

PLANNING COMMITTEE MEETING AGENDA

Monday 30th June 2014

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SOUTH CRAVEN AREA

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

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WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****EMBSAY W EASTBY
26/2014/14518****OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (CIRCA
THIRTY FOUR DWELLINGS)****LAND OFF SHIRES LANE, EMBSAY.****APPLICANT NAME: N & P Hargreaves and R N Wooler & Co Ltd****TARGET DECISION DATE: 24/07/2014****CASE OFFICER: Mark Moore**

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

1. Site Description

- 1.1 The application site comprises a 0.98ha area of undeveloped grassland located on the southern side of Shires Lane in Emsay.
- 1.2 The site, which fronts onto Shires Lane, falls in level from north to south and lies between a detached property adjoining its north western corner and the grounds and club building of the village cricket club to the east. The majority of the site is bounded by open fields to the west, and to the south there are open fields, a football pitch, and allotment gardens.
- 1.3 On the opposite side of Shires Lane there is residential development comprised of detached houses set within large gardens, further east there are more densely developed detached residential properties.
- 1.4 In terms of the wider landscape setting the site forms part of larger a patchwork of fields that are situated to the south and east of the main settlement. To the south the field pattern is truncated by the Emsay Steam Railway line whilst Skipton quarry is located further south on the opposite side of the railway line.
- 1.5 The site is located adjacent to but not within Development Limits and the boundary of the Emsay Conservation Area runs part way along Shires Lane on the opposite side of the road. The site is consequently located in the open countryside as defined in the Adopted Local Plan.
- 1.6 The wider landscape within which the application site is located is characterised as an *'Intermediate landscape of pasture with wooded gill and woodland'* in the Craven District Landscape Appraisal
- 1.7 There are no trees on the application site itself although there are a row of approximately 5 trees lying adjacent to the site frontage on the highway verge of Shires Lane as well as along the boundary of the cricket club.

2. Proposal

- 2.1 This is an outline planning application in which all matters are reserved other than the principle of development and the proposed access.
- 2.2 It is proposed that the site would be developed at a low density of approximately 33-34 dwellings and that open space provision would form part of the development. An illustrative layout has been submitted which shows a large area of open space lying at the front of the site which, although not a detail for consideration at this stage, does nevertheless demonstrate that the site could be developed in such a way that it would not be necessary to build across its entire frontage.
- 2.3 The mix of housing on the site, whilst also a reserved matter, would reflect local housing need and include a 40% provision for affordable housing to a specification agreed with CDC Strategic Housing Officers.

- 2.4 The proposed access to the site would be located at the north-east corner of the site opening onto Shires Lane and would incorporate visibility splays to NYCC Highways specifications.
- 2.5 In addition to the on-site open space provision it is proposed to provide land for a 9 a-side football field and to gift the existing football pitch to the south of the site as part of the proposed development.

3. Planning History

- 3.1 There is no planning history associated with this site.

4. Planning Policy Background

4.1 **National Planning Policy Framework**

4.2 **National Planning Policy Guidance**

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

The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are: -

- ENV1: Development in Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees & Woodland.
- T2: Road Hierarchy.

- 4.4 In March 2012 the Council adopted an 'Interim Affordable Housing Policy that requires a 40% provision, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is considered to be in accordance with the NPPF).

5. Parish/Town Council Comments

- 5.1 While Embsay with Eastby Parish Council has adopted a formal "position statement" with regard to local land development the village does not have a Neighbourhood Plan; and, more importantly, CDC has no adopted Local Plan. The villages of Embsay and Eastby are therefore very much at the mercy of developers. The PC is not against additional housing within the parish, as they are very much aware of the genuine shortage of housing within Craven and the country as a whole.

The local community has concerns over specific issues relating to this application such as school places, the poor junction at Shires Lane/East Lane and the loss of parking in Shires Lane which is used by occupants of the older terraced housing in East Lane.

The specific concern of the PC is the effect on the community as a whole, notably in relation to the existing sewerage infrastructure. The following was stated in the PC's "position statement" submitted last year to CDC for consideration when developing their future Local Plan:-

"Where development is to take place then the infrastructure of Embsay and Eastby must be considered. Presently the sewage system is at capacity as the drains regularly become surcharged when heavy rains fall and raw sewage spills from them onto the highway. Any extra development should address this issue with improvement to the drainage network, both foul and surface water."

The PC notes that on the submission documents for this application no contact has yet been made with Yorkshire Water by the developer. We are certain that if this had been the case then these problems would have been highlighted. Even though no formal submission has yet been made to CDC for specific planning proposals for housing at Kirk Lane (Eastby) and off Main Street (Embsay), there is enough evidence to show that additional

housing numbers on these two sites could be in the order of 100 units. This, when added to the 34 proposed houses in the Shires Lane application, will give an overall total in excess of 130 houses. This will have a significant effect on the existing problems with the sewerage infrastructure. It is for this primary reason that the PC is not in agreement with the planning application for Shires Lane.

The PC also expresses concern about two comments in the developer's Planning Justification Statement. It states that CDC's Affordable Housing Officer has confirmed an annual need for 17 affordable homes per annum in the ward of Embsay and Eastby in the period 2011-2016. The PC believes that this is contrary to figures previously provided by CDC.

In addition the PC refers to consultation with CDC's Sport Development Officer over the provision of an amenity space in the centre of the development. The PC consider that if any discussion had taken place then it should have involved the PC as well as it is for the PC to have a say in the final spending of any relevant Section 106 Agreement or Infrastructure Levy.

6. Consultations

6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues in relation to this site. Also recommend that a sustainable drainage scheme is submitted for approval in order to prevent the increased risk of flooding, improve water quality, wildlife habitats and the amenity of the surface water drainage system. Finally, EH suggest that the operating times of the construction site are limited in order to reduce the potential for noise nuisance to nearby properties.

6.2 **CDC Strategic Housing Officer:** According to the 2011-2016 Strategic Housing Market Assessment (SHMA) the Embsay with Eastby Ward has a need for 17 affordable homes to be provided each year. To date no affordable homes have been delivered.

The applicant is proposing a scheme for 33 units on an outline basis only. The Councils current position is to secure 40% on site affordable housing provision on sites of 5 units or more. This is in line with the Interim Affordable Housing Policy Position Statement.

Based on the outline application, 13 units would need to be provided as affordable housing in order to accord with Council Policy. Following submission of a reserved matters application the affordable housing provision must remain at 40%. This applies in the event that the unit numbers proposed within the outline are either increased or reduced.

The mix of units will need to be agreed within the Councils Strategic Housing Team, however all affordable homes must meet the following sizes: 3 beds at 85m², 2 beds at 70m² 1 bed homes at 60m². The units must also be distributed across the site and not located in one specific area.

Provided the applicant provides 40% affordable housing on this and any subsequent planning applications then Strategic Housing has no objections to the scheme

6.3 **CDC Sports Development Officer:** In accordance with saved policy SCR2, a proposed housing development of 34 dwellings is required to provide 1,989 square metres of open space. The Open Space Strategy for Craven District indicates that an increase in the quality of all types of open space is required in the Skipton sub area ie.equipped play, outdoor sports facilities, formal and informal open space.

In addition the District Council has commissioned Sustrans, the sustainable transport charity, to produce an access development plan along the Leeds & Liverpool Canal. In the Plan, to be issued for wider consultation in summer 2014, Sustrans recommend the

creation of a shared footway from Embsay to Skipton providing sustainable access to local services.

In this application the developer is seeking reserved matters for access although areas of open space have been included on indicative layout plans. The developer should provide further detail for the layout and operation of this open space at the appropriate stage. If the developer decides not to provide public open space on-site, the developer will need to make arrangements to provide provision off-site, such as in the form of a commuted sum.

- 6.4 **NYCC Highways:** Recommend that planning permission is granted subject to various standard conditions relating to construction of roads/footways, provision of visibility splays/turning areas and management of construction traffic.
- 6.5 **The Environment Agency:** No objections provided the development is in line with the submitted FRA. Recommend that if possible surface water should discharge into soakaways otherwise surface water run-off rates must be restricted to a maximum of 5 l/s (greenfield rates). The applicant is advised to contact Yorkshire Water to ensure that there is capacity in the receiving sewer and sewage treatment works to accommodate the proposed discharge. If not available the EA advise that an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the issue secured as part of the planning permission. If a non-mains solution is to be considered EA request that they are re-consulted.
- 6.6 **Yorkshire Water:** Acknowledge that application is outline only but advise that details are not acceptable as approximately 4 plots would be sited over the line of the sewer and this could jeopardise YW's ability to maintain the sewerage network. If permission is granted YW recommend that a condition is attached that would restrict development on the line of the sewer and require prior approval of proposals for surface water drainage in order to protect the local aquatic environment and YW's infrastructure. YW also advise that development should take place with separate systems of foul and surface water drainage. They also comment that the local public sewer network does not have capacity to accept any discharge of surface water from the site and the developer must therefore contact the relevant drainage authorities to establish a suitable watercourse for the disposal of surface water. There are no issues identified in relation to water supply to the site.
7. Representations
- 7.1 A total of 232 comments have been received of which 229 register the following objections whilst 2 express support for the development:
- Proposal is relying on provision of low cost housing rather than issue of whether more houses are needed.
 - Infrastructure in village cannot cope with increased population.
 - School cannot accommodate more pupils.
 - Proposed housing would bring more people into the village from outside.
 - Development would lead to increased flooding problems.
 - Sewerage works is not adequate to deal with increased outflows.
 - Development would detract from the character of the village and would urbanise it.
 - The additional football pitch to be provided is irrelevant and would be prone to flooding.
 - It is unclear what is proposed on remainder of the blue designated area of the Sports Facilities Plan.

- Football pitch is too close to railway line and will result in balls being kicked onto the line.
- Development would spoil view from steam railway and affect tourism.
- Shires Lane is used by traffic other than local vehicles and is congested at times.
- Junction/crossing by the paper shop is dangerous.
- Bus services to and from the village are not adequate to serve the proposed development.
- Questioned whether affordable housing statistics provided in the application are accurate.
- There are inconsistencies in the ecological report submitted with the application and the proposals will impact upon protected species.
- No pavements in the area to serve the development.
- Increased traffic will result in road safety issues.
- Site is not part of the village plan.
- Site is close to landfill site.
- Development would create precedent for further development of adjoining sites.
- Site is located on an official cycle route and there would be conflict from increased traffic.
- Loss of views.
- Loss of privacy for neighbouring houses.
- Location of part of the site within National park has put more pressure on remainder of village.
- Housing near to allotments would not be practical.
- Smaller developments spread around the village would be preferable.
- There are affordable houses in the village and in Skipton and therefore need does not exist.
- Previous developments in Embsay indicate that there is limited demand for such housing.
- There are plenty of houses for sale in the village.
- Inadequate consultation has been carried out.
- Previous construction projects have led to congestion in village and damage to stone walls, further development would worsen situation.
- Maintenance of proposed open space would add further cost to Council.
- Development would result in loss of grazing land.
- Development would be detrimental to the environment and landscape.
- Whole of village should have same restrictions on development as the parts within the National Park.
- Proposals impact on the character and appearance of the Conservation Area.
- If building has to take place then bungalows would be better in the valley.
- Need for affordable housing put forward by the Affordable Housing Officer does not appear in any previous assessments by CDC.
- Site is a Special Landscape Area and an Official Environmentally Protected Area.

- Construction of development would give rise to dust and noise and consequent disturbance to residents.
- Developers are pushing a number of sites, in total over 120 houses.
- Future of village needs to be planned in its entirety and not by piecemeal development.
- The site is located outside of development limits.
- The proposal would not be sustainable development.
- Application details are imprecise.
- The proposed layout is inappropriate and properties should be set back from the road frontage.
- There are no employment opportunities in the village.
- The National Park has not identified any need for housing in Embsay.

7.2 The letters of support comment as follows:

- Affordable housing is much needed and this development supports this.
- Proposed development would give locals a more extensive choice in terms of housing than has previously been available.
- The provision of a 9 a side football field in addition to betterment of existing recreation grounds would ensure that football and cricket continue for a number of years to come.
- Location of the site within close proximity of the quarry, the railway line and other housing makes it a far more suitable site than other areas surrounding the village which should remain natural and untouched.

8. Summary of Principal Planning Issues

8.1 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan and whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.

8.2 Affordable housing provision.

8.3 The effect of residential development on the character and appearance of the area.

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

8.5 The impact of development on drainage and flood risk.

8.6 Residential amenity issues.

9. Analysis

Planning policy and the principle of development:

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan.

9.2 Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.3 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy

Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the *NPPF 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Hence, where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

- 9.4 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.5 In view of the above it is necessary to consider whether or not the application site is sustainable. No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 *'taken as a whole, constitute the Government's view of what sustainable development in England means'* and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 9.6 In more specific terms the NPPF states at paragraph 55:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'.*
- It is also stated that LPA's should avoid *'new isolated homes in the countryside'*, although this may still be acceptable if special circumstances exist.
- 9.7 The application site is located on the opposite side of Shires Lane from the southern side of the Development Limits for Embsay as defined in the Adopted Local Plan. The Development Limits follow tightly the established pattern of development clustered for the most part around the northern side of the main roads of East Lane and Shires Lane and terminating at the southern edge of Main Street to the north of the settlement. The site would not represent 'rounding off' of the settlement or a form of infill but would see a continuation of development along the southern edge of Shires Lane that would project into the open countryside but would nevertheless be within close proximity to the existing Development Limits and cannot be considered to be 'isolated' or an unsustainable location.
- 9.8 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.9 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th November 2013. The summary is based on an emerging housing target of 160 dwellings per annum which is a figure that is yet to be subject to full public examination and concludes that the current housing land supply provides 26 dwellings more than the requirement assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.10 The latest household projection figures from the Department for Communities and Local Government indicate that the Council may require a slightly higher housing requirement than currently proposed and this may impact on the Council's HPS. The Planning Policy team are presently working on establishing whether there is a need to identify an amended figure. Even if it remains the case that the Council considers that it can still identify a five year housing requirement, in the absence of an adopted Local Plan or formally adopted

land allocations, this is not an NPPF compliant 5 year housing supply. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site.

- 9.11 The replacement local plan remains at an early consultation stage and therefore, the process still has some way to progress and carries limited weight. Nonetheless, at the Craven Spatial Planning Sub Committee meeting on 3rd June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late summer 2014.
- 9.12 In Embsay the emerging minimum annual figure for development is 3 dwellings per annum to provide for 45 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that the application site was one of two preferred housing sites, Ref Nos: EM013 and EM016, the former being a site located further east along Shires Lane at the opposite side of the cricket ground. Both sites will be subject to further consultation as part of the Pre-Publication Draft Local Plan consultation to be held later this year.
- 9.13 The implication of this is that, whilst of very limited weight at the time of consideration of the current application, the site is one of two preferred sites which could potentially be brought forward for development in Embsay. It is likely that the preferred sites, if both brought forward, would be sufficient to meet the emerging housing land supply target for the village. However, this emerging policy can be given very limited weight and the Council's decision on this proposal must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.14 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted 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. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets.
- 9.15 In this case, the site falls outside any area of special environmental protection and is in a location on the edge of the existing built up area of Embsay but is adjacent to the designated Conservation Area. It is considered that the proposal is in line with the broad objectives of the NPPF in that it has economic benefits and reflects the general need and demand for housing in the area. The development would not necessarily be contrary to the spatial vision for the village and District in the emerging local plan, but for the reasons outlined above this is considered to be of limited weight given the status of the emerging spatial vision. In conclusion, having regard to the advice in the Framework, taken overall the proposal is considered to be acceptable in principle.
- 9.16 In coming to the above view it is noted that the application site lies outside the existing development limits of Embsay and therefore Saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development. It restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposals; clearly benefit the rural economy; help to maintain or enhance landscape character; are essential for the efficient operation of agriculture or forestry; or essential to the needs of the rural community.
- 9.17 This proposal is for the development of some 0.98 ha which cannot be considered small scale and, therefore, fails to accord with Saved Local Plan Policy ENV1. However, the NPPF's presumption in favour of sustainable development, and the need to demonstrate a NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.

- 9.18 In conclusion, it is considered that the proposal is acceptable in terms of the principle of development and matters of housing land supply.
- Affordable housing provision:
- 9.19 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more.
- 9.20 Although an outline application and therefore subject to reserved matters approval it is proposed that the development would yield approximately 33 dwellings. It is proposed to provide 40% affordable units in line with the Council's affordable housing policy equating to 13 affordable properties comprised of 60% two-bedroom houses with the remainder being a mix of 1 bed houses or flats and 3 bedroom houses. Tenure of the affordable properties would be split around 75% affordable rent to 25% affordable sale (starter homes).
- 9.21 The Strategic Housing Market Assessment (SHMA) 2011 provides evidence of the affordable housing need in the District, and identifies a need in Embsay with Eastby Ward for 17 affordable homes over the 5 year period (2011-2016) for which the SHMA is valid. To date no affordable homes have been delivered within this Ward.
- 9.22 The provision of these 13 affordable homes will therefore go some way towards meeting the identified need. The mix is in accordance with the SHMA which states that there is greater need for 1 and 2 bed homes within the Craven District. However, the SHMA also recognises that there is a need to meet growing families and therefore the provision of 3 bed homes is also a requirement. Notwithstanding, the mix provided for on this scheme is in line with the SHMA findings.
- 9.23 This proposal should provide a significant number of affordable units on the application site to meet affordable housing needs and this contribution is a material consideration. It should be noted that other schemes have recently been submitted in Embsay that if implemented could make a contribution to affordable housing for the Embsay with Eastby Ward. However, this is not a reason to dispense with the requirement for affordable housing on this site. The other schemes have yet to be considered and ultimately may not be delivered. Should it transpire at a later date that the affordable home requirement for the Ward has been met then it would be possible for the Local Planning Authority to enter into discussions with the developer at a later date, possibly at reserved matters stage, with a view to securing a commuted sum in lieu of on-site provision.
- 9.24 It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.
- The impact on the character and appearance of the area:
- 9.25 The site on which the development is proposed is a sloping field that lies adjacent to existing development that runs partially along the southern side of Shires Lane and is adjacent to the edge of the Conservation Area.
- 9.26 The Embsay with Eastby Conservation Area was designated in June 1986 and the land south of Shires Lane was referred to in a Conservation Area Assessment produced in October 1997 which identified the large area of undeveloped frontage as '*a particularly valuable feature important to the character of the village*'. Notwithstanding, the land was not incorporated within the Conservation Area despite being under consideration when the original designation took place and therefore its value must be assessed on its wider landscape value and proximity to the Conservation Area rather than being a heritage asset in its own right.
- 9.27 In terms of the historic environment the NPPF sets out the broad policy requirement that the significance of any heritage asset that may be affected by development should be identified, in this case the nearby Embsay with Eastby Conservation Area, and that development should not result in any adverse impact upon that significance. Whilst the open spaces surrounding the village centre certainly contribute to its overall character it is debateable whether development in the location proposed would result in an adverse

impact that would affect the significance of the Conservation Area to an unacceptable degree.

- 9.28 Whilst the emerging preferred sites for consultation are of very limited weight it is the case that the site is presently under consideration for potential allocation as a housing site in the emerging Local Plan. This provides some indication that the potential impact is considered to be limited and less intrusive than other sites that have been under consideration as part of the SHLAA process and are within the Development Limits of the village.
- 9.29 In this case the site is on the edge of the settlement and, although only indicative plans are submitted at this time and therefore there is no detailed layout for consideration, it is possible for a development to be provided that would have an acceptable impact. With regards to the proximity to the Conservation Area and the potential for impact on its setting, it is considered that a suitably designed housing development could be provided that would be complimentary to the surrounding housing and maintain some openness in the wider street scene. Consequently, it is not considered that development of the site, subject to submission of acceptable details at reserved matters stage, would potentially affect the significance of the heritage asset to an unacceptable degree.
- 9.30 There are a small number of trees located on the highway verge sited alongside the drystone wall that fronts onto the site. These trees are not protected by a preservation order (and as they are located outside of the conservation area they are not protected by other means). Some of the trees on the northern side of Shires Lane are specifically protected by preservation orders, but those protected trees are better specimens and make more contribution to the amenity of the area than the trees on the south side of Shires Lane. The application does not specifically indicate the removal of these trees, however it is possible that achieving the visibility splays at the site access would result in the removal of possibly 1 or 2 of the easternmost trees. These are the trees of the least significance that are located on the southern side of Shires Lane and Officers are of the opinion that if necessary there loss would be acceptable.
- 9.31 Overall, it is considered that the proposal to develop the site for housing is acceptable and could potentially be designed in a way that could be compatible with the character of the area as required under Saved Local Plan Policy ENV2 and the broader policies set out in the NPPF.
- Highways issues:
- 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 arising from the volume of traffic parking on Shires Lane and in particular the on-street parking generated by cricket and football matches. In planning terms such congestion would not occur at a frequency that would provide justification to refuse

planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road does not in itself mean that the road is impassable provided vehicles are not parked illegally and causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.

- 9.36 At the request of NYCC Highways the applicant's have agreed to provide a footpath link that would connect the site to a crossing point adjacent to 5 East Lane. It is proposed to attach a condition to require provision of the footpath subject to submission of full details for approval at the reserved matters stage.
- 9.37 It is considered that there are not sufficient grounds to refuse planning permission over matters of highway safety.

Drainage and flood risk:

- 9.38 Local residents have expressed concern about the ability of the site to be drained both with respect to surface water and foul drainage although the site is not identified as being within a flood plain or an area of flood risk.
- 9.39 The Flood Risk Assessment submitted with the application states that surface water is to be disposed of to a watercourse lying approximately 200m to the southeast of the site at a green field runoff rate of 5 litres per second per hectare. It is envisaged that a suitable surface water drainage scheme could be provided based on Sustainable Urban Drainage principles and no specific objections to the proposal have been made by the Council's Environmental Health team or the EA with respect to surface water drainage. YW's comments with respect to surface water drainage are that the sewerage network does not have the capacity to accommodate surface water drainage and therefore discharge of this water to a nearby watercourse would seem to be an appropriate way forward. It is therefore considered that a suitable drainage scheme could be agreed and secured by condition.
- 9.40 With regards to foul water the FRA states that a separate foul water system should be provided discharging either to the combined sewer on the site or in Shires Lane adjacent to the site. Yorkshire Water has indicated there are combined sewers in the vicinity that could accept the discharge. If approved an appropriate condition is required to ensure a suitable means of drainage be agreed with the relevant authorities prior to development taking place.
- 9.41 Notwithstanding the above there are technical objections from Yorkshire Water as there is an easement for a sewer that crosses the site and would potentially be impinged upon by the proposed development. Whilst this clearly presents a problem it could be resolved by re-routing of the sewer although in the absence of a detailed layout it is not clear that encroachment would actually occur. Alternatively, as the layout shown is indicative only the layout of the final scheme could be amended to ensure the easements are maintained. It is considered that a suitable condition can be attached and that this particular issue can be resolved in detail as part of a reserved matters application.

Impact on amenity:

- 9.42 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.
- 9.43 In this case the proposed housing layout is a reserved matter but it is clear that any subsequent development of the site could lie sufficiently distant from and be orientated such that there would be no significant loss of amenity to any of the existing neighbouring houses.
- 9.44 In terms of outlook, whilst there are concerns regarding the design and layout and the impact on the character of the area these issues do not impact on the amenity of the

residents of neighbouring properties sufficiently to constitute grounds for refusal of planning permission.

Other matters:

- 9.45 Saved Local Plan Policy SRC2 requires developments for 10 dwellings or more to make a contribution to public open space. The Sports Development Officer has commented that further details of the proposed open space and sports provision would need to be submitted for consideration at reserved matters stage (this would also include requiring further details of the offer to provide an additional football pitch). Alternatively the SDO comments that in the absence of on-site provision an off-site contribution in the form of a commuted sum would need to be provided. In either case it is considered that the policy requirements in respect of open space can be met and that it is appropriate to agree the details of this element of the scheme, including the means by which the open space would be maintained, at reserved matters stage.
- 9.46 Objections to the proposal state that the land is of agricultural value. The land is not identified as being of sufficient agricultural quality to justify its retention for that purpose and this matter therefore is not a reason to refuse the application.
- 9.47 Construction traffic, noise and disturbance to residents have been raised as a concern. These matters typically are issues that would be dealt with under Environmental Health legislation should they arise during the construction phase of development and do not provide grounds to refuse planning permission. Similarly, the storage of waste materials and provision for recycling on the site are matters that would be dealt with either by condition or at reserved matters stage and are not grounds to refuse this particular application.
- 9.48 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is nearby and accessible to residents. With regards to the local school CDC has received no request from the NYCC Education Authority for a financial contribution.
- 9.49 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective opinion which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent.
- 9.50 There are criticisms of the ecological report accompanying the planning application as well as claims that there are protected species present on the application site. The ecological appraisal undertaken by Envirotech on behalf of the applicants is considered to be professionally competent and it is accepted that there is no evidence of any protected species present on the site. Notwithstanding it is proposed to attach an informative to any approval of planning permission to address the legal requirements should any protected species be found to be present on the site.
- 9.51 Comments have been made regarding the proximity of a landfill site. The application site does not lie within any exclusion zone or identified area that would be prone to contamination from landfill gas. Moreover, CDC Environmental Health has confirmed that there are no concerns regarding this particular matter.
- 9.52 Finally, objections have been made on the grounds of incompatible land uses being within close proximity of each other. Specifically, the proposed housing is seen to be inappropriate in close proximity to the cricket field and allotment gardens. It is not uncommon to find such uses in close proximity and it is not considered that such uses are mutually exclusive, and that therefore there would be no basis for a refusal of planning permission over this issue.

10. Recommendation

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

Conditions

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-

- (a) appearance;
- (b) landscaping;
- (c) layout; and
- (d) scale

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

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

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

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

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

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights, proposed measures to reduce noise disturbance for occupiers of the development from the adjacent railway, and proposed measures to prevent trespass onto the adjacent railway. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated June 2013 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

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

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

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

6. 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.

7. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

8. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within the 5m easement either side of the centre line of the water main that crosses the site.

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

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

The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

10. 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.

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.

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

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays

- (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

Informative:

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

Reason: In accordance with Saved policy T2 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

Reason: In accordance with policy number and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason: In the interests of highway safety.

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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) 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.
 - (iv) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

15. No part of the development shall be brought into use until the existing access on to Shires Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Informative:

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Reason: In the interests of highway safety.

16. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres looking east measured along both channel lines of the major road Shires Lane from a point measured 37 metres looking west down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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

18. 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 required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Footway between site and new crossing point near 5 East Lane, including crossing point.

Reason: In accordance with policy number and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

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

Footway between site and new crossing point near 5 East Lane, including crossing point.

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

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

other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (i) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (vi) loading and unloading arrangements.

Informative:

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk.

Reason: In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

21. During construction works there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7.30 – 18.00 on Mondays to Fridays and 7.30 – 13.00 on Saturdays.

Reason: In accordance with policy number and to avoid conflict with vulnerable road users.

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

Reason: In accordance with policy number and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

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

commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

3. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

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**

*WEST CRAVEN
25/2014/14544*

*CONSTRUCTION OF NEW OFFICES AND SHOWROOM ON SITE OF
FORMER WORKSHOPS*

STATION YARD, ELSLACK LANE, ELSLACK.

APPLICANT NAME: J BROOKSBANK LIMITED

TARGET DECISION DATE: 02/06/2014

CASE OFFICER: Mark Moore

The application has been referred to Planning Committee and a site visit requested by Councillor Mason in view of the level of local concern about traffic generation and the impact on the village.

1. Site Description

- 1.1 The site to which this application relates is located along Elslack Lane to the south of the Tempest Arms Public House. To the north of the site is a row of semi-detached dwellings which are known as Burwain Castle Road. The former Midland Railway track bed runs immediately adjacent to the north side of the site and there is an existing commercial building with associated parking area located immediately to the north-east of the site.
- 1.2 The site previously had workshop buildings located on it which have now been demolished and the site is vacant.
- 1.3 The application site is located outside of development limits in an area of open countryside and has an access to the south onto Elslack Lane that is shared with the existing commercial unit to the north-east.

2. Proposal

- 2.1 This application seeks permission for the construction of a portal framed building measuring 72m x 12m and 4.7m in height. The building would be finished with natural cedar boarding with tinted glazing in aluminium frames, dark grey louvres, and a grey profiled steel roof which is slightly curved in profile.
- 2.2 The application is a re-submission of an application that was granted permission in 2001 and renewed in 2006 but is no longer extant.
- 2.3 The proposed building would be located towards the southern site boundary and it is proposed to set out 37 car parking spaces adjacent. The existing access to the site would be used.
- 2.4 It is proposed to incorporate new tree and shrub planting across the northern edge of the site.
- 2.5 Internally the building would be split into separate areas comprised of two offices (360m² and 216m²) and a showroom (288m²).
- 2.6 The applicant's agent has confirmed that the building is intended for use by Brooksbank Ltd. who specialise in the production and sale of leather, plastic and other associated equestrian goods. The agent has also advised that Brooksbank Ltd have had a similar facility in Walsall which is now closed and have until recently run Embsay tannery.

3. Planning History

- 3.1 5/25/16/B: Construction of rural workshop storage units and new access road. Approved November 1998.

- 3.2 25/2000/16/C: Approval of details for the above proposal.1998
- 3.3 25/2000/759: Change of use of building and land to storage and distribution of plastic products in connection with agriculture, horticulture and the leisure industry. Approved November 2000.
- 3.4 25/2001/1313: Demolition of existing workshops, stores and retail showroom and offices and construction of new offices and retail showroom. Approved August 2001.
- 3.5 25/2006/6441: Renewal of 25/2001/1313. Approved July 2006.
- 3.6 25/2011/11836: Prior notification of proposal for the demolition of block fibre cement buildings. Details acceptable July 2011.
- 3.7 25/2013/14024: Use of land for 54 storage containers (self serve) Class B8. Refused December 2013.
- 3.8 25/2014/14545: Construction of warehouse extension. Undetermined.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework and the National Planning Policy Guidance.
- 4.2 Saved Local Plan Policies:
- ENV1: Development in Open Countryside.
- ENV2: Requirements for Development in the Open Countryside.
- EMP5: New Employment Development outside Development Limits and Established Industrial Areas (Excluding Conversions).
- EMP6: Extensions to Existing Employment Uses.
- T2: Road Hierarchy.
- T7: Protection of Track Beds.
5. Parish/Town Council Comments
- 5.1 The comments of the Parish Council were not received at the time of compiling this report.
6. Consultations
- 6.1 **CDC Environmental Health:** The building is sited on former railway land, which has the potential to be contaminated due to this former use. The land was part of a running line. This is likely to be less contaminated than sidings or engine shed areas. As the proposed development will cover the land with the building or hard standing and the use will be non-residential, the site is classed as low risk from a contaminated land point of view. Therefore, it is reasonable to not apply the requirement to do a risk assessment.
- It is recommended that a clause be attached requiring the developer to notify the authority should any contamination be found during the demolition/construction work so that remedial measures can be assessed at that time.
- Environmental Health have raised no concerns with respect to the proposed drainage solution.
- 6.1 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to visibility splays and retention of the proposed car parking spaces.
- 6.2 **Yorkshire Water:** YW note that foul drainage would be to an existing private treatment plant and advise that no comments are required.
- 6.3 **Environment Agency:** State that they have no objection. They comment that a non mains drainage solution is proposed for managing foul drainage, but as the site is in a low sensitivity water environment they do not wish to make detailed comments. They

recommend that the proposal complies with DETR Circular 3/99 which sets out the requirements for development that is served by non-mains drainage.

6.4 **Officer Note:** The advice within Circular 3/99 has been deleted and replaced by the new National Planning Policy Guidance (nPPG). This issue is addressed in more detail later in the report.

7. Representations

7.1 Nine responses have been received commenting on the proposal and the issues raised are summarised as follows:

- Increased traffic and associated noise and disturbance.
- Narrow unlit road is unsuitable for increased traffic.
- Concerns about pedestrian safety including school children
- Access to the site from the A56 is dangerous.
- Water run-off along Elslack Lane causes a hazard to road users and is a problem that needs to be rectified.
- Sewage will not be adequate for such a large number of personnel as indicated by the number of car parking spaces.
- Water supply is a spring fed village supply and may not be adequate.
- Loss of privacy and noise.
- Increased risk of crime.
- Loss of light and views.
- Density of the building is completely out of keeping with its surroundings and will be harmful to the character of the area.
- Loss of visual amenity.
- Building is in an isolated location and there is no detail in application of proposed security measures.
- It's not clear who will use the building.

8. Summary of Principal Planning Issues

8.1 Land use/principle of development.

8.2 Residential amenity.

8.3 Highway issues.

8.4 Drainage.

9. Analysis

Land use/principle of development

9.1 The application site is located in open countryside outside of development limits. The buildings that were formerly on the site have been removed but for the purposes and definitions in the NPPF it is considered that the site is brownfield land with large areas of hardstanding that served the former buildings. The site is fenced off and unused, but is not despoiled, degraded or derelict (to which paragraph 109 of the NPPF refers and recommends remediation of such land where appropriate)

9.2 The NPPF supports economic growth in rural areas in order to create jobs and prosperity (paragraph 28). It supports the sustainable growth and expansion of all types of business and enterprise in rural area both through conversion of existing buildings and well designed new buildings.

- 9.3 The site is in an isolated unsustainable location in the countryside that would rely on the use of the car or other vehicle to access it but is nevertheless previously developed that has a recent history of approvals for commercial development that includes the building currently proposed (for which approval was renewed in 2006). Although no longer extant, the previous planning permissions are material to the consideration of this application and there are no significant changes to national planning policy arising from the introduction of the NPPF that would now justify refusal of planning permission.
- 9.4 In coming to the above view it has been necessary to acknowledge that the site is not as accessible or sustainable as other commercial development sites but this factor has to be weighed against the requirement under the NPPF to encourage the effective use of land that has been previously developed provided that land is not of high environmental value. It is also noted that the site is located adjacent to an existing commercial premises and the proposed use of the associated land that comprises the current application site for the same purpose is therefore justified.
- 9.5 In addition to the above it is also necessary to consider Saved Local Plan Policy T7 which seeks to protect the disused trackbeds and existing infrastructure of disused railways, in this case the former Skipton-Colne railway line.
- 9.6 The justification to the policy outlines that where there is potential for disused railway trackbeds or infrastructure to be put to use as future transport routes or for recreational use then they should be protected. It is also acknowledged however that much of the Skipton-Colne line has been altered and in some areas built on thereby restricting access to its entire length.
- 9.7 In this particular case the proposed building would be sited further from the track bed than the buildings that were demolished and would also lie parallel to the existing building to the east behind the line of the original track bed although the proposed car parking area would be located on the track bed itself.
- 9.8 The Council has been informed that objections have been raised to the proposed extension to the neighbouring building that is currently under consideration (Ref: 25/2014/14545). The objection is on the grounds that the rail track is subject to a Transport & Works Act under Parliamentary powers and controls which the Council has been informed would prohibit development as part of proposals to re-open the railway line between Skipton and Colne. The line of the rail track to which Policy T7 relates, and presumably the same legal restriction, also extends across this application site and therefore is considered to be of relevance.
- 9.9 It is not considered that a refusal of planning permission could be sustained on the basis of Policy T7. In coming to this view it is necessary to consider that in this case the proposed building does not encroach upon the track bed and would lie behind the line of the buildings that were previously on site. Notwithstanding that the proposed car parking area would encroach it is the case that Policy T7 was adopted in 1999 and therefore in force and not considered grounds to refuse planning permission when this development was originally approved in 2001 and subsequently renewed in 2006. In terms of the application of the policy therefore there have been no changes in the planning circumstances that would warrant the Council coming to a different view. With regards to the Parliamentary Act that has been referred to this is not a matter that is justification in itself for refusing planning permission.
- 9.10 Nevertheless, it is proposed that an informative be added to any planning approval to advise the developer that planning permission does not override any legal restrictions on the land that may prohibit its subsequent development

Residential amenity

- 9.11 This particular issue has been taken into consideration when previous planning applications have been determined by the Council. In this case the relationship of the building to the neighbouring residential properties is the same as previously proposed and approved and there are no locational factors or significantly altered circumstances that

would justify the Council coming to the view that loss of amenity would now arise from the current proposals.

- 9.12 Although not expressed in writing, concerns have been expressed by objectors to the proposal regarding the intended use of the building and potential for the site to develop into a retail park. The proposals indicate use of part of the building for an ancillary showroom with the majority of the floor space being used for offices. It is considered that the showroom element of the scheme is acceptable provided it remains ancillary to the principle use of the building as commercial office space. A restrictive condition is proposed to ensure that the showroom space/retail sales area remains purely as an ancillary area to the primary commercial use of the building.
- 9.13 In addition to the above, given the absence of any suggested hours of opening in the application a condition to control the operating times of the building is recommended. It is also proposed to attach a condition to require the prior approval of any lighting on the site.
- 9.14 On balance it is not considered that the proposal would give rise to a loss of amenity to the neighbouring residential properties to a significant extent that would warrant refusal of planning permission.

Visual Impact

- 9.15 The building is large, but is appropriately designed for its purpose, the site and surroundings. The use of cedar board cladding is considered to be an appropriate design solution given the rural location of the building. The proposal is therefore considered to be acceptable with respect to its impact on the character and appearance of the area.

Highway issues:

- 9.16 The Highway Safety position is complex and it is necessary to consider this proposal in the light of the previous planning approvals and any changes that may have been brought about following the publication of the NPPF in 2012.
- 9.17 It is understood that with respect to the 2001 identical planning application proposal that NYCC Highways Authority did not originally object. However they stated that floor layout figures would be necessary to calculate an acceptable traffic trade off for the proposed development. Figures were subsequently provided to show an increase from 780 square metres of business space to 864 square metres. On receipt of these details NYCC Highways Authority recommended refusal on the grounds of unacceptable visibility. However, this objection was not supported by CDC's Planning Committee. In response to the 2006 renewal planning application NYCC once again objected, but the Planning Authority again approved the application. Essentially it was considered that whilst the junction from the site to the adjacent Elslack Lane did not meet the recommended visibility levels, the lane was lightly trafficked and the junction served an existing employment site the use of which would not be dramatically increased by the proposal.
- 9.18 Highway safety and access remain material planning considerations, but notwithstanding the introduction of the NPPF there are no new policy restrictions that would suggest any new planning requirements in relation to this issue that would restrict this particular development. The proposed building, access and parking arrangements are as previously approved and there are no significant changes proposed that would now suggest that the planning authority should reach a different conclusion in terms of highway safety/access issues. The showroom element of the proposal would generate vehicular movements to and from the site, but the ancillary nature of this use is not considered likely to result in excessive traffic or visitors to the site to an extent that would warrant refusal of planning permission.
- 9.19 With respect to the current views of the Highway Authority, on this occasion they have not objected but have requested the creation of visibility splays to the site entrance that would result in the loss of roadside trees and vegetation and the removal of a roadside wall and a former railway abutment wall. The creation of the splay is likely to require significant engineering works to the roadside wall and banking, these works were not a requirement of

earlier permissions and it is not considered that the condition recommended by the Highways Engineer can be justified.

Drainage

- 9.20 There are no mains drainage connections available for the disposal of foul drainage and the application proposes a connection to an existing private water treatment plant that already serves the site. In the absence of mains drainage such a solution is regarded as the best alternative. However, no details are provided on the ability of the existing private water treatment plant to accommodate drainage from the site and it therefore seems necessary to require this information, along with details for disposing of surface water, prior to the commencement of development.

Other Issues

- 9.21 Concerns have been raised about the water supply to the building, but this is a matter that the developer will inevitably have to resolve and it should be noted that buildings on this site previously existed and the Council itself has previously approved this proposal and did not consider this to be an unsurmountable problem. The development is not considered to be inappropriately designed with respect to the risk of crime and concerns raised about the loss of a view are not a material planning consideration.

10. **Recommendation**

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

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with Drawings 1445.2 received by the Local Planning Authority on 7th April 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
Reason: To specify the permission for the avoidance of doubt.
3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing 1445.2 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
4. Prior to the development first being brought into use a scheme and programme for the lighting of the site shall be submitted to and be agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
5. A detailed scheme of landscaping for the north-west boundary of the site shall be submitted to the Local Planning Authority for approval in writing before any of the development hereby approved is carried out. The scheme shall indicate the type, species and numbers of trees and the approved scheme shall be carried out during the first available planting season following the completion of the new building. Any trees dying within 5 years of planting shall be replaced with a similar species of tree planting.

Reason: In the interests of visual amenity.

6. Prior to the use of the building hereby approved a schedule of the proposed hours of opening of the building shall be submitted to and approved in writing by the Local Planning Authority.

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

7. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'.

8. No extractor fans or ventilation outlets of any kind shall be installed within the external walls of the building hereby approved unless their specifications have first been submitted to and approved in writing by the Local Planning Authority to full details of any such proposals.

Reason: In order to protect the amenity of the occupiers of neighbouring residential properties.

9. Those areas of the building hereby approved shown for office use shall be restricted to office use as defined within class B1 of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed showroom area shall remain ancillary to the principal use of the building as office accommodation.

Reason: The use of the building for purposes other than those approved may be considered unacceptable to the Local Planning Authority.

10. The development shall not begin until details of both foul and surface water drainage details, including if appropriate information on the ability of existing private water treatment plant to accommodate foul drainage from the development proposal, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the site is appropriately drained.

Informative:

This permission refers only to that required under the Town and Country Planning Acts and does not override any other permissions that may be required to undertake the development granted approval or any legal restrictions that may prevent development from taking place.

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**

*WEST CRAVEN
25/2014/14545*

CONSTRUCTION OF WAREHOUSE EXTENSION

BROOKSBANK INDUSTRIES LTD STATION YARD ELSLACK SKIPTON

APPLICANT NAME: BROOKSBANK INDUSTRIES LTD

TARGET DECISION DATE: 02/06/2014

CASE OFFICER: Mark Moore

The application has been referred to Planning Committee and a site visit requested by Councillor Mason in view of the level of local concern about traffic generation and the impact on the village.

1. Site Description

- 1.1 The site to which this application relates is located along Elslack Lane to the south of the Tempest Arms Public House. To the north of the site is a row of semi-detached dwellings which are known as Burwain Castle Road. The former Midland Railway track bed runs immediately adjacent to the north side of the site.
- 1.2 The site has an existing workshop/office building located on it which comprises of a portal framed structure with profiled cladding to the exterior. There is an existing access road onto Elslack Lane serving the site and there is a parking area situated to the north-west side of the building.
- 1.3 The application site is located outside of development limits in an area of open countryside but is on a site that has a lawful use for commercial purposes.

2. Proposal

- 2.1 Permission is sought for the erection of a warehouse extension that would be attached to the north-east elevation of the existing building.
- 2.2 The proposal is effectively a re-submission of an application for the same warehouse extension that was granted planning permission in 2009 (Ref: 25/2008/9302).
- 2.3 The extension would measure 33.9m x 10.2m with a mono-pitched roof approximately 9m in height. The building would be finished with grey coloured profiled steel sheeting to match the existing building. The building would have sectional overhead doors to the south-west elevation and a single service door to the south-east but would otherwise be completely enclosed.
- 2.4 Parking provision on the site would be 14 spaces in total which it is stated would be an increase of 5 over the existing layout. In addition it is stated there is provision for 2 light goods/public carrier vehicles.
- 2.5 The proposed extension would be located in the easternmost corner of the site where it would lie adjacent to existing banking and retaining walls on the south-east and north-east site boundaries.
- 2.6 In a supporting letter from the applicant's agent it is explained that the purpose of the new building is to accommodate a travelling crane which cannot be installed within the existing building. The crane would facilitate the delivery of incoming and outgoing rolls of material that are too heavy to handle by hand. With this in mind the proposed warehouse is arranged with two goods doors facing the service area to enable loading/unloading directly from a wagon.

3. Planning History
 - 3.1 25/2000/759: Change of use of building and land to storage and distribution of plastic products in connection with agriculture, horticulture and the leisure industry. Approved November 2000.
 - 3.2 25/2000/930: Construction of office extension and change of use of workshop to leather finishing. Approved March 2001.
 - 3.3 25/2008/9302: Construction of warehouse extension. Approved February 2009.
 - 3.4 25/2014/14544: Construction of new offices and showroom on site of former workshops (on adjoining site). Undetermined.
4. Planning Policy Background
 - 4.1 The National Planning Policy Framework and the National Planning Policy Guidance.
 - 4.2 Saved Local Plan Policies:
 - ENV1: Development in Open Countryside.
 - ENV2: Requirements for Development in the Open Countryside.
 - EMP6: Extensions to Existing Employment Uses.
 - T2: Road Hierarchy.
 - T7: Protection of Track Beds.
5. Parish/Town Council Comments
 - 5.1 No comments were received from the Parish Council at the time of compiling this report.
6. Consultations
 - 6.1 **CDC Environmental Health:** The building is sited on former railway land, which has the potential to be contaminated due to this former use. The land was part of a running line. This is likely to be less contaminated than sidings or engine shed areas. As the proposed development will cover the land with the building or hard standing and the use will be non-residential, the site is classed as low risk from a contaminated land point of view. Therefore, it is reasonable to not apply the requirement to do a risk assessment.
It is recommended that a clause be attached requiring the developer to notify the authority should any contamination be found during the demolition/construction work so that remedial measures can be assessed at that time.
EH has raised no concerns with respect to environmental protection.
 - 6.2 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to visibility splays and retention of the proposed car parking spaces.
 - 6.3 **NYCC Archaeology:** The development has no known archaeological constraint.
 - 6.4 **Yorkshire Water:** YW note that foul drainage would be to an existing private treatment plant and advise that no comments are required.
 - 6.5 **Environment Agency:** State that they have no objection. They comment that a non mains drainage solution is proposed for managing foul drainage, but as the site is in a low sensitivity water environment they do not wish to make detailed comments. They recommend that the proposal complies with DETR Circular 3/99 which sets out the requirements for development that is served by non-mains drainage.
 - 6.6 **Officer Note:** The advice within Circular 3/99 has been deleted and replaced by the new National Planning Policy Guidance (nPPG). This issue is addressed in more detail later in the report.

7. Representations

7.1 Nine responses have been received commenting on the proposal and the issues raised are summarised as follows:

- Increased traffic and associated noise and disturbance.
- Narrow unlit road and site entrance is unsuitable for increased traffic.
- Noise, fumes and smells etc. may affect the local community.
- Concerns about pedestrian safety including school children
- Access to the site from the A56 is dangerous.
- Water run-off along Elslack Lane causes a hazard to road users and is a problem that needs to be rectified.
- Sewage will not be adequate for such a large number of personnel as indicated by the number of car parking spaces.
- Water supply is a spring fed village supply and may not be adequate.
- Loss of privacy and noise.
- Increased risk of crime.
- Loss of light and views.
- Scale of the building is completely out of keeping with its surroundings and will be harmful to the character of the area.
- Loss of visual amenity.
- Encroachment onto protected track bed of the Skipton-Colne railway line.

8 Summary of Principal Planning Issues

8.1 Principle of development and impacts of the proposal

9 Analysis

Principle of development and impacts of the proposal:

9.1 The application site is located in open countryside outside of development limits but is an established commercial site and it is therefore appropriate to assess the proposal against the criteria laid out in Saved Policy EMP6.

9.2 Policy EMP6 allows for the extension of existing employment premises irrespective of whether they are located in a built or rural environment and the policy is broadly consistent with the NPPF which is supportive in principle of economic growth in rural areas in order to create jobs and prosperity. It is therefore concluded that there are no objections to the principle of the development.

9.3 A key consideration here is that planning permission has previously been granted for the proposed extension in 2009 (Ref: 25/2008/9302). Whilst this permission is no longer extant it is nevertheless material to consideration of this application and a refusal of the current application would be difficult to justify unless there has been some significant change either in the site conditions and its surroundings or in planning policy. No changes have occurred to the site and its relationship to the surroundings. It is necessary therefore to consider the application against current planning policy and determine whether there have been any changes that would warrant the Council changing its decision on the acceptability of the scheme.

9.4 In addition to the above it is necessary to consider Saved Local Plan Policy T7 which seeks to protect the disused trackbeds and existing infrastructure of disused railways, in this case the former Skipton-Colne railway line.

- 9.5 The justification to the policy outlines that where there is potential for disused railway trackbeds or infrastructure to be put to use as future transport routes or for recreational use then they should be protected. It is also acknowledged however that much of the Skipton-Colne line has been altered and in some areas built on thereby restricting access to its entire length.
- 9.6 In this particular case the proposed building would be sited across the line of the track bed. The Council has received objections on the grounds that the rail track is subject to a Transport & Works Act under Parliamentary powers and controls which the Council has been informed would prohibit development as part of proposals to re-open the railway line between Skipton and Colne.
- 9.7 It is not considered that a refusal of planning permission could be sustained on the basis of Policy T7. In coming to this view it is necessary to consider Policy T7 was adopted in 1999 and therefore in force and not considered grounds to refuse planning permission when this development was originally approved in 2009. In terms of the application of the policy therefore there have been no changes in the planning circumstances that would warrant the Council coming to a different view. With regards to the Parliamentary Act that has been referred to this is not a matter that is justification in itself for refusing planning permission.
- 9.8 Nevertheless, it is proposed that an informative be added to any planning approval to advise the developer that planning permission does not override any legal restrictions on the land that may prohibit its subsequent development
- 9.9 Both the NPPF and the saved local plan policy require the Council to be mindful of the potential impacts of allowing extensions to existing industrial and/or business premises. More specifically, Saved Policy EMP6 states that extensions are only permissible where they;
- Are of a scale and type appropriate to the locality that would not unacceptably alter the appearance or character of the surrounding area.
 - Are of a good standard of design that blends into the locality in terms of design, siting and materials.
 - Do not have an unacceptable effect on neighbour and/or residential amenity.
 - Will not create highway safety issues.
 - Do not adversely affect historic buildings, buildings of architectural interest or sites of conservation value or archaeological importance.
 - Incorporate high quality landscaping, where appropriate.
- 9.10 In terms of long distance views and the wider impact of the proposal it is considered that the extension, which would be largely screened from view to the south and seen in the context of the existing building from other directions, would not have a significant visual impact and is acceptable. The scale is proportionate to the existing building and is reflective of the character of the area generally which, although predominantly rural, nevertheless includes the established commercial development. In view of this the proposed extension would not unacceptably alter the appearance or the character of the area.
- 9.11 The design of the extension and use of materials are compatible with the existing building and are considered to be acceptable.
- 9.12 The application site is raised above the ground levels of the neighbouring residential properties at Burwain Castle Road lying to the south and east. The site faces towards the rear elevations of the houses and there is an overall interface distance of approximately 30m between the nearest of the residential properties (no.6) and the proposed extension. In terms of visual impact there is no question that the proposed extension would be visible to the residents of the neighbouring houses. Equally, the extension would be visible from long distance views to the north-west along Elslack Lane, as is the current building. Nevertheless, the issue is whether or not the proposed extension would represent a significant intrusion into the visual amenity of the existing housing that would warrant refusal of planning permission

either in terms of being harmful to the character and appearance of the area, or unacceptably impacting on the residential amenities of the occupiers of adjoining residents.

- 9.13 It is considered that as the extension would be sited at an oblique angle with fairly wide separation from the nearest of the residential properties and is an extension of an existing, highly visible structure, the visual impact would not be to an extent that would justify refusal of planning permission. In coming to this view the outlook to the housing has been assessed in the context of the existing building and the scale and location of the extension is not considered to be inappropriate or unduly intrusive.
- 9.14 Some concerns have been raised regarding the potential for the proposed extension to give rise to a loss of amenity to the neighbouring properties as a result of increased activity, noise and fumes. No objections have been raised by the Council's Environmental Health Officers regarding potential impacts on the neighbouring houses and NYCC highways has not commented that increased vehicle activity at the site would be an issue. On balance it is considered that there would be no justification to refuse planning permission for the proposed extension on the grounds of amenity.
- 9.15 The proposed extension is for 330m² of warehousing and the installation of an overhead crane. The extension would enable the existing business to operate in a more efficient manner and it is arguable that delivery of larger loads of raw materials would potentially reduce the overall number of trips to the site by delivery vehicles and the potential activity on the site. More specifically, there have been no changes to the application or the purpose of the warehouse extension from the previous approval that would warrant a refusal of permission of this application.
- 9.16 With respect to the current views of the Highway Authority, on this occasion they have not objected but have requested the creation of visibility splays to the site entrance that would result in the loss of roadside trees and vegetation and the removal of a roadside wall and a former railway abutment wall. The creation of the splay is likely to require significant engineering works to the roadside wall and banking, these works were not a requirement of earlier permissions and it is not considered that the condition recommended by the Highways Engineer can be justified.
- 9.17 There are no issues with this application in relation to archaeological or heritage assets.
- 9.18 It is noted that the previous planning permission was granted on condition that screen planting be incorporated along the northern boundary wall. It is considered that this remains a justifiable condition as it would help to minimise the visual impact of both the existing building and the proposed extension on the neighbouring properties and wider landscape.

10 Recommendation

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

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from 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 Drawing 2141.1 received by the Local Planning Authority on 7th April 2014. 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. The materials to be used in the construction of the external surfaces of the extensions hereby approved shall match those of the existing building.
Reason: In the interests of visual amenity.

4. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing 2141.1 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

5. Prior to the development first being brought into use a scheme and programme for the lighting of the site shall be submitted to and be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

6. A detailed scheme of landscaping for the north boundary of the site shall be submitted to the Local Planning Authority for approval in writing before any of the development hereby approved is carried out. The scheme shall indicate the type, species and numbers of trees and the approved scheme shall be carried out during the first available planting season following the completion of the new building. Any trees dying within 5 years of planting shall be replaced with a similar species of tree planting.

Reason: In the interests of visual amenity.

7. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'.

8. No extractor fans or ventilation outlets of any kind shall be installed within the external walls of the building hereby approved unless their specifications have first been submitted to and approved in writing by the Local Planning Authority to full details of any such proposals.

Reason: In order to protect the amenity of the occupiers of neighbouring residential properties.

9. The use of the extension hereby approved is limited to ancillary storage and warehousing falling with Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in association with the existing business on site. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) no change in the use of the extension is permitted without the prior approval of the Local Planning Authority.

Reason: The site is adjacent to residential property and uses outside of those specified by the condition may give rise to a loss of amenity.

10. No operations that would involve the tanning of leather shall be carried out on the site to which this planning permission relates.

Reason: To avoid adverse effects on the amenities of the residents of neighbouring properties.

Informative:

This permission refers only to that required under the Town and Country Planning Acts and does not override any other permissions that may be required to undertake the development granted approval or any legal restrictions that may prevent development from taking place.

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
63/2014/14604***VARIATION OF CONDITION 10 (RELATING TO THE PROVISION OF AFFORDABLE HOUSING) OF PREVIOUSLY APPROVED APPLICATION 63/2013/13748 - FOR OUTLINE RESIDENTIAL DEVELOPMENT, TO INCLUDE MEANS OF ACCESS.**LAND ADJACENT WHITE HILLS LANE AND RAIKES ROAD SKIPTON*APPLICANT NAME: R N Wooler & Co
TARGET DECISION DATE: 25/07/2014
CASE OFFICER: Roger France

This application is referred to Planning Committee under the Scheme of Delegation because the original application (63/2013/13748) was advertised as a departure from the development plan (as required by the Town & Country Planning (Development Management Procedure) Order 2010) and was considered by the Planning Committee.

1. Site Description

- 1.1 The application site comprises a triangular shaped plot of land 2.45 hectares in area, situated on the northern edge of the present built-up area of Skipton, some 2km from the town centre. The site is predominantly grassland pasture and is bounded by Raikes Road to the east, White Hills Lane to the southwest, and the A65 Northern By-pass to the north.
- 1.2 The surrounding area to the east and south is residential in character; to the west beyond White Hills Lane and to the north side of the A65 is open countryside. The site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999).
- 1.3 A public right of way crosses the west side of the site, between White Hills Lane and the by-pass. The only current vehicle access to the site is from two agricultural field gates, one on Raikes Road and one on White Hills Lane.
- 1.4 The site lies outside any areas of special environmental control and falls outside a flood risk area (i.e. is classified as Zone 1 - minimum risk).

2. Proposal

- 2.1 Outline planning permission for the development of the site for residential purposes, with all matters reserved except for the means of access (for which details were submitted) was granted conditional approval by the Planning Committee at their meeting on 27 September 2013. (Application Ref No 63/2013/13748).

- 2.2 This application seeks to amend the terms of Condition 10 of that permission which states: -

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

The scheme shall include:

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

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

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

- 2.3 The applicant's proposal is to amend the wording to permit the affordable housing to be provided off-site; i.e. elsewhere within the District (which is contrary to the thrust of the NPPF which continues to promote mixed and balanced communities, and assumes that affordable housing will normally be met on site).
- 2.4 An indicative layout plan, showing 50 dwellings, accompanied the original outline application to illustrate how the site might be developed; this suggested that 20 affordable dwellings would be provided by the development (i.e. 40%).
- 2.5 In conjunction with this suggested amendment is a revised indicative layout plan (i.e. it does not form part of the application and is for information only). Nevertheless, the effect of this is to reduce the number of suggested houses from 50 to 36, with just 6 affordable houses provided on-site rather than 20, but with a commuted sum to allow some 8 further houses to be provided off-site (although no financial evidence is provided to judge whether this provision is feasible, or that a suitable location is available).
- 2.6 The applicant's justification for the revised proposal is contained in a Planning Statement accompanying the planning application. In summary, this states that the reasons for the change are that: -
 - (a) That the revised development has the potential to lead to greater number of affordable homes.
 - (b) Public consultation (carried out in June 2013) gave feedback that lower density and larger sized dwellings would be more appropriate for the site, given the character of existing development in the locality.
 - (c) That affordable housing would be inappropriate by reason of their comparative size and increased density, and would be more appropriately located "on a previously developed site in central Skipton which has better accessibility."

However, it has to be noted that the Planning Statement provides no technical information to quantify the above assertions.

- 2.7 A separate reserved matters planning application (63/2014/14688) has been subsequently been submitted which will be consider, at a later date, the details of the layout, design, appearance and landscaping of the site, and any related amendments to vehicle access.

3. Planning History

- 3.1 63/2000/443: Outline application for residential development. The application was withdrawn on 25 October 2000 and was, therefore, not determined.
- 3.2 63/2013/13748: Outline Application for Residential Development (including means of access). Approved 7 October 2013.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF) and associated national Planning Policy Guidance (nPPG).

4.2 The Council's 'Interim Affordable Housing Policy', adopted in March 2012, which requires a 40% provision, subject to viability. This policy supersedes the former Craven District (Outside the Yorkshire Dales National Park) Local Plan Policy and is considered to be in accordance with the NPPF).

5. Parish/Town Council Comments

5.1 Skipton Town Council: "No objection. The Committee understand that whilst there is a need for executive housing in Skipton affordable housing is also required. After consideration they admit that it would be more appropriate for affordable housing to be located in other areas of town. Members accept the commuted sum provided that the planning authority do follow through on the conditions set out."

6. Consultations

6.1 **CDC Strategic Housing:** Do not support the proposals. A summary of the comments is set out below, but the full comments are attached as an appendix: -

'Off-site provision, either on another site or by commuted sums, is only permissible in national and local policy where it can be 'robustly justified'. The overriding objective of NPPF and the Council's Interim Policy, is the creation of 'sustainable, inclusive and mixed communities'. This means the integration of market housing with homes that are affordable to those living and/or working locally.

Whilst Strategic Housing does not consider there to be any justification in commuting these homes off-site, off site provision can lead to an increase in the number of affordable homes supplied, where the new site is of a lower value. This also applies if a commuted sum is agreed and used to buy houses on the second hand market in lower value areas. Any increase in affordable homes is a consideration, but commuting provision to achieve this sets a dangerous precedent. Followed through to its natural conclusion, affordable housing will end up on the lowest value sites and in the lowest value areas of the district, promoting segregation - a far cry from the objective of inclusive and mixed communities.

On balance, proposals are not supported by Strategic Housing.'

6.2 **NYCC Highways:** No objections. (Officer Note. The submitted Layout Plan is an indicative plan and not for consideration, hence the consultation with the highway authority was for information only).

7. Representations

7.1 Seventeen written representations have been received in connection with this application, twelve in support of the application and five in objection.

7.2 As regards the objections, all the representations received refer to the principle of development and object to the development itself (i.e. matters that were considered at the outline application stage). As such they do not refer to the matters material to the consideration of this application, which specifically relates to a request to amend the affordable housing provision as a variation of Condition 10 of the existing planning permission. Consequently, despite in some cases quite detailed submissions being made; these representations are not relevant to the current application and carry no weight.

7.3 Turning to the letters of support, the grounds for approval are summarised below:

- Lower density development would be more in keeping with the existing residential character of the area, and the capacity of the local road system.
- Social housing would be better sited closer and more accessible to the town centre, on 'cheaper' land (which may allow more affordable houses to be built than could be built on the application site).
- Reducing the number of houses on the site and developing is the "least worst option" and with 'executive' housing a more attractive approach to the town would be retained.

- There is a shortage of ‘executive’ housing in Skipton.
- Any revision that reduces the number of houses should be supported on traffic safety grounds.

8. Summary of Principal Planning Issues

8.1 Whether the proposed amendment to the affordable housing provision complies with national and local planning guidance.

9. Analysis

- 9.1 National Planning Policy on housing is set out in NPPF and Section 6 of the Framework states that this is designed “*to boost significantly the supply of housing*” and, in order to do this, local planning authorities should “*use their evidence base to ensure that the local plan meets the full objectively assessed needs for the market and affordable homes in the housing market area*”. The assessment of the outline application was that the proposal would assist in meeting a shortfall in the currently identified housing requirement for the District, being capable of providing high quality housing, including a beneficial provision of affordable housing of an appropriate mix to meet identified local housing needs. This assisted in justifying granting permission for the development.
- 9.2 With regard to the delivery of affordable housing Paragraph 50 of Framework identifies the need for “sustainable, inclusive an mixed communities” requiring planning for a mix of housing for the needs of all different groups in the community - including “families with children, old people, people with disabilities...”. Paragraph 50 then goes onto say that local planning authorities (where they have identified that affordable housing is needed) should “set policies for meeting this need on-site, unless off-site provision or a financial contribution or broadly equivalent value can be robustly justified (for example to improve or make more effective use of existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.” (Officer emphasis).
- 9.3 Craven District Council’s Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. The actual number of houses to be built on this site was a reserved matter. However, the original outline planning application was supported by an indicative plan showing a potential layout for 50 dwellings. With 40% provision this equated to some 20 affordable dwellings. The Strategic Housing Market Assessment (SHMA) 2011 provides evidence of affordable housing need in the District, and identifies an annual shortfall of 134 affordable homes in Skipton. Hence a material consideration was that proposal could provide a significant number of affordable units on the application site to meet local affordable housing needs, and this was secured by Condition 10 of the outline permission.
- 9.4 The reserved matter for this proposal are yet to be considered, but accompanying this application is a revised indicative plan suggesting that the density of the site be reduced to 36 dwellings (equivalent to 15 dwellings to the hectare), and the on-site affordable housing provision reduced to 6 dwellings with a further 6 provided off-site. However, no evidence is provided that such off-site provision is viable or any information supplied as to where it might be located.
- 9.5 Therefore, the effect of the applicant’s submission is to lower the number of houses on the site, reduce the on-site affordable housing provision, and make an unknown element of off-site provision. The justification for this is solely on the basis that a lower density of development would be appropriate for the site by reason of the existing character of the adjoining residential area, and the preferences of existing residents. The application provides no robust evidence to justify this approach by identifying any physical or financial reason why the provision could not be made on-site, or any benefits to either the quantity or quality of affordable housing provision by providing it off-site. The application contains no analysis of local housing needs; financial viability; the availability of other sites in which to use commuted sums; or the planning consequences of allowing low density development

on this site in terms of the increasing green field land needs elsewhere to meet the required 5 year land supply for the District.

9.6 Having regard to the advice from Strategic Housing it is firmly concluded that the application proposal is contrary to both national and local planning policy guidance.

10. Recommendation

10.1 Refusal of the application

11 Reason for refusal

11.1 The proposed amendment to enable affordable housing provision off-site through the payment of a commuted financial contribution does not accord with the National Planning Policy Framework (or the Council's Interim Approach to Negotiating Affordable Housing (2012), as no robust justification has been made to demonstrate that adequate provision could not be made on the site, or that there would be any quantitative or qualitative benefits from off-site provision.

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

To:	Development Control Services
Observations of:	CDC Strategic Housing
Application Number:	63/2014/14604
Development Proposal:	Variation of Condition 10 (relating to the provision of affordable housing) of previously approved application 63/2013/13748 - for outline residential development, to include means of access.
Location:	Land Adjacent, White Hills Lane And Raikes Road, Skipton,
Applicant:	R N Wooler & Co

Comments and Observations

Summary

Off-site provision, either on another site or by commuted sums, is only permissible in national and local policy where it can be 'robustly justified'. The overriding objective of NPPF and the Council's Interim Policy, is the creation of 'sustainable, inclusive and mixed communities'. This means the integration of market housing with homes that are affordable to those living and/or working locally.

Whilst Strategic Housing does not consider there to be any *justification* in commuting these homes off-site, off site provision *can* lead to an increase in the number of affordable homes supplied, where the new site is of a lower value. This also applies if a commuted sum is agreed and used to buy houses on the second hand market in lower value areas. Any increase in affordable homes is a consideration, but commuting provision to achieve this sets a dangerous precedent. Followed through to its natural conclusion, affordable housing will end up on the lowest value sites and in the lowest value areas of the district, promoting segregation - a far cry from the objective of inclusive and mixed communities.

On balance, proposals are not supported by Strategic Housing.

NPPF is very clear that off-site affordable housing is only acceptable where 'robustly justified'. Its emphasis and that of the Council's own Interim Policy, is to create sustainable, inclusive and mixed communities. This means providing a range of homes not just for 'managers and executives', but for a range of households, including those who work locally on average incomes, who want to stay living locally and who cannot afford to. These households contribute too to the local economy.

In recent years, off-site provision has been agreed in only three cases in Craven. All have been flatted developments with high service charges. Whilst affordable housing policy can limit the cost of buying or renting an affordable home, it cannot control service charges (unless the freehold of the apartment block is held by a housing association). Day to day living costs are therefore unaffordable for residents and there is therefore robust justification in relocating the affordable housing, either to another site, or more usually by taking commuted sums to buy dwellings on the open market.

There is no definition of 'robust justification' when it comes to commuting affordable homes off site. Standard practice in Craven has been to allow off site provision only where the application site is not good for affordable housing. This is not the case with the site at Raikes Road. Concerns about the way the affordable housing looks are groundless. The affordable homes will be sympathetically designed and built of the same materials as the market ones. They will respect the form and density of development. There are many examples, including of semi-detached and quarter houses, where affordable housing occupies the same footprint as market housing and is indistinguishable from it. Integration is the driving force behind local and national policy and can be achieved through careful design. Granville Street is a good example.

That said, there is some benefit in commuting or partially commuting off site in this instance, in terms of the amount of affordable housing that could be secured elsewhere. The calculation of a commuted sum for off-site provision works as follows:

The Council's approved transfer price for an affordable house in Skipton is £950 per square metre (or £66,500 for a two bed affordable starter home of 70sm). The commuted sum per dwelling is the difference between its transfer value and the market value of an equivalent sized house on the site. The market values for this site have not yet been supplied, but are undoubtedly higher than in other parts of Skipton. Although the benefit has not yet been quantified, commuting affordable homes off this site will deliver more affordable homes than if they remain on-site.

Taken to its logical conclusion however, the concern is that the same could be said of every site in Skipton. There is always a lower value site somewhere. If this principle was to be followed through and commuted provision permitted simply because there were cheaper places to put it, all the affordable housing would end up on all the most affordable sites. This is contrary to national guidance and local policy and promotes exclusion and segregation, not sustainable, inclusive and mixed communities. In conclusion, whilst there is some benefit to so doing, I do not consider that there is 'robust justification' to commute 8 affordable homes off -site.

The SHMA 2011 identifies a shortfall of 134 affordable homes per year in Skipton (2011 – 2016).

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

GARGRAVE&
MALHAM
30/2014/14591

*ERECTION OF SINGLE RETIREMENT DWELLING PART TWO STOREY
LAND ADJOINING THE VICARAGE CHURCH LANE GARGRAVE SKIPTON*

APPLICANT NAME: Mrs A Clark
TARGET DECISION DATE: 18/06/2014
CASE OFFICER: Neville Watson

The application was referred to Planning Committee and a site visit requested by Councillor Myers

1. Site Description

- 1.1 The application site lies to the north of Church Lane, Gargrave. The site is currently a paddock with a dry stone wall to the Church Lane frontage with field gate giving access to the land. The northern boundary of the paddock is defined by a mature hedge.
- 1.2 The Church and churchyard lie to the south of site. The Vicarage lies immediately to the west of the site with residential properties on Riverside and Goffa Mill to the north of the paddock
- 1.3 The paddock is within the designated conservation area and identified in the Conservation Area Appraisal 1997 and the Local Plan 1999 as an important open space. The site is within the development limit of Gargrave.

2. Proposal

- 2.1 It is proposed to erect a three bedroomed detached dwelling constructed in natural stone with reclaimed natural stone roof, some 1.2m. to the east of the Vicarage. The dwelling projects some 2.5m. in front of the Vicarage.
- 2.2 The application includes a Design and Access and Heritage Statement and a Highway Statement. Members are invited to view these on the Council's web site
- 2.3 The application identifies an application boundary but does not specify boundary treatment. The applicant currently owns the part of the paddock, excluding the western half and has carried out tree planting at the eastern end.

3. Planning History

- 3.1 There is no relevant planning history although a small part of the site previously formed part of the curtilage of the Vicarage. There are remains on site of evidence of single storey extension to the Vicarage, now demolished.

4. Planning Policy Background

- 4.1 NPPF and nPPG
- 4.2 Local Plan Policy H3

5. Parish/Town Council Comments

- 5.1 Gargrave Parish Council comment on the use of Church Lane by large vehicles. (Officer Note. It is not clear whether this comment is intended as a reason to resist development or just for the Local Planning Authority to note).
- 5.2 The Parish Council also comment on the elevated position of the site compared to other properties to the north which have been subject to flooding and advise the use of modern permeable hardstanding rather than tarmac to avoid exacerbating such problems.
- 5.3 The Parish Council comment on the value of the site as an important open space.
- 5.4 The Parish Council also expresses concern about the proximity of the dwelling to the Vicarage.

5.5 Finally the Parish Council comment on the Neighbourhood Plan for the village that seeks to retain this open space. They advise that the plan is on the point of being circulated throughout the village for consultation.

6. Consultations

6.1 **NYCC Highway Authority** has no objections and recommends standard conditions.

6.2 **NYCC Archaeologist** advises that human remains were found when constructing the Vicarage in the 1950's and more recently when the extension to the Vicarage was constructed last year. No objections to the proposal have been raised, but a condition is requested requiring archaeological investigations to be undertaken prior to the commencement of development.

7. Representations

7.1 At the time of compiling the report 12 letters of objection had been received raising the following issues:-

- Adverse impact on valuable open space and the character of Gargrave.
- Development will harm the setting of listed buildings.
- Impact on the Vicarage
- Increase traffic on Church Lane
- Overlooking to neighbouring dwellings.

8. Summary of Principal Planning Issues

8.1 Land use/principle

8.2 Impact on the conservation area

8.3 Impact on residential amenity

8.4 Highway issues

9. Analysis

Land use/principle

9.1 The main thrust of the new National Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development, which according to the Framework has three broad roles: "economic, social and environmental". The guidance advises that these roles should not be undertaken in isolation because they are mutually dependent; i.e. the guidance states economic, social and environmental gains should be sought jointly and simultaneously. The Framework also 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.

9.2 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. However, it is a core planning principle that planning should contribute to "conserving and enhancing the natural environment" and "conserve heritage assets in a manner appropriate to their significance" (Para 17).

9.3 The application site is within the development limit of Gargrave as defined by the Local Plan. By reason of when it was prepared and adopted the Local plan is not up-to-date as identified in the NPPF. Further, the evidence indicates that a NPPF compliant 5-year supply of housing cannot be demonstrated and the Framework is clear that the relevant policies for the supply of housing should not be considered up-to date in such circumstances. Gargrave is identified as a local service centre in the local plan and therefore as a matter of principle development in a sustainable location would accord with the NPPF and saved policy H3 of the Local Plan.

- 9.4 It is worth noting that this site, or the remainder of the adjacent croft, has not been put forward as a preferred site for residential development as part of a Pre-Publication Draft Local Plan consultation to be held later this year. However, this emerging policy can be given very limited weight and the Council's decision on this proposal must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.

Impact on the conservation area

- 9.5 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities "to pay special attention to the desirability of preserving or enhancing the character or appearance of that area" in considering whether to grant planning permission or not. The NPPF sets out guidance on assessing the impact of development on heritage assets including listed buildings and conservation areas. The historic environment is seen as having potential to contribute to sustainable communities, including economic vitality; and it is therefore desirable that new development make a positive contribution to the historic environment and local distinctiveness (Para's 126 and 131).
- 9.6 The conservation area of Gargrave was designated in 1979. Subsequently the Conservation Area Appraisal of 1997 identified the paddock as an important open space which was thereafter identified as such in the Local Plan.
- 9.7 Policy H3 of the Local Plan while supporting development in principle requires a number of criteria to be satisfied. The policy advises that development will be permitted where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises. In addition such development will not result in the loss of or damage to spaces identified as important to the settlement character.
- 9.8 The conservation area contains a total of 38 listed buildings including the Church of St Andrew that lies to the south of the application site. Taking into account the other residential properties on Church Lane it is not considered that an additional house would adversely affect the setting of the Church and no other listed buildings in the conservation area would be affected by the proposed development.
- 9.9 It is concluded that this is not an infill site; is not a small scale conversion; is not small scale development of neglected, derelict or under used land. A small part of the site was previously developed with a small single storey extension to the Vicarage but this would not justify redeveloping the site with a new detached dwelling.
- 9.10 The development of the site would result in the loss of part of the paddock identified as an important open space. The applicant's argue that the important open space and views up the Croft are maintained. There will be limited views of the proposed dwelling when viewed from Church Street and views of the whole length of the paddock will be visible. However, the construction of a dwelling will clearly visible from Church lane and will erode the character of the open space. Development will not therefore preserve or enhance the conservation area and will therefore conflict with the requirements of Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990, the guidance in the NPPF and Policy H3 of the Local Plan.

Impact on Residential amenity

- 9.11 The proposed dwelling is located 1.2m. from the adjoining dwelling and would project 2.5m. in front of the Vicarage. There are three windows in the gable end of the Vicarage which would be directly affected and one window in a single storey rear extension to the Vicarage that would be over-shadowed. The window in the single rear storey extension would directly overlook the private amenity space of the proposed dwelling and residents of the proposed dwelling would be able to look directly into the Vicarage. No details are shown for the boundary between the two properties but should a wall or fence be erected to prevent the mutual overlooking the amenities of the Vicarage would be further compromised.
- 9.12 A representation has been received from a local resident expressing concerns about overlooking, but given the distance of 28m. from the proposed dwelling to the neighbour's property it is not considered an objection on these grounds can be sustained.

Highway issues.

- 9.12 The Parish Council and local residents have expressed concerns about parking on Church Lane and difficulties of access by large vehicles servicing local businesses and sewage works. The comments are noted but it is not considered that one additional dwelling would result in a situation prejudicial to highway safety. The Highway Authority does not object to the development and recommend conditions. It is not considered that an objection on highway grounds could be sustained.

Conclusion

- 9.13 The applicant has provided a commentary to the Parish Council and local residents' objections referred to in this report. However, it does not change Officers conclusion that the proposed development would not preserve or enhance the conservation area and would have an adverse impact on the amenities of the neighbouring property

10. Recommendation

- 10.1 That the application be refused.

Reasons for refusal

1. The proposed dwelling would intrude into and erode the character of an important open space in the conservation area that would not preserve or enhance the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework and saved policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
2. The proposed development would by virtue of its siting in proximity to the Vicarage to the west would overshadow and would have an overbearing impact detrimental to the residential amenities of that property and would therefore conflict with the guidance in the National Planning Policy Framework and saved policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan

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

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

SKIPTON NORTH
63/2014/14533

REMOVAL OF 1 NO ASH (T2)

REAR OF DAVID HILL MILL BRIDGE SKIPTON

APPLICANT NAME: MATTHEW BINNS

TARGET DECISION DATE: 21/05/2014

CASE OFFICER: Trees Officer

The application has been referred to Planning Committee by Councillor Turner for the following reason: -

'I object to the approving of the removal of this tree. When Hills extended their premises they wanted to cut down all the trees to the side and rear of the new property. The Committee objected strongly and TPOs were placed on them and Hills created walls and steps which should have left room for the trees to grow. This tree is mature and healthy and sound and although the overhanging branches could be pruned to reduce the crown spread, the expansion of the girth and roots should have been taken into account when building the walls and steps. Although there are many trees in this area as part of the castle woods this does not justify the felling of this tree. I take it that the building is not damaged only the wall and steps which could be repairs.'

1. Site Description

1.1 The site is in the centre of Skipton on Mill Bridge with the tree located behind the property and next to the canal.

2. Proposal

2.1 Removal of 1 No Ash (T2)

3. Planning History

3.1 TPO – 1 1956

3.2 63/2002/2671 - Demolition of existing extension and out building to construct new two storey building – Conditional Approval - 14-Jan-2003

3.3 63/2002/2673 - Demolition of existing extension and outbuilding to construct new two storey building. – Conditional Approval - 14-Jan-2003

4. Planning Policy Background

4.1 N/A

5. Parish/Town Council Comments

5.1 Objection – Members believe that trees in the town centre should be protected – 28/04/2014

6. Consultations

6.1 The Council's Arboriculturist has provided the expert advice on the appropriateness of removing this tree.

7. Representations

7.1 None.

8 Summary of Principal Planning Issues

8.1 Whether or not it is appropriate for the Ash tree to be removed taking into consideration the health and amenity value of the tree.

9 Analysis

9.1 The tree is mature and apparently healthy and sound. However, it is growing in a significantly confined space surrounded by walls and steps which are starting to show signs of damage. It is also very close to and overhanging the office building of David Hill. Given its position and the on-set of structural damage, I consider that the tree has now out-grown its location. Whilst the overhanging branches could be pruned to reduce the crown spread, this will not solve the root and expanding trunk girth damage it is starting to cause. In the circumstances therefore I consider the only appropriate course of action is to fell the tree. From the public domain of Mill Bridge and from the canal towpath, this tree is very visible but there are many other trees in the locality and the impact of its removal will therefore be mitigated. Given the constrained nature of the site there is no opportunity for replacement planting.

10 Recommendation

10.1 Approve.

11 Conditions

11.1 (1) BS 3998 (2010) – All tree work shall be carried out in accordance with British Standard 3998 (2010) 'Tree Work'

11.2 Reason: In the interests of the safety of persons and properties, including any neighbouring trees which are not to be felled, and in the interests of the health of the trees upon which the work is to be carried out.

11.3 Informative: No tree operations specified in this consent shall be carried out later than 2 years from the date of this notice. If for any reason such works are not carried out within this period, a new and separate application must be made to the Local Planning Authority.