application states that the land is not used for agricultural purposes. This statement is not true as land has been used for grazing.
- Site is extremely close to Waltonwrays Cemetery, a significant heritage asset with the Skipton conservation area.
- There are ample sites elsewhere in the area that are not prone to flooding and could be developed instead of this one.

8. Summary of Principal Planning Issues

8.1 The principle of residential development at this location.

8.2 The effect of residential development on the character and appearance of the area including the impact on heritage assets.

8.3 Residential amenity issues.

- 8.4 The impact of development on the local highway network, traffic movement, and vehicle/pedestrian traffic safety.
- 8.5 The impact of development on drainage and flood risk.
- 8.6 Affordable housing and open space provision.
- 8.7 Ecology.

9. Analysis

The principle of residential development at this location:

- 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 of but adjoins the development limits of Skipton and therefore is located within an area of open countryside where 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 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. A housing distribution strategy for the proposed 256 homes has been agreed by a meeting of the Full Council which suggests that Skipton should receive 50% of new housing to be provided. Whilst this resolution is noted, in Officers opinion very limited weight can be attached to this evidence given the very early stage of the emerging Local Plan.
- 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 higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 The application site is not identified as a preferred site to be brought forward for housing development by the Council's 2014 Pre-Publication Draft Local Plan. Notwithstanding this, the emerging policy within the Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.12 With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of the principle town within the District and has pedestrian and vehicle connections to local facilities and services. The site is a very sustainable location for residential development.
- 9.13 The site is suitable for a residential use and can achieve a high quality development. As such, it is held that the proposal is in line with the objectives of the NPPF in that the proposal would provide both economic and social benefits. Furthermore, the proposed development would not undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.14 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and

services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.

- 9.15 In conclusion, the application site is not within recognised development limits of Skipton, as defined by the 1999 Local Plan, but is located immediately adjacent to the existing built up area of the town. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF policy.

The effect of residential development on the character and appearance of the area including the impact on heritage assets:

- 9.16 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.17 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.18 The site adjoins the Skipton conservation area which is a designated heritage asset. There is a statutory duty for local authorities to preserve heritage assets and this is reflected in NPPF policies. Specifically the NPPF sets out a requirement that development should not adversely impact upon the significance of heritage assets unless there are substantial benefits that would outweigh any harm. In this case as the site is not within the conservation area the issue would be one of whether or not the proposed development would have an adverse impact on its setting.
- 9.19 As set out above Saved Local Plan Policies ENV1 and ENV2 are of relevance to the consideration of this application.
- 9.20 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.
- 9.21 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits, in terms of visual amenity, derive primarily from the loss of an open area of grassland and the potential impact on the setting of the adjacent conservation area. This latter point is reflected in the comments of Historic England who, whilst not objecting to the principle of development, have advised that there is likely to be some harm to the landscape setting of the conservation area in which case the local planning authority should ensure that the boundary treatment is designed to create a smooth transition into the adjoining countryside.
- 9.22 In coming to a view on the visual impact of the proposed development it is noted that the site is not prominent or visually intrusive in terms of public viewpoints from the north as it is located immediately to the rear of existing housing which largely screens the site from view. The principle views of the site are from the western side in particular from Carleton Road although it can also be clearly seen from the adjoining recreational land to the east and the A629 Skipton By-pass to the south. Notwithstanding, there is a band of established tree and shrub planting along the western and north-west site boundaries which effectively screens the site from view and is to be retained.

- 9.23 Taken overall, it is not considered that the general topography of the site, its location, and the significance of the land in the wider landscape setting of the town are such that a strong argument could be made to resist development on the grounds of visual impact. In terms of the conservation area it is considered that the presence of the green corridor along the western edge of the site would remain as a visual buffer and that the presence of additional housing would not intrinsically be harmful to the setting of the conservation area.
- 9.24 In coming to the above view it is noted that the presence of the flood zone effectively prevents any further development to the south of the site and therefore the site is physically constrained as well as visually. The views across the site towards the existing housing are of no particular public benefit and it is considered that with the addition of suitable landscaping and boundary treatments the visual impact of the development would not be significant.
- 9.25 In terms of the design and materials of the housing it is considered that the proposals reflect the palette of materials that exist on the adjacent housing sites and would be complimentary to those properties. Similarly it is considered that the general layout and arrangement of the proposed development is acceptable in terms of its overall visual impact.
- 9.26 With regards to the loss of the open space it is acknowledged that the land is adjacent to the Skipton conservation area, but this alone is not sufficient to come to a view that planning permission should not be granted. It is considered that the proposed development would only have a very slight adverse impact on the views, setting and the significance of the conservation area. Specifically, it is considered that taking into account the policy at paragraph 133 of the NPPF the proposals would not result in substantial harm to the significance of the designated heritage asset of the conservation area. It is therefore the case that the harm caused is 'less than substantial' (as defined at paragraph 134 of the NPPF) and the harm caused should be weighed against the other benefits of the proposal.
- 9.27 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 the setting of heritage assets to an unacceptable extent. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect

Residential amenity issues:

- 9.28 There are specific requirements under both saved Local Plan Policies and the NPPF that new development should not adversely impact upon the amenity of any neighbouring property either through a significant loss of outlook, daylight or arising from a loss of privacy.
- 9.29 In this case the only neighbouring properties that could be impacted upon directly are those located at Burnside Crescent and Willow Way to the north of the site. The neighbouring properties are, with the exception of the recently constructed housing at Willow Way, orientated with their rear elevations towards the application site. The arrangement of the proposed housing would be to have gardens backing onto the existing rear gardens with back to back interface distances of the housing ranging from 20m to 25m. The only exceptions to this would be plot 35 which would have its gable end 15m from the rear of 32 Willow Way and plot 39 that would be set obliquely with its northern corner 6m from the gable end of the southernmost of the four recently constructed properties. All of the new development would lie to the south of the existing houses.
- 9.30 In this case the proposed layout indicates that the development would lie sufficiently distant from and be orientated such that there would be no unacceptable loss of amenity to any of the existing neighbouring houses. Additionally it is considered that given the proposed interface distances overshadowing of existing properties would not occur to an extent that would constitute a significant amenity issue.

9.31 In terms of outlook it is understood that existing residents will lose their views across the open fields that currently exist. However, there is no right to a view and it is considered that the impact on the amenity of the residents of the neighbouring properties would not be sufficiently adverse to constitute grounds for refusal of planning permission.

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

9.32 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'.

9.33 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.

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

9.35 A number of objections to the proposed development relate to congestion and road safety issues and in particular have referred to the problems caused during the construction of the new housing on the former garage site. In planning terms such congestion and problems would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road or the comings and goings of construction traffic does not in itself mean that the road is impassable provided vehicles are not parked illegally and are not causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.

9.36 The main access into the site would be constructed to NYCC Highways specifications and it is requested that the developer shall undertake traffic calming measures at the junction of Burnside Crescent with Carleton Road. It is noted that the development will increase the number of vehicles travelling along Burnside Crescent and using the junction with the main road. However, in the absence of any objections from the Highways engineer it is considered that the proposals are acceptable in terms of highway safety.

Officer note: Comments have been made regarding the lack of a transport statement with this application. Notwithstanding that NYCC Highways have been consulted and has raised no objections and it is noted that the site falls below the indicative thresholds where a Transport Statement is required as set out in the NYCC Interim Guidance on Transport Issues (2015).

The impact of development on drainage and flood risk:

9.37 The application has been accompanied by a Flood Risk Assessment (FRA) update in which recommendations have been made to deal with surface water drainage via a surface water drainage system that would discharge into Eller Beck and that any rainfall falling on the impermeable area within the development will be intercepted by the surface water

drainage system. If the capacity of the system is exceeded flows would be routed along the roads of the development and discharged onto the River Aire flood plain to the south.

- 9.38 In this case the NYCC SuDs officer has commented on the application and does not raise any concerns with the submitted FRA but comments that :
- The run-off rate from the site should not exceed green field run-off rates and the applicant must demonstrate how this will be addressed.
 - SuDS design must ensure that any receiving water body should not be polluted and applicant must show how this is to be addressed.
 - A site plan showing surface water exceedance flow routes must be provided by the applicant.
 - Construction has not been considered in the documents submitted with the application

Given these comments the SuDS Officer recommends a planning condition that would require prior approval of the above details not contained within the applicants FRA.

- 9.39 The application also indicates that foul drainage is to connect to the existing mains sewer and there are no technical objections to this proposed drainage solution.

- 9.40 Therefore, on the basis that there are no technical objections from the statutory authorities it is considered that, subject to the conditions recommended to ensure approval of a satisfactory scheme for the drainage of foul and surface water from the site, the application is acceptable in terms of drainage and flood risk.

Affordable housing and open space provision:

- 9.41 Craven District Council's Interim Approach to Negotiating Affordable Housing (2015) requires affordable housing at 40% provision on sites of 5 dwellings or more. It is proposed to provide 40% affordable units in line with the Council's affordable housing policy. It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a S106 can be used to control the means and level of provision.

- 9.42 With regards to open space provision the CDC Sports Development Officer has commented that a contribution of £39,000 to implement phase II development of Burnside Recreation ground, plus additional toddler items, as well as some form of provision to meet youth and adult provision (equivalent to £120,000) would be an appropriate contribution in this particular case.

- 9.43 A S106 is required to secure the scheme to meet the Saved Local Plan policy SRC2 requirements as set out above.

Other matters:

- 9.44 Objections have been raised regarding the potential impact upon roosting bats. Notwithstanding that no ecological assessment has been submitted with the application it is noted that there have been no objections raised by Natural England and that the existing planting around the edges of the site, which is clearly a wildlife habitat and green corridor that runs immediately adjacent to the watercourse of Eller Beck, is to be retained.

Officer note: It is proposed to attach an informative to remind the developer of the need to ensure that wildlife is considered throughout the development and to be aware of protected species. Notwithstanding that the submitted plans and supporting Design and Access Statement indicate that the existing trees and shrubs are to be retained it is proposed to also attach a planning condition that would require prior approval of landscaping.

- 9.45 In addition to the above the request by the NYCC Education Authority for a developer contribution towards educational facilities is noted but in the absence of any current policy cannot be required as part of this application.

9.46 Similarly, comments regarding other services and local facilities that might be adversely impacted upon are noted but fall outside of the scope of matters on which a refusal of planning permission might be based.

Summary:

9.47 This application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Councils housing supply and are as set out in the report. However, that benefit has to be balanced against the adverse impacts, which in particular comprises the development of a green field site adjacent to the conservation area.

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

- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b) *specific policies in this Framework indicate development should be restricted.'*

9.49 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.

9.50 The proposal will have some limited impact on the setting of the conservation area but it is not considered that any sensitive views would be affected to a significant extent. As paragraph 14 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. This scheme will provide new dwellings including affordable units. The development will have some impact on the setting of the conservation area, but the landscape buffers and adjacent recreational land will help to acceptably mitigate any adverse impact.

9.51 It is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is acceptable.

10 Recommendation

10.1 **That Members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject to the following conditions and the applicant first entering into a S106 Planning Obligation to secure a contribution towards open space provision and affordable housing provision.**

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 no. 14138/105 revision H received by the local planning authority on 17th March 2016 and the drawing nos.14138/106 revision D, 120 revision C, 121 revision A, 140 revision c, 141, 160 revision C, 162 revision A, 180 revision C, 181 revision A, 220 revision C, 222 revision A, 240 revision C, 241 revision A, 260 revision and 261 revision B, and the Design and Access Statement and Flood Risk Assessment received by the Local Planning Authority on 19th 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 for the avoidance of doubt.

3. Prior to their first use on site all building facing materials, roofing 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 the proposed ground levels/proposed finished floor levels, 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.

4. Prior to the commencement of development a detailed scheme for landscaping, including the planting of trees and/or shrubs and the retention of existing planting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity.

5. Prior to the commencement of development full details of proposed bin stores/storage areas shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

6. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the rate agreed with the planning authority.

The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

8. No development shall take place until details of the proposed means of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

9. There must be no ground raising within flood zone 3.

Reason: to ensure that future flood flows are not pushed onto others.

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 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
- 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 detail 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.

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

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

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

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

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

12. 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 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 5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.

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

(vi) The final surfacing of any private access within 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.

(vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Works at access road between nos 64 and 66 Burnside Crescent; traffic calming between the site and Carleton Rd and at Burnside / Carleton Rd junction.

The development shall thereafter not be brought into use until the highway improvements have been implemented in accordance with the approved details and programme.

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

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

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

- a. have been constructed in accordance with the approved plans.
- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

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

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

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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

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

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

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

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour

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

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

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

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

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. measures to control the emission of dust and dirt during construction
- f. a scheme for recycling/disposing of waste resulting from demolition and construction works
- g. HGV routing to avoid the

Reason: In the interests of the amenity of the occupiers of neighbouring properties.

22. Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

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

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

- i). the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units unless otherwise agreed with the local planning authority following an assessment of financial viability;
- ii). the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

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

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

24. No development shall take place until either:

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

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

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

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

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

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

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. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.
3. Operating times for construction should be limited to:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No Sunday or Bank Holiday working.

Statement of Positive Engagement: -

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

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

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3, 4, 5, 6, 8, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, and 24 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

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**

SUTTON

ERECTION OF STABLES AND FEED ROOM

66/2015/16211

LAND ADJACENT TO ELLERS ROAD, SUTTON-IN-CRAVEN.

APPLICANT NAME: MR G WHITE

TARGET DECISION DATE: 11/11/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee at the request of Cllr Morrell for the reason that Sutton Parish Council and a member of the public have made representations that warrant further discussion.

1. Site Description

- 1.1 The application site lies in an elevated location in open countryside on the western side of Ellers Road to the south of Sutton in Craven.
- 1.2 The site is the topmost corner of a large agricultural field that measures 1.3ha and is bounded along its eastern edge by a dry-stone wall. The field drops in level from south to north and also from east to west. There is an existing gated access at the south-east corner of the site.
- 1.3 There is a group of buildings immediately to the south of the site (Knowle Top Farm) that lies adjacent to the road and a further group of buildings (Long House) on the opposite side that are elevated and set back from the road along a shared track. The southern end of Long House is grade II listed (Ref: 6/100).
- 1.4 It seems that none of the existing buildings are within the ownership of the applicant.

2 Proposal

- 2.1 It is proposed to construct a stable block and hard standing yard at the south-eastern corner of the site. This would be set slightly northwards of the field access and would lie parallel to the eastern site boundary.
- 2.2 The proposed stable block would be 'L' shaped and, including the hard standing yard area, would measure 17m x 9m. The building would be constructed of stained timber with a shallow pitched roof 2.95m in height falling to 2.5m at the eaves. The roof would be clad with black coloured Onduline sheeting which is a corrugated roofing material.
- 2.3 The stable block would incorporate 3 stables, a tack room and a feed storage area and would have a canopy over part of the yard area. The development would allow the applicant to keep horses at the site which would be for his personal use and not for business purposes.
- 2.4 Access to the site would be via the existing field access.

Officer note: Following the case officer's initial assessment of this application the applicant's agent has submitted a plan that shows a cross-section of the site. It can be seen from this plan that the stable will be set below the existing level of the field by being cut into the slope of the site by 0.49m on the eastern edge. This has the effect of reducing the extent of the stable block that would be visible from the roadside and approximately 1m of the proposed block would project above the top of the boundary wall. Notwithstanding the partial screening from the roadside there would be a clear view of the southern elevation of the proposed stable block from the main road via the existing field access to the south.

3 Planning History

3.1 There is no planning history associated with this site.

4 Planning Policy Background

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

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

T2: Road Hierarchy.

4.3 **The National Planning Policy Framework.**

4.4 **National Planning Practice Guidance.**

5 Parish/Town Council Comments

5.1 **Sutton in Craven Parish Council:**

- The size of stables (17.07m by 2.95m) is a substantial size and would be better sited near the trees as to prevent the domination of the openness of the countryside.
- The current position is detrimental to the views and would erode the openness of the countryside.
- Ellers Road declines significantly and re-positioning the stables near the trees (down left hand side as you face the field from the road) would be less of a distraction as the present location would be directly in the driver's eye line.
- Rain water running down the steep road should also be considered as in the present proposed position could cause flooding issues.
- Concern that stables may end up a domestic residence.

6 Consultations

6.1 **NYCC Highways:** No objections.

6.2 **Environment Agency:** Application falls outside of the scope of issues that the EA wish to be consulted on.

6.3 **CDC Environmental Health:** Although not formally consulted EH has confirmed that they have no objections to this application subject to a planning condition being attached to ensure that prior approval of a scheme for the removal of manure and soiled bedding from the site.

7 Representations

7.1 One response received that comments as follows:

- No objection to stables being erected on the site (as long as there is no possibility that they will end up becoming a domestic residence).
- The proposed location is detrimental to the openness of the countryside.
- The height is over 9ft and length over 55ft (large for size of field) and is to be positioned directly behind the low wall which backs onto the highway, this will dominate the open space.
- Positioning the stables down the side of the field (on the left hand side as you face the field from the road nearer the trees) would make them more inconspicuous having less of an impact on the openness of the countryside. It would be less of a distraction to drivers as the current site position would be directly in the eyeline as drivers descend the winding road in to the valley.
- Re-siting the stables would also benefit the horses welfare from the impact of traffic noise and the weather.
- Ellers Road can be very busy as it is used as a rat run at peak times to avoid congestion in Sutton and Crosshills.
- It is to be noted that all the farms and buildings currently up the Ellers are set back from the road.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact.

8.3 Highways safety.

9 Analysis

Principle of development:

9.1 Saved Policy ENV1 is permissive of small scale development appropriate to the countryside where it 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.

9.2 Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9.3 The NPPF states at paragraph 17 the core planning principles which includes the requirements that planning should contribute to conserving and enhancing the natural environment whilst taking account of the different roles and character of different areas.

9.4 In terms of the proposed development, it is acknowledged that it is not an agricultural enterprise. However, horse stables are typically found within the open countryside and for that reason are not generally considered to be inappropriate development or to be out of character in a rural setting.

9.5 It is considered that the proposal can be classified as a small scale development that would not be inappropriate development and therefore would not be contrary to Saved Policy ENV1 or the core planning principles of the NPPF. Consequently the proposed development is considered to be acceptable in principle.

Visual impact:

9.6 Saved Local Plan Policy ENV2 states that development acceptable in principle lower the under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development.

9.7 It is considered that although it predates the NPPF the Saved Local Plan policy remains consistent with national planning policy in respect of matters of visual impact and design and therefore can be afforded some weight in this instance.

9.8 The NPPF is more generic in that it requires good design and consideration of the benefits against the dis-benefits of development whilst advocating a presumption in favour of all forms of sustainable development.

9.9 In addition, there is a requirement under the NPPF that proposed developments should not adversely impact upon the setting of any heritage asset to an extent that would result in loss of its significance. In this case the site lies opposite to the grade II listed building at Long House on the opposite side of the road and whilst the heritage asset is not directly affected by this proposal it is necessary to ensure that its setting is not adversely impacted upon.

9.10 Taking into account the above policy requirements it is considered that the purpose-built timber stables and associated hardstanding would be compatible with the surrounding area. In terms of its immediate setting the stable block would be visible from the road side. However, it is considered that taking into account the lower levels of the site in comparison to the road, the need to cut into the slope to level the site and the presence of the intervening dry stone wall which would partially screen the site the overall visual impact is not considered to be significant and is therefore acceptable.

- 9.11 Regarding the effect of the proposed stable block on the setting of the nearby listed building it is considered that it would not be compromised by this proposal. In coming to this view it is noted that the listed building sits in an elevated position relative to the application site where it is partially screened and is positioned within an enclave of buildings that includes both traditional and modern. Similarly Knowle Top Farm, located to the south of the application site, features a mix of buildings and forms part of the wider setting in which the listed building is viewed. In the context of the existing site and its surroundings therefore it is not considered that the proposed stable block would be out of character or that there would be an unacceptable impact on the setting of the listed building.
- 9.12 Comments from the Parish Council and the occupier of the adjacent farm regarding repositioning of the stables have been noted but it is necessary for the Council to determine the application as submitted. Additionally, and notwithstanding that the proposed location is considered to be acceptable, setting the stables further to the west at the lower end of the field would create problems with accessibility and would likely require an access track to enable vehicles such as trailed horse boxes to reach the building. For these reasons it is considered to be both unreasonable and unnecessary for the Council to insist on the stables being repositioned.
- 9.13 In this case it is considered that the proposed development is acceptable in terms of visual impact and there are no grounds to refuse planning permission on the basis of visual amenity.

Highways safety:

- 9.14 The site has an existing field access and there would be space for vehicles to manoeuvre on and off the site safely. No objections have been raised by NYCC Highways on the grounds of highway safety and it is therefore considered that the development is acceptable in respect of this issue.

Other matters:

- 9.15 Concerns have been raised regarding flooding but the site is not located within a flood zone and is not significant enough in size or impact to warrant a response from the Environment Agency. Additionally, comments have been made by the Parish Council that the stables may lead to a domestic residence on the site. It is necessary for the application to be determined on its own merits and such concerns, whether valid or not, are entirely irrelevant in the consideration of this proposal.

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 approved plans comprise the site plans, elevation plans and Design and Access Statement received by the Local Planning Authority on 16th September 2015 and ground level details shown on the stable block elevation received 15th March 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 terms of the permission and for the avoidance of doubt.
3. The stable block and turning out area hereby permitted shall be used for private equestrian purposes only and shall not be used for commercial horse riding, livery, breeding or training purposes.
Reason: In the interest of highway safety.

4. Manure and soiled bedding shall be removed from the site in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority prior to the first use of the stables. No manure or soiled bedding shall be burned on the site.

Reason: To protect the character of the open countryside.

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**

*BENTHAM
08/2016/16561*

*APPLICATION TO CHANGE USE OF AN EXISTING BUILDING USED FOR
A1 (RETAIL) TO A FACILITY FOR THE PROVISION OF D1 (EDUCATION)*

13 MAIN STREET, LOW BENTHAM.

APPLICANT NAME: HEXAGON CARE SERVICES

TARGET DECISION DATE: 18/03/2016

CASE OFFICER: Sam Binney

Councillor Brockbank has asked that this application be considered by the Planning Committee due to considerable local interest regarding the expansion of residential care homes in and around Low Bentham, and in particular anti-social behaviour of some residents of Evaglades going back many years to the present day. It is noted that there are already a number of education facilities for special needs and vulnerable children in and around Low Bentham. Comments have also been made that the loss of business / retail premises to other uses needs to be considered [by the Committee] as there is limited potential for more business space within Low Bentham.

1. Site Description

- 1.1 The site consists of a two storey converted barn and attached double garage situated adjacent to a dwelling known as West Stonegate House in Low Bentham. The barn and garage is now vacant but was last used as a showroom and retail shop by the occupiers of West Stonegate House. These buildings form an 'L' shape of built development. At the front of these buildings is a triangular forecourt area that provides parking for the house, barn and garage. Timber gates of approximately 2m high situated between stone walls form the entrance to this forecourt area.
- 1.2 The Victoria Hall lies to the east of the site with residential properties to the west. The site lies within the development limit of Low Bentham.

2. Proposal

- 2.1 The proposal seeks permission for the change of use of the existing barn from A1 (retail) to a facility for the provision of D1 (Education). No external alterations are proposed other than the repair / replacement of windows were necessary. Internally the former showroom would provide teaching and activity space on the ground floor with meeting space, teachers' office and medical room on the first floor. Toilet facilities would be provided on both floors.
- 2.2 Supporting information submitted with the application states that the school will educate 4 young people (primarily 13-16 years of age) resident in the children's home in Low Bentham. The information suggests that it is the applicant's intention for the young people to reside at West Stonegate House with carers and be educated in the adjacent application premises. The applicants indicate that they intend to close the existing education facility and home at Evaglades and use this new facility (it is understood the existing facility can educate up to 6 people).
- 2.3 **Officer Note:** Planning permission is ordinarily not required to use an adjacent dwelling (West Stonegate House) as a principal place of residence for a small group of young people that are looked after by carers This application therefore only seeks permission for the use of the barn / garage building for an education facility. The existing authorised use of the barn / garage building is as a retail shop / workshop (it is believed the last occupants manufactured and sold craft glass products).

3. Planning History

- 3.1 5/8/315 Alterations to existing barn at West Stonegate House, Low Bentham, to provide domestic garage on ground floor with sewing room at first floor level. Approved 12/08/83.

- 3.2 5/8/315A Erection of domestic garage and change of use of existing garage to storage at West Stonegate, Low Bentham. Approved 14/07/86.
- 3.3 5/8/315B Proposed conversion of domestic garage to store room at Soft Furnishing workshop. West Stonegate, Low Bentham. Refused 29/02/90.
- 3.4 08/2007/7812. Change of use of garage to workshop and barn to retail area/studio. Approved 16/10/2007 subject to a condition that the retail / studio premises could only be operated by the residents of the adjacent West Stonegate House.

4. Planning Policy Background

- 4.1 Saved policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF).
- 4.3 National Planning Practice Guidance (NPPG).

5. Parish/Town Council Comments

5.1 Bentham Town Council: Objection. A summary of their objection is outlined below;

- Local residents already complain about the chaos caused by the Evaglates staff by poor parking on bus stops, yellow lines and across existing accesses.
- Neighbouring residents feel so intimidated by the Evaglates residents.
- The move to West Stonegate brings behaviour, language and damage to property problems closer to the Victoria Institute.

Officer Note: The above points are noted but they are not material planning considerations, a point accepted by the Town Council.

- There will be no car parking provision.
- The Council believes that the retail status should be maintained and not lost to the village.

Officer Note: The submitted plans indicate that there are parking facilities in front of the proposed teaching facility, but that would not be available for teaching staff. Supporting information indicates that the school would employ 2 members of staff and they would use the public car park to the west of the site.

In respect of the loss of the retail premises the applicant advises that the previous owners could not make a commercial success of the business in this location and there had been no other interests in the property as a shop.

6. Consultations

- 6.1 **Environment Agency:** No objection but recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs.(see assessment in paragraph 9.8)
- 6.2 **Economic Development:** No comments received at time of compiling the report.

7. Representations

7.1 One letter of representation has been received. A summary of the letter is outlined below;

- Application doesn't indicate the times the education facilities will be in use and type of training being provided as they want to ensure no increase in noise or unsociable hours.

Officer Note: The applicant has provided additional information and advises that the school facility would operate 09.00 -15.00, for 39 weeks per year and provide education facilities for vulnerable teenagers.

- Query regarding potential increase in vehicles attending the property/adequate parking.

Officer Note: The Design & Access Statement indicates that only one parking space is provided for the business and all staff will park off site.

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Impact on the amenities of neighbouring properties.
- 8.3 Highways issues.
- 8.4 Flood Risk.

9. Analysis

Principle of development.

- 9.1 The barn has been used for a variety of purposes in its history, but more recently as workshops and retail space. Paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of the community. The applicant currently operates from a property within the village which would relocate to this property if permission was granted. The proposed change of use would provide an educational facility for 4 young people who would live in the adjacent house. The NPPF attaches great weight to create, expand and alter schools and therefore this proposal in principle is considered acceptable.
- 9.2 Concerns have been expressed about the loss of the premises from a commercial or business use. Whilst these concerns are noted it is not considered that there is planning policy justification that could be used to resist the proposed change of use. Furthermore, whilst the accuracy of the information has not been verified, it is understood that the premises have been available for purchase for some time and have not been purchased by other business users. The intended use will however provide some employment, whilst also meeting other social and educational needs.

Impact on the amenities of neighbouring properties.

- 9.3 The change of use is for the benefit of the occupiers of the neighbouring property of West Stone Gate House. However, this application is for the change of use of the building only and without further controls could be occupied independently from West Stonegate House. This could result in an adverse impact if the house and school were owned and operated independently and a condition would be appropriate to ensure they remain in one ownership.
- 9.4 There are residential properties as well as a pub and other retail businesses in the immediate area. Due to the distance between the proposal and the properties and pub to the North, they are considered to not be affected by any loss of privacy or amenity. Victoria Hall is a community hall to the east within 5 metres of the barn at the nearest point but the change of use to an educational building would likely have less noise output than the last retail use and would not impact on the community facility.
- 9.5 In addition, as there is no increase to the footprint of the building or creation of new windows to the property, the neighbouring occupiers are not considered to be unacceptably affected by the proposal.

Highway issues.

- 9.6 The application site includes the forecourt. This forecourt historically has been shared between the application site's existing barn/garage (previously used for retail / workshop purposes) and the house. There is space for several cars in this area. The development doesn't reduce the amount of hardstanding present for the property so the current car parking arrangements for the house are not reduced. It is considered that the intended use of the site would generate no more, and quite possibly less, vehicle movements than the authorised retail / workshop use. It is therefore considered to be very difficult to reasonably argue that the application should be resisted for highway safety reasons.
- 9.7 There is also a free car park to the east of the site that can be used for overflow parking. Criterion 2 of saved local plan policy T2 states that development will be permitted provided it does not generate volumes of traffic in excess of the capacity of the highway network. It is considered that this criterion has been fulfilled.

Flood Risk.

- 9.8 The development is within flood zone 2. The flood risk assessment provides details on the flood risks for the site. The information indicates the site has no known history of flooding and the assessment shows approximately a 0.1% chance of flooding within this area each year. Due to the works not increasing the footprint of the existing building, the development would not result in any greater impact on flood risk to the surrounding area than that which already exists. With respect to the building itself as it already exists measures that can be taken are limited. However, the application indicates that any new electrical wiring will be installed at counter level rather than floor level. As such, the development is considered to be appropriate within the flood zone.

Conclusion.

- 9.9 Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be so harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

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 approved plans comprise drawings 5446/c/b/01 and 5446/b/b/02 as received by the Local Planning Authority on 14th 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 terms of the permission and for the avoidance of doubt.

3. The education facility hereby approved shall not be sold, let or otherwise disposed of independently from the dwelling known as West Stonegate House.

Reason: The use of the premises independently from the house would have an adverse impact on the amenities of that dwelling.

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: -

- accepted additional information / changes to the scheme post validation.

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

SKIPTON NORTH
63/2016/16569

PROPOSED SIDE EXTENSION, NEW PITCHED ROOFS OVER EXISTING GARAGE AND FRONT BAY WINDOWS (RESUBMISSION OF APPROVED APPLICATION REFERENCED 63/2015/15908)

GLEN CROFT, 72 RAIKES ROAD, SKIPTON.

APPLICANT NAME: MR F FEDDO

TARGET DECISION DATE: 14/03/2016

CASE OFFICER: Natasha Szuszkó

The application has been referred to Planning Committee at the request of Councillor Kerwin-Davey due to the considerable degree of public interest that it has aroused.

1. Site Description

- 1.1 The application property is a single storey dwelling located off a shared access on Raikes Road. The property has a well screened front and side garden area with an attached flat roof garage.
- 1.2 The property is not subject to any specific constraints and falls outside any area of special control.

2. Proposal

- 2.1 The application is a resubmission of a previously approved scheme (63/2015/15908) with some amendments. The amendments submitted as part of this application include increasing the width of the extension to 10.5 m. and altering the roof pitch to 40 degrees with a 2 storey height flat roof area in the centre of the extension to create a first floor bedroom and bathroom. The bedroom in the roofspace would have "sloping and vertical" rooflights in the south east elevation, facing Tarn Moor Crescent to create a small balcony.
- 2.2 **Officer Note:** The earlier approved proposals (15908) can still be implemented regardless of the outcome of this application. The key considerations are therefore the changes to the previously approved scheme.

3. Planning History

- 3.1 63/2015/15908 - Proposed extension to the side of the property including a new pitched roof over the existing garage and front bay windows. – Approved 5.8.2015
- 3.2 63/2015/16437 - Non-material amendment application for previously approved application referenced 63/2015/15908. – Refused as changes considered to be too significant to accept without making a formal application for planning permission 11.1.2016.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012).
- 4.2 Saved Local Plan Policy H20 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Appendix F of that document.

5. Parish/Town Council Comments

- 5.1 Skipton Town Council – No comments received at the time of compiling this report.

6. Consultations

- 6.1 No technical consultations required.

7. Representations

- 7.1 Objections have been received from Lynch Planning Consultancy on behalf of No.76 Raikes Road although the letter also comments on the impact on other properties. The objection is summarised as follows;
- 7.2 'The original concern about visual amenity of neighbours is reinforced by the fact that the current proposal appears to extend closer to No.76. The proposed pitched roof extension over the garage will have an even more pronounced adverse impact upon the immediate outlook of that property' The representation also comments that the extension would also be detrimental to the amenity of No.74 in terms of immediate outlook and overlooking and may affect the visual amenities of 1 and 3 Tarn Moor Crescent.
8. Summary of Principal Planning Issues
- 8.1 Impact of the development upon the character and appearance of the street scene and general amenities of the area.
- 8.2 Impact of the proposed amendments upon privacy and amenity of neighbouring dwellings.
9. Analysis
- 9.1 The site is within the development limit of Skipton and the principle of extensions to a dwelling is acceptable in principle. The National Planning Policy Framework seeks good design and regards this as one of its core principles in achieving sustainable development. Development should also provide a good standard of amenity for existing residents.
- 9.2 Paragraph 56 of the NPPF advises that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.3 In addition the Council's Saved Local Plan Policy H20 states that the scale, design, proportions and materials are as such that they respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area. Similarly the privacy and amenity of neighbouring residents should not be significantly compromised.
- Impact of the proposed amendments upon the character and appearance of the street scene and general amenities of the area.**
- 9.4 The property is well screened from Raikes Road to the front; it is bound by a low stone wall and mature hedges. Access to the property is shared between three properties that are all similar in style and design. The application property is set down slightly lower than its opposite neighbour to the north west (No.76) with No.74 to the north also appearing at a slightly higher level. The properties are all within reasonably close proximity.
- 9.5 The property is typical of the era in which it was built and is of little architectural merit. In this case the main alteration will affect the appearance of the North East elevation (facing No.74) and North West elevation (facing No.76).
- 9.6 The proposal extends the property by 3.6 m to the south east and extends the roof over the extension and garage to a total width of 10.5 m. This is shown on the submitted drawing 388/5/F 'Proposed Site Plan'. This will require the pitch roof that extends across the north west elevation to protrude forward further than that originally approved as part of 15908. In doing so it will provide a further bedroom and bathroom at first floor level in the roof space. To provide increased space for the accommodation in the roof space the roof pitch on the north east elevation is proposed to change and increase from 30 degrees to 40 degrees. This increased roof pitch will result in the creation of a two storey height flat roof element in the centre of the roof.
- 9.7 Saved Local Plan Policy H20 and Appendix F of the Local Plan provide design guidance when assessing the acceptability of a proposal. When considering applications for alterations to the roof form, extensions to bungalows will not be acceptable at first floor level unless they incorporate roofs of a similar design, form and pitch to that of the original building. In this case, the flat roof element does not follow the same form as that previously approved.

- 9.8 It is acknowledged that part of the property (as it currently stands) has a single storey height flat roof; however, to introduce a much higher flat roof element in between the pitched roofs is not considered concordant with the rest of the dwelling and is therefore unacceptable in terms of its overall appearance.

Impact of the proposed amendments upon privacy and amenity of neighbouring dwellings.

- 9.9 There are two properties within close proximity that have the most potential to be affected by the proposed development. These are No. 74 and No.76 Raikes Road.
- 9.10 No.76 is to the north west of the application property. The proposed amendments are not considered to have a significantly greater impact on no. 76 than those originally approved. The pitched roof over the garage as proposed will now protrude approximately 1.3 m further towards No 76 than the previous scheme, but it will still not be any higher than the ridge of the existing bungalow.
- 9.11 The formation of a roof over the existing flat roofed garage (already approved as part of 15098) will lead to some loss of outlook / view from no. 76. However loss of view is not a material planning consideration and it is not considered that the development would have an unacceptably overbearing impact or result in an unacceptable outlook. Furthermore, the amended proposal is not considered to result in an unacceptable loss of daylight, sunlight or privacy for neighbouring No.76 Raikes Road.
- 9.12 As regards No.74, no representations have been received from this property; however the potential impacts of the proposed amendments also need to be assessed. The objection received on behalf of No.76 also refers to No.74 and the impacts the proposal will have upon their immediate outlook, overshadowing and the potential for overlooking.
- 9.13 It would appear from the officer site visit that the main outlook from No.74 is to the south east which is largely unaffected by this application proposal. Views from no. 74 are however possible of the side of the application property. Views would be of the blank garage wall and a bedroom and bathroom window. The properties are not directly opposite each other, they are slightly offset. The north east elevation of the application property will significantly alter in appearance. In terms of the outlook from No.74, the amended proposals at the application property are considered to introduce a rather stark amendment to this elevation which appears unbalanced (particularly due to the two storey height flat roof). In summary, whilst the amended scheme does not extend any closer than the existing garage to No.74 it is considered that the proposed solution is a poor design that fails to take the opportunity to contribute positively to the area and make it a better place for people to live.
- 9.14 In terms of loss of sunlight and daylight the extension to the north east side of the property is not considered to result in an unacceptable loss of daylight or sunlight to the nearest property (No.74). The extension is of a sufficient distance from No.74 (that is on a higher level) so not to cause an unacceptable level of overshadowing, although it is accepted that would be some impact on No. 74.
- 9.15 No.1 and 2 Tarn Moor Crescent have large garden areas that adjoin the garden of the application property. The application property is on a much higher level than those on Tarn Moor Crescent given that Raikes Road is on a hill. There is a separation distance of 25m between the properties, therefore whilst the application property is at a higher level, the existing screening and separation distance does not result in the proposed extension having an overbearing or dominant impact upon those properties on Tarn Moor Crescent.

Conclusions

- 9.16 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would be harmful to the existing character of the host dwelling and amenities of the surrounding area. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook, however it is

considered that the alterations to the roof are discordant and the change in the north east elevation is unbalanced and more dominant in its appearance than the previously approved scheme. In conclusion, it is not considered that the requirements of the NPPF and Saved Local Plan Policy can be met and therefore it is recommended that planning permission is refused for the proposed alterations.

10. Recommendation

10.1 To refuse planning permission for the proposed amendments.

11. Reasons for Refusal

1. It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and further, 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 is considered that the proposed alterations would detract from the overall character and appearance of the host dwelling by reason of the design of the roof form. It is considered that those alterations to the roof are discordant with the dwelling and result in the north east elevation of the property having an unbalanced and dominant appearance. The proposal is therefore considered to be contrary to the provisions of Saved Policy H20 of the Craven District Council (Outside the Yorkshire Dales) Local Plan and those contained within Sections 7 and 11 of the National Planning Policy Framework.

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 NORTH
63/2016/16600

CHANGE OF USE TO A3 (RESTAURANT AND CAFÉ).

CAFE CAPO, 10 SWADFORD STREET, SKIPTON.

APPLICANT NAME: MR LEONARDO CAPOZIO

TARGET DECISION DATE: 13/04/2016

CASE OFFICER: Natasha Szusko

The application has been called to Planning Committee at the request of Councillor Kerwin-Davey due to the background history of its present status.

1. Site Description

- 1.1 The application property is currently in operation as a café. The premises are located on Swadford Street which is located within both the Conservation and Core Retail Areas of Skipton.
- 1.2 Swadford Street and the surrounding area is predominately characterised by a mixture of retail premises, café / restaurants, public houses, and bookmakers.

2. Proposal

- 2.1 The application seeks planning approval to use the premises on a permanent basis for an A3 (Restaurant and Café) use.

3. Planning History

- 3.1 There is no formal planning application history associated with the property; however, it is considered that the following background information is of relevance.
- 3.2 The applicant previously notified the Council in writing on 24th June 2014 of their intention to operate as an A3 premises for a period of up to two years. This appears to have been lawfully undertaken without the need for planning permission under the provisions of The Town and Country Planning (General Permitted Development) Order 1995, Part 4, Class D (as amended in 2013). At the time the Order allowed for development consisting of a change of use of a building and any land within its curtilage to a flexible use including A3 (Restaurants and Cafes) for a single continuous period of up to two years beginning on the date the building begins to be used for one of the flexible uses.
- 3.3 An appeal decision regarding nearby Caffe Nero indicated that policy R3 from the Local Plan (which sought to resist all changes of use from an A1 use in the core retail area to an alternative use (including cafes)) could not be applied unless the Council could demonstrate (with firm evidence) the harm caused by the loss of a retail premises. It should be noted that whilst the Planning Inspector for the Caffe Nero appeal stated that the decision should not set a precedent for future decisions, it nevertheless provides a strong indication that should the Council resist such applications in the future then it would need to demonstrate (with firm evidence) the harm caused. The Council does not have such evidence and since this appeal decision a number of other application proposals from A1 retail to other uses within the defined core retail area have been permitted.
- 3.4 The recent publication of the Town and Country Planning (General Permitted Development) Order 2015, means it is now permitted development to change from an A1 retail use to a use falling within A3 (restaurants and café). Planning permission is ordinarily no longer required for such development proposals subject to the applicant first making a prior approval notification.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012)

- 4.2 Saved Local Plan Policy R3 (Ground Floor Use) of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.
- 4.3 Officer Note: Paragraph 215 of the National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. Local Plan Policy R3 was not prepared under the aforementioned Act and is now substantially superseded by the more recently published (and therefore more up-to-date) national planning policy; consequently this local plan policy carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.
5. Parish/Town Council Comments
- 5.1 Skipton Town Council – None received at the time of compiling this report (due 16.03.2016).
6. Consultations
- 6.1 Craven District Council Environmental Health Department – No issues that would give cause for concern – Received 29.02.2016.
7. Representations
- 7.1 No third party representations received at the time of compiling this report. (Due 24.03.2016).
8. Summary of Principal Planning Issues
- 8.1 National and local planning policy and the impact of the proposed change of use on the vitality and viability of the town centre.
- 8.2 Visual Impact upon Conservation Area of Skipton.
- 8.3 Impact upon neighbouring properties.
9. Analysis
- 9.1 The main thrust of the National Planning Policy Framework (NPPF) is an overarching presumption in favour of sustainable development. Paragraph 14 indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 9.2 Saved Policy R3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan relates to the Ground Floor Use of Units within the Core Retail Area. The policy states ‘Within the core retailing areas, as identified on the inset maps, the Council will resist any proposals for change of use at ground floor level from retail to any other use’. The purpose of the policy is to ensure that the function of the core retail area as a retailing centre is not undermined through an over diversification of other uses. Saved Policy R3 is now 16 years old and while it forms part of the Development Plan for the District it has no relevant evidence base and has clearly been superseded by recent changes in planning policy practice. It is clear from the NPPF that the protection of the vitality and viability of town centres remains a key planning objective, but other town centre uses (such as A3 uses) are permissible within town centres.
- 9.3 In conclusion, there is no evidence in this case that demonstrates that there is any harm caused to the wider town centre arising from the use of these premises as a café; the NPPF suggests such uses can complement, rather than detract from, the retail function. In the absence of any negative impact on the vitality and viability of the town centre there is nothing to suggest that “adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole”.

Visual Impact

- 9.4 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of

poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

- 9.5 No external alterations are proposed as part of the development aside the installation of an extraction flue, based upon the information provided within the application, the flue will not be seen from public viewpoints and as such the proposal is not considered to result in any unacceptable impact on the character or appearance of the Conservation Area. In conclusion, the proposal is considered to accord with the guidance of the NPPF in this respect.
- 9.6 Officer Note: There are no proposals within the application to alter the existing façade of the building or display alternative signage.

Impact upon neighbouring properties

- 9.7 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.
- 9.8 The business currently employs 4 full time staff and 3 part time staff. With increased opening hours proposed between 8:00am until 10.00pm, this will increase staff numbers to 8 full time members of staff and 6 part time members.
- 9.9 The Council’s Environmental Health Department have offered no objections or comments regarding the extraction system proposed and it is not considered that the continued use in this location would lead to significant noise nuisance or disturbance over and above what is already experienced between the businesses.
- 9.10 The application proposes evening opening hours until 10.00 pm and the acceptability of this should be considered. There are no specific details that have been submitted as part of the application as to why the applicant would like the premises to be open until this extended time, however, the opening hours proposed do coincide with a restaurant use for which permission is sought. The application site is located in the centre of Skipton where there are other premises within an A3 use and also a number of night time businesses such as pubs, clubs and restaurants. The proposed use and opening times are therefore not considered to be incompatible with the predominant uses of the area and are unlikely to have a significant detrimental impact on the amenities of any neighbouring residents. The proposal would therefore accord with this requirement of the NPPF.
- 9.11 **Officer Note:** The case officer has carried out a check of residential properties within the Swadford Street area and the search concluded that there were no residential properties within the immediate vicinity of No.10 at first floor or ground floor level that were likely to be affected by the proposals.

Conclusions

- 9.12 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be so harmful to the existing character and appearance of the Conservation Area of Skipton or the amenities of neighbouring properties as to justify withholding planning permission. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10. Recommendation

- 10.1 To grant planning permission subject to conditions.

Conditions

1. The approved plans and documents comprise ‘Site Location Plan’ ‘Existing Floor Plan C654’ ‘Proposed Floor Plan C 655’ ‘Proposed Food Prep Area C656’ ‘Toilet Layout C657’ received by the Local Planning Authority on the 28th January 2016 and ‘Pre Installation report extraction system’ received by the Local Planning Authority on 17th February 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.

2. The premises shall not be open for customers outside the following hours:-

- (i) 08:00 – 22:00 Mondays to Saturdays, and
- (ii) 09:00 – 20:00 Sundays and Bank Holidays

Reason: To ensure that the activity at the premises does not have an unacceptable impact upon the amenities of others.

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**

**INGLETON & CLAP
45/2016/16610**

REMOVAL OF FIRST FLOOR ANNEX TO REAR BEDROOM AND REPLACE WITH A BALCONY. FITTED UPVC DOOR & CASING TO EXISTING OPENING TO MATCH/BE IN KEEPING WITH THE REST OF THE PROPERTY

38 HIGH STREET, INGLETON.

APPLICANT NAME: MR & MRS THISLETHWAITE

TARGET DECISION DATE: 11/04/2016

CASE OFFICER: Neville Watson

This application has been referred to Planning Committee at the request of Councillor Ireton.

1. Site Description

1.1 The application site lies in the heart of Ingleton Conservation Area. The property is in the middle of a crescent of terraced stone built dwellings with a shared common yard to the rear. A number of the properties, including the application dwelling, have single storey extensions to the rear commonly constructed in dashed render.

2. Proposal

2.1 This is a retrospective application to retain a first floor balcony that has been constructed above the ground floor mono-pitched roof extension. It is understood that the balcony was constructed following the removal of a first floor extension. The balcony is constructed from timber decking with fencing panel walls. The balcony is approximately 4 m wide, projects approximately 2.1 m. from the rear elevation of the house, and is approximately 3.3 m. from ground level. Access to the balcony is from French windows at first floor level. A retractable awning is fixed above the balcony to the rear wall of the dwelling.

3. Planning History

3.1 5/45/366 First floor extension. Approved 10.7.1986

3.2 **Officer note:** It is understood this extension was removed to create the balcony.

3.3 The unauthorised balcony was the subject of an enforcement investigation in 2015, resulting in an enforcement notice being served in January 2016 requiring the removal of the balcony. An appeal has been lodged against the notice on ground (c) only, that the balcony does not constitute a breach of planning control.

3.4 **Officer note:** Alterations to dwelling houses are covered by Part 1 Class A of the Town and Country Planning General Permitted Development Order 2015. Class A.1(k)(i) specifically states that development is not permitted if it would consist of or include the construction or provision of a veranda, balcony or raised platform. The balcony does require planning permission.

4. Planning Policy Background

4.1 National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (nPPG)

4.3 Saved Local Plan Policy H20 and Appendix F

5. Parish/Town Council Comments

5.1 Ingleton Parish Council has no objection.

6. Consultations

6.1 None

7. Representations

7.1 One letter of objection has been received raising the following issues:-

- Unacceptable loss of privacy and amenity by overlooking our property Edenhill
- The letter also comments on overlooking and loss of privacy to other properties on the High Street and Uppergate.
- Noise nuisance from the balcony from July to October 2015, from early afternoon to late into the night.
- Design and material detrimental to the neighbourhood and the conservation area.

7.2 Five representations have been received raising no objections/supporting the application and commenting that: -

- there are no overlooking problems or loss privacy,
- Removal of the first floor extension and its replacement with a balcony has resulted in more natural light to a neighbour.
- Anti-social noise issues have not been a problem.

8. Summary of Principal Planning Issues

8.1 Design and impact on the conservation area.

8.2 Impact on residential amenity.

9. Analysis

Design and impact on the conservation area

9.1 Section 12 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 131 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to advise when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Where a proposed development would lead to substantial harm, local authorities should refused consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraph 133 refers).

9.2 It is concluded that the balcony by virtue of its design, scale, form and construction materials introduces an alien and incongruous addition to the property that causes substantial harm to the host property and the conservation area. There are not considered to be any substantial public benefits that outweigh this harm.

9.3 The NPPF also stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The design of the balcony is not considered in any way to have a positive impact on the conservation area, and in particular, the use of garden boundary fencing for construction material is particularly harmful.

9.4 Policy H20 of the Local Plan remains broadly consistent with the advice in the NPPF and advises that permission will be granted for the extension to a dwelling will be granted for an extension to a property in order to provide improved living accommodation providing that the scale, design, proportion and material of construction are such that they respect the original property. For the reasons outlined above it is considered that the proposal conflicts with Policy H20 and cannot be amended to make it acceptable.

9.5 In conclusion on this issue the proposal causes substantial harm to the designated heritage asset, the conservation area for which there are no public benefits. The proposal conflicts with the guidance in the NPPF and saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Impact on residential amenity

- 9.6 Both the NPPF and saved Local Plan Policy H20 emphasise that new development should not result in any unacceptable loss of privacy or amenity to neighbouring residents. In particular Appendix F in relation to privacy requires that the design of any new extension should ensure the privacy from being overlooked which is currently enjoyed by a neighbouring property is not significantly reduced.
- 9.7 The key issue here is considered to be the loss of privacy to neighbouring residents that would arise from overlooking by any persons using the balcony for which retrospective planning permission is sought.
- 9.8 In this case the balcony is in a raised location that overlooks the rear yards and gardens of the properties on the High Street and Uppergate and a detached property (Edenhill) to the rear of the High Street. There is a bedroom window in the adjoining property within 0.5 m. of the balcony which the applicant has attempted to screen by a raised panel, but direct views of this bedroom would still be seen from the balcony. The interface of adjoining private gardens is within 15 m.
- 9.9 It is considered that due to its elevated position and proximity to the windows and rear yards of neighbouring properties the balcony results in unacceptable overlooking and loss of privacy. This loss of privacy is contrary to both the local and national planning policies and is therefore unacceptable.
- 9.10 In coming to this conclusion it is noted that the existing housing is arranged in such a way that neighbouring windows are in close proximity to each other and some consequent overlooking of windows and private amenity areas occurs in much the same way that it would within a more conventional residential layout. However, the impacts are less noticeable with windows as it is not typical for the occupiers of properties to spend time standing at a window whereas the purpose of a balcony is specifically as an outdoor amenity area and this would therefore give rise to prolonged periods when overlooking would occur. It is also the case that the balcony could accommodate a number of people which would exacerbate any privacy issues that would arise.
- 9.11 It is noted that the times throughout the year the balcony is likely to be used are somewhat limited but this cannot be assured as with lighting and an outdoor heater it is perfectly possible to extend usage. Notwithstanding even occasional summer use would have an unacceptable adverse impact on the privacy and use of the neighbouring private amenity areas during those same periods is not considered to be acceptable.
- 9.12 It is concluded that the balcony has an adverse impact on the amenities of neighbouring properties and cannot be supported.

10. Recommendation

- 10.1 That the application be refused.

Reasons for Refusal

1. The balcony by virtue of its design, scale, form and construction materials introduces an alien and incongruous addition to the property. The design of the balcony does not preserve or enhance the character and appearance of the conservation area, and in particular, the use of garden boundary fencing for construction material is particularly harmful. The adverse impact significantly and demonstrably outweighs any benefit for the occupiers of the property for which there are no public benefits. The development therefore conflicts with the policies in the National Planning Policy Framework and Local Plan policy H20.
2. The unauthorised balcony for which retrospective planning permission is sought is in a location where its use gives rise to overlooking and consequent loss of privacy of neighbouring properties thereby adversely impacting upon the amenity of the occupiers of those properties contrary to the requirements of Saved Policy H20 and Appendix F of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

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.