

PLANNING COMMITTEE MEETING AGENDA

Monday 22nd September 2014

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

*EMBSAY W EASTBY
26/2014/14631*

CONSTRUCTION OF 21 NO. DWELLINGS AND NEW ACCESS

LAUREL CROFT AND MAIN STREET, EMBSAY

APPLICANT NAME: MESSR M J & R BROOKSBANK

TARGET DECISION DATE: 08/09/2014

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee by the Development Control Manager due to the significant public interest in the development proposal.

1. Site Description

- 1.1 The application site comprises approximately 0.74ha area of land located on the southern side of Main Street, Embsay.
- 1.2 The site, which partially fronts onto Main Street to the north and to Laurel Croft to the west, falls slightly in level from south to north and is otherwise enclosed by existing housing and Embsay Village Hall. A Grade II listed war memorial is located in a small publicly accessible area that lies to the east of the village hall at the northern end of the site facing onto Main Street.
- 1.3 Public views of the site are limited to the frontage onto Main Street and from Laurel Croft which is a cul-de-sac that has sheltered housing located on its western side. The site is grassed over for the most part but has a distinctive double row of planting that runs through its centre from an existing but unused access onto Main Street. The site boundaries are largely defined by stone walling.
- 1.4 The site is located within Development Limits and the Embsay Conservation Area. The boundary with the Yorkshire Dales National Park lies on the opposite side of Main Street immediately to the north of the site.
- Officer note:** The site is defined as an important open space under Policy BE1 of the Local Plan but this is not a saved policy.
- 1.5 There are a row of mature trees along the frontage of the site adjacent to the war memorial that are protected (TPO Ref: 139 2003).
- 1.6 The site lies within the outer consultation zone (400m) of the Nether Kellet gas pipeline.

2. Proposal

- 2.1 This is a full planning application for a development comprising 21 residential units in a mix of 1 or 2, 2, 3 and 4 bedroom detached and semi-detached properties including a bungalow
- Officer note:** The 1 or 2 bed properties have one large bedroom that can be split if necessary depending on the needs of the occupier). The development would also include a total of 29 parking spaces and 9 garage spaces.
- 2.2 The main access to the site is proposed from Laurel Croft which would lead to an estate road intersecting the site from west to east with a spur running northwards to serve housing proposed to the south-east of the village hall.
- 2.3 It is proposed to remove a number of the trees running through the centre of the site although a single row would be retained which would split the development into two distinct areas. It is proposed to site smaller, more densely developed properties in a cluster immediately adjacent to Laurel Croft at the west of the site whilst larger detached houses would be located further to the east.
- 2.4 It is proposed to provide 8 affordable units on the site which would be a mix of 1 or 2, 2 and 3 bedroom units.

- 2.5 The proposed housing would be traditional in design with gable ends and would be constructed mostly in stone with grey concrete roofing and timber windows and doors although some of the units would feature limestone dash on rendered panels or cedar boarding.
- 2.6 Following discussion with the Council's Conservation Consultant the layout has been revised to set the units back on either side of the entrance to Laurel Croft in order to create a more open aspect at the site entrance. Additionally, it is proposed to create an area of open space at the frontage of the site onto Main Street that would form an extension to the existing war memorial garden.

3. Planning History

- 3.1 26/2005/5348: Clean through two parallel hedge lines of principally Beech, to remove dead/stunted trees, light crown lift to 3 metres & clear away from overhead telephone lines. Removal of no more than 25% of the trees, and no reduction of height of the trees retained. Approved June 2005.

4. Planning Policy Background

4.1 **National Planning Policy Framework (NPPF)**

4.2 **National Planning Policy Guidance (nPPG)**

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: -

H4: Residential Development within the Development Limits of Villages.

ENV10: Protection of Trees & Woodland.

T2: Road Hierarchy.

5 Parish Council Comments

- 5.1 **Embsay with Eastby Parish Council:** While the PC has adopted a formal "position statement" with regard to local land development the village does not have a Neighbourhood Plan and, more importantly, Craven District Council has no adopted Local Plan. The villages of Embsay and Eastby have therefore been at the mercy of developers over the past several months – this being the third application in four months for a major local housing development with at least two more applications anticipated in the immediate future.

The Parish Council 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. They do, however, feel that the current planning application situation has become out of hand and requires some sensible perspective and direction from the LPA.

The Coalition Government passed the National Planning Policy Framework (NPPF) in 2013 to encourage local authorities to increase the house building stock in their areas. As part of this requirement, Craven District Council has allotted a published target of 45 houses to be built in the next 15 years. The three local planning applications currently in various stages (including this one off Main Street) total in excess of 130 houses. Members of the PC as well as local residents are seriously alarmed at the constant stream of housing development proposals over the past several months encouraged by the absence of a Local Plan. The PC has had no reassurances from planning officers that these proposals will be looked at in an integrated and coordinated fashion.

We strongly urge the District Council to complete the review process of the draft local plan and work to producing a final version as soon as possible to help in the reduction of these opportunistic planning applications.

With reference to this application elected members have had contact with local residents through meetings of the PC and strongly oppose this application. The local community also has concerns over specific issues relating to this application such as the incompatibility of the proposal to the locality (a conservation area), road safety hazards due to increased traffic movement and limited visibility, inadequate drainage arrangements and the questionable need for an increase in housing provision in Emsay. These concerns and many others have been brought to your attention in separate submissions from a large number of individual local residents. The PC endorses those concerns and wishes them to be drawn to the attention of the members of the CDC Planning Committee.

Furthermore the PC would like to bring to the attention of the Planning Officers that the above submission is incomplete in accordance with CDC's guidelines. There is no traffic assessment attached to the application, instead it relies on one carried out for the application off Shires Lane. This is not acceptable as the impact of this site will be greatly different to that of the Shires Lane site and it will also impact on different roads. The design and access statement is incomplete and does not meet the requirements for submission; it is not fully worked up. These two areas alone should require the withdrawal of the planning application.

One of the main concerns of the PC regarding this application is the effect on the community as a whole, notably in relation to the existing sewerage infrastructure. The following was stated in the Parish Council's "position statement" submitted last year to Craven District Council for consideration when developing their future Local Plan:-

"Where development is to take place then the infrastructure of Emsay 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 land relating to the application is within the conservation area of the village and on significant open meadow land which forms an intrinsic part of the village's character. The internal meadows of the village are in some ways unique to Emsay and to lose them to any form of development would significantly affect the character of the village and the concept and vision of the conservation area. The mature trees within the area have historical significance demarking the entrance to Laurel Croft from Main Street as well as forming an integral part of the identity of the village.

As no traffic assessment has been carried out it is not possible to ascertain the impact the site will have on the surrounding roads and how traffic will safely enter and exit the site once it is completed. Without this information the proposal should be rejected in relation to its adverse effects on the safety of the surrounding properties and impact on the adjacent roads.

There is enough evidence to show that additional proposed housing numbers on other local sites could be in the order of 110 units. This, when added to the 21 proposed houses in this application, will give an overall total in excess of 130 houses. This will have a significant effect on the existing problems with the infrastructure of the village. The current number of dwellings in the village is in the region of 550, these proposals together would look to increase that by 20% an increase that would materially affect the character of the village detrimentally. These planning applications should be considered as a whole with regards to their impact on the village and its infrastructure.

The PC cannot support this application for the above reasons and would strongly ask the Planning Committee to refuse the application on the grounds of it being within a

conservation area, impact on infrastructure and the unknown affects it will have on surrounding traffic movements.

6 Consultations

6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues in relation to this site. 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, within which this site falls, has a need for 17 affordable homes to be provided each year. To date no affordable homes have been delivered.

Although planning was recently granted on a site within Embsay (Shires Lane) the proposed outline application will not meet the need identified within the SHMA. Furthermore, there are no guarantees when and if this site will come forward for development given the outline nature of the application.

The Councils current position is to secure 40% on site affordable housing provision on sites of 5 units or more. The applicant is proposing a scheme for 21 units of which 8 will be affordable. This is in line with the Interim Affordable Housing Policy Position Statement. The mix of units to be provided has been agreed with the Council and is as follows:

2 x 60m ²	1/2 bed homes
4 x 70m ²	2 bed homes
2 x 80m ²	3 bed homes.

The homes will be provided in accordance with NPPF definitions and in accordance with the findings of the SHMA which requires 25% to be provided as intermediate units. Intermediate units can be defined as either shared ownership or rented. The remaining 75% will be made available as affordable rented units. All homes will be transferred to a Registered Provider as advised by CDC on completion, at set transfer values of £950 per m² irrespective of tenure.

Provided the above is provided CDC Strategic Housing has no objections to this development.

6.3 **CDC Sports Development Officer:** The SDO comments that the revised plan indicates a small on-site open space measuring about 400m² which is only accessible from Main Street but does adjoin the war memorial and would add useable open space to this feature. On this base it partly meets the requirements of SRC2. However, there is no information as to how the on-site provision would be managed and there remains a deficiency of provision under the policy of 780m². This should be made up of an equipped area for play (142m²), informal play (235m²) and youth and adult playing fields (450m²). The off-site contribution for this would be £44,300.

The SDO states that in view of the above the proposals do not meet the SRC2 policy requirements and planning permission should therefore be refused.

6.4 **NYCC Highways:** The Highways Engineer has raised concerns that the required visibility splays of 2m x 60m cannot be met at the junction of Laurel Croft with Main Street and therefore traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

Officer note: The applicant's agent has submitted proposals for the construction of a mini-roundabout or traffic calming measures on Main Street. Neither suggestion is acceptable to NYCC Highways as the mini-roundabout would be too small (10m diameter) and will not give visibility looking west from the junction of Laurel Croft with Main Street whilst the traffic calming would not slow down eastbound traffic sufficiently and would interfere with the existing bus stop.

6.5 **The Environment Agency:** As the site is not within any identified flood risk area there is no requirement to consult with the EA and they have no comments to make in relation to the proposal. The EA standing advice in this case identifies the management of surface water run-off as the main flood risk issue and states that drainage from new development must not increase flood risk either on-site or elsewhere. The advice states that Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

6.6 **Yorkshire Water:** YW has commented that the proposals as currently submitted are unacceptable as the drawings show a combined discharge to a public sewer. They indicate that surface water should instead be discharged to a watercourse. YW do however comment that if permission is granted conditions should be attached to ensure that the site is drained with separate systems of drainage for foul and surface water and no piped discharge of surface water shall be allowed until a satisfactory outfall has been agreed.

6.7 **NYCC Historic Environment Team:** The development is within the historic core of the medieval settlement of Embsay and is likely to have been in continuous use as part of the settlement for almost 1000 years. As the site has been vacant since the 1850's it is likely that any archaeological remains associated with the medieval settlement will be relatively undisturbed.

Recommends that a scheme of archaeological evaluation is undertaken to identify and describe any surviving archaeological remains and enable an understanding of the potential impact of the development. This should comprise a desk-based assessment (DBA) with further survey work or trenching as required depending on the results. The DBA should be undertaken prior to determination of the application.

6.8 **CDC Arboriculturist:** There are three TPO trees to the Main Street frontage of the site which are to be retained in the scheme. The footprints of the two nearest houses are sufficient distance away to not affect the trees but a protective fence to BS 5837 (2012) should be conditioned to be erected prior to any development or other work on the site and should be retained for the duration of the scheme.

Tree T80 is proposed to be retained but is not in good health and can be felled and replaced through a conditioned planting scheme.

There is a double line of Beech (T1 to T75) which are not TPO worthy due to their general overall condition (see arboricultural survey by Tavendale). The majority of the west line of trees is proposed to be retained and a protective fence is marked on the plan to both sides of it. The fence as marked on plan to the east is not to BS 5837 (2012) for trees T57 to T67 due to the proposal to construct an access drive. Given the site being in a conservation area, the continuing visual amenity of the line of trees is important and, for this reason, the access drive would need to be constructed using a no-dig solution to BS 5837 (2012) between trees T57 and T67 and this should be conditioned.

The line of trees to the east is proposed to be removed to allow for the development. This is acceptable as the line to the west is the most visible and, apart from seven removed for the access road, is to be retained providing tree mass through the middle of the site as visual amenity from the public domain.

6.9 **Conservation Consultant:** Considers that the land, in principle, could be considered for development. At present the overgrown grassland does not have any public access giving it

public usage or benefit and so its value is really concerned with its visual contribution which is assessed as follows:

- a) Looking from village hall down Laurel Croft the impression is of a rather rigid, modern layout of straight road, straight wall, parking and housing association dwellings. This view does not reflect the special character of the more intimate grouping/detailing of the linear development along Main Street. Also, this view does not have a key viewpoint, hillside etc. to focus attention. The large Victorian building does not have the presence to merit the retention of the whole open space. The double row of trees are a strong visual element.
- b) Looking from the rear of the war memorial, this is not a key view out of the conservation area but respect needs to be given to prevent any undue encroachment on its setting.
- c) The most important public part of the site is the frontage adjacent to the war memorial with the two TPO's Chestnut trees which relates very closely with the attractive view along the Main Street, not just the trees but the good stone wall, the curved section to the former entrance and the way it makes a significant 'green wedge' within the built up frontage.

In principle the Conservation Advisor considers that an outright refusal could not be justified on the grounds of the loss of the open space and its significance to the conservation area. He considers that the general design approach of higher density housing opposite the sheltered housing on Laurel Croft, with the view of the site through the beech avenue an lower density dwellings to give a more open feel, in character with the existing development in adjacent areas.

Officer note: The Conservation Advisor made recommendations to create an area of community open space adjacent to the site entrance and to retain the land adjacent to the war memorial both of which recommendations have been incorporated within the amended plans.

6.10 **The Yorkshire Dales National Park Authority:** The YDNPA objects to the proposal for the following reasons:

It is considered that the site, in particular the area fronting Main Street, makes an important contribution to the setting of the conservation area through the open undeveloped nature of the site providing separation and open space between from the historic core of the village and later modern development. The conservation area in turn is a significant heritage asset partly within the National Park. The development of this site will therefore result in substantial harm to the character and appearance of the conservation area and therefore the National Park.

The loss of trees proposed is of concern, namely the potential impact from the removal of a row of beech trees running from Main Street and crossing through the site. The trees throughout the site contribute significantly to the appearance and the setting of the conservation area and are of high amenity value to the National Park in both close and wider views.

It is considered that the layout, design and materials proposed will detract from the character and appearance of the conservation area and the National Park. This part of the conservation area is typified by closely built up traditional stone terrace houses on the northern side of Main Street, with a less densely built pattern on the southern side, including more communal uses such as the village hall and the playground. The proposed layout does not respect the historic pattern of the conservation area. Views over the site from within the National Park will be of a ubiquitous modern housing estate layout dominated by parking spaces. The detailing and materials proposed are untypical of the conservation area and will not contribute to the local distinctiveness of the village, including for example, the presence of external chimney stacks, the use of render to upper walls and the use of concrete tile roofs.

7. Representations

- 7.1 At the time of writing a total of 124 comments have been received in response to the proposal (including representations from the Police Architectural Liaison Officer, the CPRE and the agents acting on behalf of the applicants for a proposed housing development at Kirk Lane and a petition from the residents of Laurel Croft). All of the comments objected to the proposal.
- 7.2 An additional 8 letters were received following notification of the revised plans. All responses to the amended plans reiterated the earlier objections that were raised to the proposals. Members will be updated at the meeting on further representations that are received.

The comments are summarised as follows:

- Development would result in loss of last green space in the historic part of the village.
- 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.
- Density of development is too high and unsuitable for the location as the design.
- Bus services to and from the village are not adequate to serve the proposed development.
- Increased traffic will result in road safety issues particularly with elderly occupiers of Laurel Croft.
- The development has inadequate parking.
- Development would overlook and be close to play areas used by play group in village hall which would be unneighbourly.
- Site is not part of the village plan.
- There are preferred development sites which should take precedence.
- No heritage/historical assessment of the site has been undertaken.
- No environmental impact study.
- No wildlife survey.
- Loss of views.
- Loss of privacy for neighbouring houses.
- Loss of trees is unacceptable.
- Impact on village hall due to loss of parking space.
- There is restricted visibility at the road junction of Laurel Croft/Main Street.
- There are affordable houses in the village and in Skipton and therefore need does not exist.
- Previous developments in Embsay and empty housing indicate that there is limited demand for such housing.
- 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 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.
- Need for affordable housing put forward by the Affordable Housing Officer does not appear in any previous assessments by CDC.
- Construction of development would give rise to dust and noise and consequent disturbance to residents.
- Future of village needs to be planned in its entirety and not by piecemeal development.
- The proposal would not be sustainable development.
- Application details are imprecise.
- There are no employment opportunities in the village. Development would adversely impact on the village economy.
- The National Park has not identified any need for housing in Embsay.
- Proposals would adversely affect tourism and the National Park.
- Development would raise issues in relation to security.

Officer note: For the purposes of this report it is only possible to provide a brief summary of the comments that have been made. The objections can be viewed in full on the Council's website.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location.
- 8.2 Affordable housing provision.
- 8.3 The effect of residential development on the character and appearance of the area and heritage assets.
- 8.4 Residential amenity issues.
- 8.5 Highway issues.
- 8.6 The impact of development on drainage and flood risk.
- 8.7 Impact on trees.

9. Analysis

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'.*
- 9.7 The application site is located within the main settlement and it is considered that it is sustainably located and that the principle of developing the site for housing is therefore not at issue. In coming to this view the positive approach towards sustainable development advocated by the NPPF is noted. Saved Local Plan Policy H4 is also supportive in principle of small scale development within the development limits of villages, however it is now considered that this policy can be given very limited if any weight.
- 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. At this moment in time the Council is unable to demonstrate that it can meet this requirement.
- 9.9 The replacement local plan has yet to be finalised and therefore carries very limited if any weight. 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. 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 there are two preferred housing sites, Ref Nos: EM013 and EM016 both of which are located on Shires Lane. One site has recently been granted outline planning permission (Ref No: 26/2014/14518) whilst the remaining site will be subject to further consultation as part of the Pre-Publication Draft Local Plan consultation to be held later this year.
- 9.10 The application site is therefore not a preferred site that could potentially be brought forward for development in Embsay. It is likely that the remaining preferred site on Shires Lane, if 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.

9.11 In summary, 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 potentially be contrary to the spatial vision for the village and District in the emerging Local Plan, but for the reasons outlined above this is of very limited weight given the status of the emerging spatial vision. In conclusion, having regard to the advice in the Framework, the proposal is considered to be acceptable in principle.

9.12 In coming to the above view it is noted that the application site is situated on land that was defined as important open space under Policy BE1 of the Local Plan. This policy has not been saved and therefore has no weight. However, the requirement under the NPPF is to assess the significance of any heritage assets, in this case the Embsay Conservation Area and the Listed Memorial, and to come to a view on whether or not the proposal will impact upon that significance to an unacceptable degree in which case planning permission should not be granted. This issue is dealt with later in this report.

Affordable housing provision:

9.13 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more.

9.14 It is proposed that the development would yield 21 dwellings. It is proposed to provide 40% affordable units in line with the Council's affordable housing policy equating to 8 affordable properties comprised of :

- 2 x 1 or 2 bed
- 4 x 2 bed
- 2 x 3 bed units.

9.15 The homes would be provided in accordance with NPPF definitions and in accordance with the findings of the SHMA which requires 25% to be intermediate units (either shared ownership or rented) whilst the remaining 75% will be affordable rent. All homes would be transferred to a registered provider as advised by CDC on completion.

9.16 The provision of these 8 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.

9.17 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. Notwithstanding the recent planning approval at Shires Lane to date no affordable homes have been delivered within this Ward.

9.18 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.

9.19 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 with a view to securing a commuted sum in lieu of on-site provision.

9.20 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 and heritage assets

9.21 The application site is enclosed by existing development and has two areas that front onto the public highway comprising a gap along the Main Street frontage adjacent to the war memorial and a length of the western boundary that lies adjacent to Laurel Croft. The site is not publicly accessible and does not have any present amenity or direct recreational value beyond its appearance as an unbuilt area of land within the main settlement.

9.22 The site was originally identified in the Local Plan as an important open space under Policy BE1 but as this is not a saved policy no weight can be attached to that designation. Nonetheless, as the site lies within the Embsay conservation area which is a designated heritage asset there is a requirement under the NPPF for the significance of the heritage asset to be considered and in particular to consider whether the harm caused by the proposals, if any, would outweigh the normal presumption in favour of sustainable development.

9.23 In the Embsay with Eastby Conservation Area Appraisal (June 1986) a number of important open spaces are identified. Under 'community spaces' two areas were identified one of which was described:

'Area around War Memorial on Main Street. This is a small but important area which surrounds an important feature within the village'.

9.24 Under the same appraisal the application site was identified and described as follows:

'Field to the south of (behind) the village hall. An area of open rough pasture bounded by a stone wall and containing hedgerow with several larger trees. Important in maintaining an open rural character in an area otherwise dominated by modern housing'.

9.25 Given the NPPF policy requirement the Conservation Advisor has undertaken an informal assessment of the site in order to consider firstly, the significance of the open space and secondly, whether the proposed development would, in his opinion, adversely impact upon that significance to an unacceptable degree.

9.26 The full comments of the Conservation Advisor are set out earlier in the report and are, in summary, that with the exception of the area adjacent to the war memorial he does not consider that the larger site contributes significantly to the overall character of the conservation area to an extent that its loss would warrant refusal of planning permission.

9.27 The Conservation Advisor's recommendations to amend the proposed layout to create a less regimented appearance along the Laurel Croft frontage and to maintain an area of communal open space where the site adjoins the war memorial and Main Street have been incorporated within the applicant's amended plans.

9.28 It is considered that in terms of the loss of the open space and its impact upon the significance of the Embsay conservation area, and on the setting of the war memorial, the revised plans are acceptable.

9.29 With regards to more general design considerations and the impact on the overall character of the area it is considered that the proposed layout respects the grain and general form of the existing development surrounding the site and that the individual proposed house types are of an acceptable standard in this location. Overall, the proposals would meet the NPPF requirements for 'good design'.

9.30 The comments received by the YDNPA have been noted and in this case it is clear that there is a difference of opinion between the National Park Authority and the Council's Conservation Advisor regarding the acceptability of the proposal in terms of its overall design, the layout, loss of trees and the impact on the overall character of the conservation area.

- 9.31 The main thrust of the argument put forward by the National Park Authority, whose comments are set out in full earlier in the report, is that the development proposals would adversely impact on the conservation area and would therefore directly impact upon the character and appearance of the National Park whose boundary lies on the opposite side of Main Street immediately to the north of the site.
- 9.32 In this case it is the officer's view that there would not be a robust enough argument to justify refusal of planning permission on the grounds of the impact of the development on the significance of the heritage asset. In coming to this view it is considered that the amended plans deal with the most significant aspect of the site, namely the contribution that the space that lies adjacent to the war memorial makes to the wider street scene, overall appearance of the conservation area, and setting of the listed war memorial. It is also considered that the overall design of the proposed housing and the proposed materials are appropriate within the context of the site.
- 9.33 In coming to this view it is noted that the existing properties surrounding the site range from modern build, such as the village hall and sheltered housing scheme, to traditional vernacular design which is prevalent elsewhere. It is officer's opinion that the proposals would bridge the differing building styles in the area in an appropriate fashion and are therefore acceptable.

Impact on amenity

- 9.34 In terms of residential amenity the proposed layout would not impact upon any existing dwellings to an unacceptable degree.
- 9.35 Specifically, the proposed plots fronting onto Laurel Croft would be sufficiently distant from the existing development on the opposite side of the road that no outlook, overshadowing or privacy issues would arise.
- 9.36 The plots running along the southern end of the site are orientated such that their rear gardens would adjoin the shared boundary and the proposed housing would have interface distances ranging from 10m to 19m from the boundary. The nearest neighbouring property would be 3 Shires Croft which is to the south and would not have any outlook issues in relation to the proposed development.
- 9.37 At the eastern end of the site the end plot (21) would have its gable end facing the nearest dwellings 1 and 2 Priory View and would be set sufficiently distant from those properties to overcome any amenity issues.
- 9.38 Further to the north at the eastern end of the site it is proposed to construct a bungalow at plot 17 which would be orientated at an oblique angle and 14m to the south-west of the nearest existing property at 20a Main Street. The proposed house at plot 16 would be located slightly north of the existing house at 20a and is not considered to be in a position that would be detrimental to that property in terms of outlook or overshadowing.
- 9.39 The units proposed to the north-west part of the site would lie adjacent to the rear elevation of the village hall and it is considered that the relationship would be acceptable.
- Officer note:** Some concerns have been expressed that the uses within the village hall would clash with the proposed plots adjacent but it is not considered that the nature of the uses that the village hall would typically be put to would necessarily be incompatible with residential development.
- 9.40 The revised plans have incorporated an area of publicly accessible space around the memorial garden which has also encompassed the protected trees in that area which would be retained and would continue to provide a wider public amenity value and contribution to the street scene.
- 9.41 It is considered that overall the proposed design and layout would provide a satisfactory standard of residential amenity and would not give rise to an unacceptable impact on the amenity of neighbouring properties. Accordingly the proposals are considered to be compliant with planning policy in terms of amenity issues.

Highways issues:

- 9.42 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 planning decisions should ensure that :
‘safe and secure access to the site can be achieved for all people’ and,
‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.
- 9.43 Saved Local Plan Policies H4 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not:
Policy H4:
- create conditions prejudicial to highway safety or;
- Policy T2:
- generate traffic in excess of the highway network;
 - create any new or greater use of an access onto a primary, district or local distributor road unless the access 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.
- 9.44 The weight that can now be attached to Saved Local Plan policies that relate to housing supply (e.g. H4) is now very limited. With respect to T2 it is broadly in line with the NPPF policy, although it is acknowledged that the NPPF is arguably more permissive of development and greater weight should be given to the policy within the NPPF. The key policy test is therefore that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.45 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions and pedestrian safety. It is considered that the general arrangement of the proposed housing and proposed highways is acceptable in highway safety terms. However, NYCC Highways has specifically objected to the proposal on the grounds that satisfactory sightlines cannot be achieved at the junction of Laurel Croft with Main Street. Specifically that visibility splays of 2m x 60m cannot be achieved in a westerly direction at the junction and that this would create conditions prejudicial to highway safety. On this basis the NYCC Highways recommend that planning permission should be refused.
- 9.46 Discussions have taken place with the applicant’s agent regarding this particular matter and options for traffic calming measures have been put forward by the applicant comprising a traffic roundabout or narrowing of the road adjacent to the village hall. Neither of these suggestions is acceptable to NYCC Highways and their objection to the proposal stands.
- 9.47 The access from Laurel Croft to Main Street forms part of the adopted highway and in effect the objections of NYCC Highways to the proposal on highways safety grounds reflect upon the adequacy of the junction which forms part of that adopted highway. Nevertheless, the development of 21 houses, that would generate traffic that would all need to use the existing access, is bound to lead to an increase in the frequency with which the access would be used and it is considered that the concerns raised by NYCC Highways regarding highway safety are legitimate. Furthermore NYCC Highways has advised it is prepared to defend this case at appeal.
- 9.48 Accordingly, it is not considered that the proposals are in accordance with the NPPF as safe and suitable access to a site cannot be achieved and the highway safety impact is severe.

Drainage and flood risk:

- 9.49 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.
- 9.50 The response of Yorkshire Water is that the current drainage proposals as indicated by the application are unacceptable. However, Yorkshire Water indicates conditions could be attached to ensure an acceptable solution is found. Standing advice from the Environment Agency requires that the site be drained using a sustainable drainage (SuDS) system and that drainage solutions be pursued that ensure foul and surface water is dealt with under different systems.
- 9.51 In this case it is considered that the technical issues relating to drainage from the site can be appropriately dealt with by conditions that would require the prior approval of a drainage system that would have to meet with the requirements of both Yorkshire Water and the Environment Agency.
- 9.52 On this basis it is considered that the proposed development can be dealt with in an appropriate manner and that a refusal of planning permission on the basis of drainage or flood risk cannot be justified.

Impact on trees:

- 9.53 There are protected trees across the frontage of the site adjacent to the war memorial which are to be retained and would remain unaffected by the proposed development.
- 9.54 The well established and distinctive row of trees that run through the middle of the site and line what was formerly a driveway that connected to an access onto Main Street are not subject to a TPO but are protected by virtue of their location within the conservation area.
- 9.55 It is proposed that a number of the trees within the site would be removed but that a single row would be retained which would delineate the denser development at the west of the site from the less dense eastern side. The CDC arboriculturist has inspected the trees and has raised no objections to the proposed tree removals commenting that the remaining trees would continue to provide visual amenity subject to appropriate planning conditions to ensure their protection throughout the construction phase of development.
- 9.56 It is considered that the development is acceptable in terms of the impact on trees.

Other matters:

- 9.57 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 in the absence of sufficient on-site provision an off-site contribution in the form of a commuted sum would need to be provided. It is considered that the policy requirements in respect of open space can be met and that it would be appropriate for this element of the scheme, including the means by which the on-site open space would be maintained, to be covered by a planning condition.
- 9.58 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.
- 9.59 The NYCC Historic Environment Team has requested that a scheme of archaeological evaluation is undertaken to identify and describe any surviving archaeological remains and enable an understanding of the potential impact of the development. This should comprise a desk-based assessment (DBA) with further survey work or trenching as required depending on the results. The DBA should be undertaken prior to determination of the application. It is understood the applicants are undertaking this assessment, but the results have not yet been received. Ultimately, whilst the request for the work to be undertaken prior to any grant of permission is noted, it is considered that this matter can be satisfactorily be controlled by condition should the application be approved.

- 9.60 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 in respect of this application.
- 9.61 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 by the proposed development.
- 9.62 There are criticisms that there is no ecological report accompanying the planning application as well as claims that there are protected species present on the application site. The site has no identified ecological constraints and it is considered that there is insufficient evidence to indicate that a survey of protected species is necessary in this particular instance. Notwithstanding, should the Council be mindful to grant planning permission and it would be appropriate to attach a condition to require ecological survey work to be undertaken prior to the commencement of development if this is considered to be necessary.

Conclusion

- 9.63 The Government advises that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. 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 where specific policies in the Framework indicate that development should be restricted.
- 9.64 The site is within the village of Embsay which is a settlement with some local facilities and good access to neighbouring Skipton. Residential development in this location is in principle given support by the NPPF and there is a strong presumption in favour of sustainable development. The contribution that the development would make to meeting the districts housing needs is also an important consideration in the assessment of the application.
- 9.65 Permitting the development would however have adverse impacts on highway safety and the Council is being advised that the development proposal is unacceptable for highway safety reasons. It is considered that these adverse highway safety impacts significantly and demonstrably outweigh the benefits of permitting the development proposal and therefore refusal of the application is recommended.

10. Recommendation

That planning permission is refused.

Reason for Refusal

1. The proposed development would lead to an increase in the number of vehicles using the junction of Laurel Croft with Main Street where clear visibility of 60m cannot be achieved along the public highway (Main Street) in a westerly direction from a point 2m from the carriageway edge measured down the centre line of Laurel Croft and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.

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.

- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation
- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form.

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

SKIPTON NORTH
63/2014/14851

APPLICATION TO VARY CONDITIONS 15 AND 16 OF PLANNING
CONSENT REFERENCED 63/2014/11998

LAMBERT HILLS, GRANVILLE STREET, SKIPTON.

APPLICANT NAME: MR M PARROTT
TARGET DECISION DATE: 15/10/2014
CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it relates to a major application that was determined at Committee level.

1. Site Description

1.1 The application site has planning permission for a development of 57 dwellings approved on the site of the former CDC Council offices on Granville Street, Skipton. The permitted housing scheme is currently under construction.

1.2 The site is located within Development Limits and is also within the Skipton Conservation Area.

2. Proposal

2.1 The application seeks approval to vary conditions 15 and 16 of planning consent 63/2012/12901. The housing development was originally granted consent under Planning Ref. 63/2011/11998, but this consent was subsequently amended by material amendments that revised certain plots on the site. The scheme that is currently in the process of being implemented is that approved by Planning Ref. 63/2012/12901.

2.2 The conditions for which a variation is now sought are:

Condition 15:

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 Saved Local Plan policy T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Condition 16:

Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HGV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In accordance with Saved Local Plan policy T2 and in the interests of highway safety and the general amenity of the area.

- 2.3 The variation now sought is to the approved Traffic Management Plan as follows:
- i) Approve the use of off-site parking for site operatives at Britannia Willis on Gargrave Road.
 - ii) The proposed traffic management is to use 4 lay-bys on the A629 and A65 as holding points for site delivery vehicles which then proceed to the site via Gargrave Road, Brook Street and Granville Street. It is proposed that the vehicle movements would be controlled via instructions issued from the site and that no vehicles will be allowed to leave the holding areas until instructed to do so. This is to be controlled by banksmen who will direct the traffic at two locations, one being the site entrance, the other at Brook Street and Gargrave Road/Park Avenue.

3. Planning History

- 3.1 63/2011/11998: Demolition of existing Council building and construction of residential development comprising 57 dwellings. Approved 7th June 2012.
- 3.2 63/2011/11999: Demolition of existing Council offices to make way for residential development. Approved 8th June 2012.
- 3.3 63/2012/12901: Material amendment to plots 29, 30, 31, 32, 33 & 34 in connection with application number 63/2011/11998. Approved November 2012.
- 3.4 63/2013/13417: Discharge of Conditions 7, 23 & 29 of previously approved application 63/2011/11998 (and subsequently superseded by material amendments approved under 63/2012/12901). Approved May 2013.
- 3.5 63/2013/13541: Discharge of conditions 5, 6, 10, 12, 15, 16, 22, 26, 27 and 28 of previously approved application 63/2012/12901.
- 3.6 63/2013/13638: Discharge of Conditions 7, 23 & 29 of previously approved application 63/2011/11998 (and subsequently superseded by material amendments approved under 63/2012/12901). Approved September 2013.
- 3.7 63/2013/13741: Discharge of conditions 3 & 4 of previously approved application 63/2012/12901. Approved October 2013.
- 3.8 63/2014/14860: Display of 'V' board and erection of 4 no. flag poles with flags.. Not yet determined.

4. Planning Policy Background

4.1 As this is an application for a variation on an approved development there are limited policy considerations. However, the following apply:-

4.2 **National Planning Policy Framework (NPPF).**

4.3 **National Planning Policy Guidance (nPPG).**

4.4 **Saved Craven District (Outside the Yorkshire Dales National Park) Local Plan:**

Saved Policy H3: Residential Development within the Development Limits of Skipton, and the Named Local Service Centres.

5. Town Council Comments

5.1 Skipton Town Council: No objections.

6. Consultations

6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues.

6.2 **NYCC Highways:** Recommend that permission is granted subject to conditions to ensure that precautions to prevent mud on the highway are implemented, to ensure that the approved

areas for on-site and off-highway parking are kept available for their intended use at all times during construction and that the construction traffic adheres to the approved delivery protocol.

7. Representations

7.1 Three responses have been received (two from the same address) that comment as follows:

- No objection to the proposed changes but concerned that applicant has not complied with the terms of the original Traffic Management Plan nor explained to residents why they were unable to meet those conditions.
- Wheel washing operations on the site have not been successful so far.
- Applicant's failure to comply with the Traffic Management Plan has caused significant distress to residents over the past 13 months.
- Request that CDC will monitor and enforce strict compliance with the terms of the original and this variation.
- Parking has been a problem with the site all along as the requirement to park all vehicles on site has not been adhered to.
- Application is unclear if any on-site spaces as originally approved are being removed or whether the Britannia parking is wholly additional in which case on-street parking nearer to the site is likely to occur.

Officer note: The submitted details indicate that there will be on-site parking areas in addition to the proposed use of the facilities at Britannia Willis.

- The proposed new arrangements for using lay-bys and extra banksmen is welcomed which should solve some of the problems experienced with the site.

8. Summary of Principal Planning Issues

8.1 The acceptability of the proposed variation to the Traffic Management Plan.

9. Analysis

9.1 The application to vary the details of the approved Traffic Management Plan has arisen to try and address problems that have occurred in the neighbouring streets surrounding the site since construction of the Granville Street development has commenced. This has resulted in an on-going enforcement investigation into the management of construction traffic and monitoring of vehicle activity associated with the development site.

9.2 The proposed variation seeks to alleviate the problems of congestion arising from on-street parking by contractors in the neighbouring streets and to better manage the operation of delivery vehicles to and from the site.

9.3 The proposed variations have been recommended for approval by NYCC Highways and it is considered that the use of off-site parking and additional controls over deliveries to the site are to be welcomed.

9.4 Should the Committee be mindful to approve the requested variation Planning Enforcement will continue to monitor the traffic management of the site.

10. Recommendation

10.1 That the requested variation is approved subject to the following conditions:

Conditions

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following drawings:

2233 – 100 revision N, 117, 118, 119 revision D, 122 revision C, 131 revision C, 1001 to 1012 and the Design and Access statement revision D and drawing nos. 2506- 120, 121 and drawing nos. 122, 123 and 124 (detailing revised house types GV, GV1 and GV2) received by the Local Planning Authority 6th September 2012.

2. The development shall be completed in accordance with the approved plans and details except where conditions attached to this planning permission indicate otherwise or where alternative details have been approved following applications for a non-material amendment or by discharge of the planning conditions.

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

3. The development shall be constructed in accordance with the walling and all external building materials approved under Planning Application Ref: 63/2013/13741 to discharge conditions 3 and 4 attached to Planning Application Ref:63/2012/12901. Or alternatively in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason; In the interests of visual amenity.

4. The scheme for the landscaping of the site shall be completed in accordance with the details previously approved under discharge of conditions application 63/2013/13541. Or alternatively, in accordance with other details for the landscaping of the site that have first been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented in the first planting season following completion of the development.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of visual amenity of the area and to ensure compliance with Saved Local Plan policy H3.

5. The site will have protective barrier fencing erected around all existing trees on the site in compliance with BS 5837 (2005) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to trees during construction works.

6. The following highway engineering details shall be completed in accordance with the details approved under Planning Application Ref: 63/2013/13638 or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning 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 otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In accordance with Saved Local Plan Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 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.

- 7. 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 program previously approved in writing with the Local Planning Authority.

Reason: In accordance with Saved Local Plan Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure safe and appropriate access and egress to the dwellings in the interests of highway safety and the convenience of prospective residents.

- 8. The access(es) to the site shall be 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) That part of the access(es) extending **5 metres** into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding **1 in 12**.
 - (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 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.

(v) Provision of tactile paving in accordance with the current Government guidance.

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

Reason: In accordance with Saved Local Plan Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 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.

9. Visibility splays shall be provided giving clear visibility of 43m measured along both channel lines of the major road Granville Street from a point measured 2.4m 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 accordance with Saved Local Plan Policy T2 of the Local Plan and in the interests of road safety.

10. There shall be no access or egress by any vehicles between the proposed estate road and individual plots on the site until visibility splays are provided giving clear forward visibility of 15m. 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 accordance with Saved Local Plan Policy T2 of the Local Plan and in the interests of road safety.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawing and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Local Plan policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

Reason: In accordance with Saved Local Plan policy T2 and to protect pedestrians and other highway users.

13. The approved areas for on-site parking and storage of materials detailed on the revised Traffic Management Plan Drawing No:LF-TMP-001 Revision B received by the local planning authority on 16th July 2014 shall be kept available for their intended use at all times that construction works are in operation until such a time as when it is no longer operationally available for use due to construction of the approved development.

14. Within 2 weeks of the date of this permission full details of the area(s) to be used for off-site parking at the Britannia Willis site, Skipton, and details of how employees are to travel between the two sites, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to during the construction phase of the development.

15. The approved routes and procedures set out in the Traffic Management Plan/Delivery Vehicle Protocol and Drawing No:LF-TMP-001 Revision B received by the Local Planning Authority on 16th July 2014 shall be used by all contractors, site personnel and delivery vehicles connected with construction on the site. For the avoidance of doubt 2 banksmen shall be employed to control deliveries to the site as detailed on the approved traffic management plan.

Reason (13 to 15): In accordance with Saved Local Plan Policy T2 in the interests of highway safety and residential amenity.

16. Within 6 months from the date of this permission a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (i) the appointment of a travel co-ordinator
 - (ii) a partnership approach to influence travel behaviour
 - (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - (iv) provision of up-to-date details of public transport services
 - (v) continual appraisal of travel patterns and measures provided through the travel plan
 - (vi) improved safety for vulnerable road users
 - (vii) a reduction in all vehicle trips and mileage
 - (viii) a programme for the implementation of such measures and any proposed physical works
 - (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

Reason: In accordance with Saved policy T2 and to establish measures to encourage more sustainable non-car modes of transport.

17. The position, height and appearance of all fences and walls to be erected surrounding individual plots (notwithstanding any such detail that has been previously approved) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.
18. The position, height and appearance of all fences and walls to be erected around communal areas and forming the estate boundary (notwithstanding any such detail that has been previously approved) shall have been submitted to and approved in writing by the Local Planning Authority. The walls and fences shall be constructed in accordance with these details prior to the completion of the development.

Reason (17 and 18): In the interest of the visual amenity of the site

19. The proposed external lighting within the development shall be completed in accordance with the details previously approved or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority. Where approval of a revised lighting scheme is sought the scheme shall include:
- (i) the location and height of any external lighting;
 - (ii) the details of the light fittings;
 - (iii) the colour of the lights;
 - (iv) the lux levels; and
 - (v) the details of any louvers on the light fittings.

The approved lighting details shall be installed prior to the occupation of the plot on which they would be located and retained in an effective state thereafter.

Reason: To provide adequate lighting for the site and the avoidance of potential interference with the adjacent highway.

20. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garages shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

21. Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment.

22. The scheme for the disposal of foul and surface water from the site shall be implemented in accordance with the previously approved details or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority that are based on sustainable drainage principles and include details of any balancing works and off-site works. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding, to improve habitat and amenity of the surface water drainage system in accordance with the National Planning Policy Framework.

23. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal.

24. By 31st October 2014 a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing. The scheme shall include:

a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 38% of housing units comprised in the development 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;

b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

c. the arrangements for the transfer of the affordable housing to a registered provider or the management of the affordable housing if no Registered Provider is involved;

d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

e. 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: In order to ensure that an appropriate proportion and mix of affordable housing is provided as part of the development in compliance with the National Planning Policy Framework.

Informative for condition 24: An existing S106 Planning Obligation has already been signed to secure the provision of affordable housing. However, the Local Planning Authority anticipates that a Deed of Variation is necessary to tie the existing s106 agreement to this permission.

25. The development shall not be undertaken other than in full accordance with the mitigation strategy detailed in the submitted 'Bat Activity Survey Results and Mitigation Strategy' dated September 2011 and received by the Local Planning Authority on 12th December 2011.

Reason: In the interests of wildlife conservation.

26. The ground levels and building slab levels shall be in accordance with the previously approved details or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

27. The pumping station shall be undertaken in accordance with the approved details or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority and be made fully operational before occupation of any of the approved dwellings which it would serve.

Reason: In order to ensure the details are satisfactory and the facility is in operation prior to occupation of the dwellings in the interests of amenity.

28. Precautions to prevent mud on the highway shall be kept available and in full working order during the construction phase of the development.

Reason: In accordance with policy T2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

29. By 31st October 2014 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.

Informatives:

1. (For condition 29) An existing S106 Planning Obligation has already been signed to secure the provision of open space, however the Local Planning Authority anticipates that a Deed of Variation is necessary to tie the existing s106
2. The applicant is recommended to ensure that the estate meets Part 2 of Secured by Design as a minimum to ensure that the environment is a safe and sustainable location.

3. All street lighting including footpath lighting should meet BS5489.
4. The applicant is reminded that any construction on the site should be carried out in consideration of the amenities of others. To avoid disturbance to neighbouring dwellings the Council's Environmental Health Department have advised that the construction site should only be operated from 7:30am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday with no working on Sundays or Bank Holidays.
5. The applicant is reminded that British Waterways require further evidence that there would be no increase in their liabilities as a consequence of the proposed discharges and that repairs or replacement of the canal culvert may be required to be undertaken at the developers expense should it not be fit for purpose. The applicant is advised to contact third party works engineer, Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways 'Code of Practice for works affecting British Waterways'.
6. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 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
7. The developer should note that condition Nos. 13 & 15 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions.

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

**SKIPTON NORTH
63/2014/14688**

APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING MEANS OF ACCESS (BEING MATTERS RESERVED IN OUTLINE CONSENT GRANTED UNDER REFERENCE NUMBER 63/2013/13748)

LAND BOUNDED BY A65 WHITE HILLS LANE AND RAIKES ROAD, SKIPTON.

APPLICANT NAME: R N Wooler & Co & Trustees: Tarn Moor Estate
TARGET DECISION DATE: 27/09/2014
CASE OFFICER: Neville Watson

This application has been referred to the Planning Committee as it is a reserved matters application following the grant of an outline planning permission that was determined 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 This is a reserved matters application following a previous grant of outline planning permission for residential development. The reserved matters under consideration are the appearance of the development proposal, landscaping, layout, and scale. The outline planning permission established the principle of residential development and the means of access.
- 2.2 A total of 45.no. dwellings, including 18 no. affordable dwellings are proposed providing the following range of properties:-
 - 4 no. one bedroomed properties (affordable)
 - 10 no. two bedroomed properties (affordable)
 - 9 no. three bedroomed properties (5 no. open market, 4 no. affordable)
 - 16 no. four bedroomed properties (open market)
 - 6 no. five bedroomed properties (open market)
- 2.3 There are a total of 23 different house types, although they represent variations on a theme with subtle external detailing to introduce elements of individuality. All of the properties would be constructed in natural stone with slate roofs. Revised plans have been submitted which removes elements of inappropriate detailing and the revised site plan creates greater garden space for the affordable housing that is located in the centre of the site.

2.4 The development is served by two cul-de-sacs, one from White Hills Lane, and the other from Raikes Road. Small areas of public open space are shown on the Raikes Road frontage with an additional area of open space within the site.

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.

3.3 63/2014/14604 Variation of outline condition 10 to allow off-site affordable housing. Refused 1 July 2104

4 Planning Policy Background

4.1 National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (nPPG)

4.3 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 Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; ENV10 'Protection of Trees & Woodland'; T2 'Road Hierarchy', and; SRC2 'Provision of recreation space in new housing developments'.

4.4 However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". While the Local Plan (LP) Policies are broadly in line with the Framework they were adopted in 1999 and were not prepared under the aforementioned Act. Consequently, they are superseded by the more recently published (and therefore more up-to-date) national planning policy, and as the LP carries limited weight the application needs to be principally assessed against the National Planning Policy Framework.

5 Town Council Comments

5.1 Skipton Town Council have no objection to the site layout and the property styles proposed

6 Consultations

6.1 **NYCC Highway Authority.** Recommend that permission be granted subject to conditions.

6.2 Officer note. The Highway Authority has recommended a number of standard conditions as well as a condition requiring a Travel plan. The requested conditions were attached to the outline planning permission and it is not necessary to repeat these conditions at reserved matters stage. With respect to the condition requiring a travel plan it is not considered necessary or reasonable for a residential development of this scale. Furthermore, if such a condition was considered appropriate it should have been attached at the outline stage.

6.3 **CDC Environmental Health.** Comment that regard should be had for the incorporation of a sustainable drainage system (this was covered by a condition of the outline permission). They have also commented that there are no known land contamination issues.

6.4 **Yorkshire Water.** No objection in principle, but advises that there will be a need for a new water main in White Hills Lane and Raikes Road and that there may be considerable lead in times and expense. (Officer Note. This is a matter for the developer).

6.5 **CDC Strategic Housing Officer** supports the provision of affordable housing the delivery and management of which will be dealt with by a S106 Agreement. The revised layout for the affordable housing is also considered to be acceptable.

- 6.6 **CDC Sports Development Officer.** In addition to the on-site open space indicated there will be a need for commuted sums for off-site provision. This will be dealt with by a S106 Agreement and was covered by a condition of the outline permission.
- 6.7 **NYCC Archaeology** advise there is no known archaeological interest.
- 6.8 **Ramblers Association** refer to a footpath running through the site but considers there is limited value in the footpath if it provides no link across the by-pass. They also comment that they are disappointed that an additional proposed new right of way to the north of the site, as indicated on the outline application, is now not proposed. The Ramblers are however pleased to see the public open space across the Raikes Road frontage allows access to a greater number of houses on Grassington Road and then to the rights of way to Tarn Moor.
- 6.9 **NYCC Education** Advise the scheme generates a commuted sum of £149,566.00. (Officer Note. The request for a contribution was considered with the outline planning application and the Planning Committee resolved to attach a condition requiring development not to begin until details of a suitable scheme for education provision had been submitted and provided. It is not appropriate or necessary to re-attach a further condition).
- 6.10 **Natural England** has no objections.

7 Representations

- 7.1 Seven letters of objection have been received including representations from Skipton Civic Society. Several make reference to matters relating to the principle of development, the access, and affordable housing citing : -
- Conflict with Policy ENV1.
 - Unsustainable development.
 - Fields provide a buffer between the by-pass and existing residential properties
 - The land should forms part of the Tarn Moor Estate trust and should not be developed.
 - Not developing the site would help promote the health and wellbeing of the population.
 - Roads in the area not suitable for further development (highway and pedestrian safety).
 - Affordable housing would be incompatible with the local area.

Officer Note. This is a reserved matters application and the principle of development, the access to the site, and the requirement to provide affordable housing has already been established. The only issues under consideration are the reserved matters which are the appearance of the development proposal, landscaping, layout and scale.

- 7.2 The following objections may be considered in the assessment of the reserved matters application:-

Design

- The proposal is a homogenous estate that would be incongruous whereas the nearby housing is of individual design.
- The materials and design is inappropriate.
- There is insufficient concession to using sustainable forms of energy.
- Some house types do not include chimneys.
- The design is a poor pastiche of local traditional architecture. Good modern design would be preferred.

Landscape impact

- The proposal does not safeguard landscape features such as stone walls and hedgerows.

Impact on residential amenity

- The affordable housing has very limited amenity space (Officer Note. The original submission was amended by increasing the amount of amenity space for the affordable housing units).
- Lack of privacy for existing residents.

Density

- The density is disproportionate to the surroundings. A lower density should be proposed.

8 Summary of Principal Planning Issues

8.1 The principle and means of access has been approved by the outline planning permission and therefore the only issues for consideration are the reserved matters; appearance, landscaping, layout and scale.

8.2 The national Planning Practice Guidance (nPPG) provides guidance on the issues to be considered:-

- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

9 Analysis

Appearance

9.1 The NPPF in section 7 provides guidance on and stresses the importance of good design. The proposed development is for 45 dwellings ranging from one bedroomed apartments at 60 sq. m. to five bedroomed dwellings at 240 sq. m. There is a common architectural theme throughout the development with all dwellings constructed in stone with slate roofs.

9.2 The development proposes a total of 23 different house types thereby avoiding repetition and even when repeated, subtle variations have been introduced, including “handing” the design and adding sun rooms. Each of the designs of the properties was subject to negotiated amendment to reflect the identity of local surroundings and materials in accordance with paragraph 58 of the NPPF. Architectural detailing has been simplified to include quoins, mullioned windows, kneelers and tabling to roof verges which are typical of the traditional vernacular architecture of Skipton.

9.3 It is not considered appropriate or necessary to dictate decoration or lighting. The lighting of the site will be dealt with by the Highway Authority in the adoption agreements for the road. The colour and texture of the development referred to in the nPPG can be appropriately addressed by a condition requiring approval of materials. The scheme also shows photo

voltaic panels on the roofs of dwellings (this does not go as far as some representations that requested a greater use of renewable energy) but is nevertheless acceptable.

- 9.4 In summary it is considered that the design detailing and appearance of the proposed dwellings is acceptable.

Landscaping

- 9.5 The submitted plan shows the provision of a 1 m. stone wall to the entrance to the site from White Hills Lane and internally within the site defining private drives and courtyards and where appropriate the front gardens of properties. Timber fencing 1.8m. high is proposed to define rear gardens and curtilages.

- 9.6 The existing hedge and trees on White Hills Lane are to be retained although the hedge may require cutting back to achieve visibility splays. The hedge on Raikes Road is to be reduced in height to 1 m. to ensure that adequate visibility is available to the Raikes Road access to the site. No new planting is proposed on the submitted details, but the applicant's agent acknowledges that there is a landscaping condition on the outline permission and full details are to be submitted to discharge that condition. A further condition is also recommended to help secure the retention of the existing hedge.

- 9.7 The site is generally flat and no banks, terraces or earthworks are indicated. However, there is a variation in land levels particularly in the eastern corner of the site and it is possible that adjustment of levels may be intended. A condition attached to the outline planning permission (condition 4) already requires the submission of existing and proposed levels information and therefore it is considered that this issue is already satisfactorily controlled. The layout of gardens has been subject to negotiated amendment particularly in respect of the affordable housing units. The proposed courtyard parking has now been omitted and while this results in parking in front of the properties the scheme now provides appropriate gardens for all properties.

Layout

- 9.8 Since originally submitted the layout has been amended to provide an acceptable layout particularly respect of the affordable houses. The scheme has been carefully designed to ensure that principal elevations, where possible are in a south east/ south west orientation. There is adequate space around the properties to ensure that the residential amenities of the prospective occupiers and existing residents on Raikes Road, Tarn Moor Crescent and White Hills Croft are not compromised.

- 9.9 Criticisms have been made of the density of the development and it is recognised that the density is greater than adjacent existing residential development. However, the density is certainly not considered to have an adverse impact on the locality, and it is worth noting that a more efficient use of the land helps to meet the Districts housing requirements.

- 9.10 Three areas of open space are identified, two of which are adjacent to Raikes Road, and the third is internal to the site. The location of the open spaces are considered to be appropriate for the development. However, there is no firm information on how these on-site open space areas are to be managed and furthermore the Sports development Officer has commented that further off site provision is required to meet the Council's adopted policy. A condition is already attached to the outline planning permission that requires these matters to be resolved (condition 11) prior to the commencement of development.

Scale

- 9.11 The sizes and proportions of the development proposals are all perfectly reasonable and in keeping with the surroundings and therefore it is considered that the development is of an appropriate scale for the site and in relation to its surroundings.

Other Matters

- 9.12 Comments have been made with respect to the mix of the housing types. With respect to the affordable housing the mix is in line with the Council's evidence for affordable housing provision. With respect to the open market provision housing the dwellings are principally

larger detached properties. Whilst this mix is not ideal in terms of providing a good range of open market houses to purchase, on balance the mix is accepted as it is in character with the locality.

- 9.13 The Ramblers have expressed disappointment that a proposed new footpath to the north of the site has been omitted. However this was indicated on an indicative plan that accompanied the outline submission and was not formally part of the previous application and there are no grounds to insist upon its provision. A further footpath that crosses over the site is to be maintained.

Conclusion

- 9.14 Having due regards to the guidance in the nPPG in respect of the consideration of reserved matters it is concluded that the appearance, landscaping (subject to the approval of full details as required by the condition of outline permission), layout and scale of development is acceptable and satisfies the design criteria of the NPPF.

10 Recommendation

- 10.1 That the application be approved.

Conditions

1. The approved plans comprise drawings:-

201 Rev B, 202 Rev B, 203 Rev B, 204 Rev B, 205 Rev B, 206 Rev B, 207 Rev B, 208 Rev B, 209 Rev B, 212 Rev B, 213 Rev B, 214 Rev B, 215 Rev B, 216 Rev B, 217 Rev B, 218 Rev B, 219 Rev B, 220 Rev B, 221 Rev B, and 222 Rev B received by the LPA on 31 July 2014, and drawings: -

100 Rev I, and 200 Rev C received by the LPA on 18 August 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 and for the avoidance of doubt

2. No construction of the external walls and roof until precise details of the materials, colour and finish of all external materials (walls and roof including boundary walls) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

3. The development shall not begin until a scheme for the continued management and maintenance in perpetuity of the hedgerow that fronts onto Raikes Road and White Hills Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme should also detail the height that the hedge is to be retained at. The hedgerow shall thereafter be retained in accordance with the requirements of that approved scheme.

Reason: The proposed layout of the development indicated in the reserved matters submission relies on the retention of existing hedgerows to help maintain the character and appearance of the area. The loss of the hedgerow would therefore be undesirable and detrimental to the character of the area. Conditions 6 & 7 of the outline planning permission already require the submission of further landscaping details to the Local Planning Authority, however a further condition is considered necessary at reserved matters stage to ensure the retention of the hedgerow in perpetuity.

Informatives

1. All conditions specified in the outline planning permission reference 63/2013/13748 approved on 7.10.2013. must be complied with and discharged as appropriate.
2. Whilst this application includes details of onsite informal open space, the Local Planning Authority do not consider that the submission discharges the requirements of condition 10 of the outline planning permission reference 63/2013/13748. In particular insufficient provision is

indicated to fully meet the requirements of Saved Policy SRC2, and further information is required to demonstrate how the long term management of the open space areas within the site are to be secured.

Statement of Positive Engagement: -

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

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

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

GARGRAVE&
MALHAM
30/2014/14591

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

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. (A site visit was subsequently undertaken by the Planning Committee on 30 June 2014).

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 Gargrave conservation area that was designated in 1979.

2. Proposal

- 2.1 It is proposed to erect a three bedroomed detached dwelling constructed in natural stone with reclaimed natural stone roof, approximately 1.2m. to the east of the Vicarage. The dwelling projects approximately 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 Saved Local Plan Policy H3

5. Parish 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.

6.3 **Heritage and Conservation Consultant.** The Council instructed a Conservation and Heritage Consultant (John Hinchliffe- Hinchliffe Heritage) to provide an independent appraisal of Gargrave Conservation Area; a Heritage Impact Assessment of the Proposed Dwelling on the Character and Significance of the Gargrave Conservation Area and a Statement of Acceptability of the Proposed Dwelling and Defensibility of Refusal on Heritage Grounds. The full advice is available to view on the Council's website, and more information is included later in this report, but essentially the advice is that:-

- The development proposal would "significantly and demonstrably" harm the character, appearance and significance of the conservation area, and
- The development proposal is not acceptable when assessed against national guidance and policies and CDC has a strong case for refusing the application on heritage grounds.

Officer Note. The reports produced were independent and the Consultant was given no instructions to reach a conclusion that concurred with the advice in the Officer report to Committee on 30 June 2014 (this Officer report was withdrawn prior to consideration). The applicant has responded in correspondence dated 6 September 2014 which Members are invited to view on the Council's web site. The correspondence includes comments on the Hinchliffe Heritage reports and re-states the applicant's case. The applicant also includes a commentary on Design Evolution, the Role of the Diocese and the Vicar and the Consultations. It is not considered that alterations and financial contributions to alterations to the Vicarage are relevant to the consideration of the current application. Finally the applicant has commented on the impact on the Vicarage.

7. Representations

7.1 At the time of compiling the report 11 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.

7.2 A letter has also been received from the Diocesan Property Officer and Surveyor confirming that the Diocese does not object to the erection of a detached house on land adjacent to the present vicarage.

8. Summary of Principal Planning Issues

8.1 Land use/principle

8.2 Impact on the conservation area and design

8.3 Impact on residential amenity

8.4 Highway issues

9. Analysis

Land use/principle

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 By reason of when it was prepared and adopted the Local plan is not up-to-date as identified in the NPPF. Furthermore, 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.
- 9.6 Saved Local Plan policy H3 'Residential Development within the Development Limits of Skipton and the Named Local Service Centres' would be applicable to proposals for new residential development within the village of Gargrave. However this policy has to be considered as out of date as the Council cannot demonstrate a 5 year supply of deliverable housing sites. The proposal therefore needs to be considered principally against planning policy within the NPPF.
- 9.7 Preparation of the new Local Plan has commenced. Members will be aware 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 no weight and the Council's decision on this proposal must be considered on its own merits having regard to the policy within the NPPF.

Impact on the conservation area, setting of listed buildings and design.

- 9.8 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 128 to 141 are particularly relevant).

- 9.9 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.10 The conservation area of Gargrave was designated in 1979. Subsequently the Conservation Area Appraisal of 1997 identified the paddock as an important open space. The 1997 Conservation Area Assessment consists of a list of facts and includes only a minimal assessment of the character of the conservation area. Given the absence of an up-to-date Conservation Area Appraisal in July/ August this year Hinchliffe Heritage carried out a Rapid Conservation Area Appraisal RCAA on behalf of the District Council.
- 9.11 Hinchliffe Heritage then carried out a Heritage Impact Assessment and concluded that the cumulative impact of the proposed development would be to harm the character and appearance of the conservation area and its significance. The full advice from Hinchliffe Heritage is available to view on the Council's website, but to summarise greatly concerns were raised with respect to:-
- The slight adverse impact on the village conservation area's characteristic of the southern half of the village having larger areas of open space.
 - A moderate adverse impact on the village conservation area characteristic of being 'a historical agricultural village in a largely rural setting'. This is due to the encroachment into the area of open land.
 - A moderate adverse impact on the village conservation area characteristic of being 'a historic village with a range of predominantly vernacular buildings and some distinctive show-piece architectural features'. This is because the proposed development fails to respect the prevailing character and is out of context with the Conservation Area.
 - A large adverse impact on the characteristic 'a *landscape where the open spaces, trees and stone boundary walls make a significant contribution to the character and appearance*'. This is because the proposal involves the partial loss of the open space of the croft and this in itself will have a moderate adverse impact on this characteristic of the Conservation Area. More significantly, the loss of the part of the open space for development would have an adverse impact upon the role of the open space in facilitating extensive views over it.
- 9.12 With respect to the impact on listed buildings 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. The advice received is that 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.
- 9.13 In the assessment of the proposal against the relevant policy guidance within the NPPF the Council's consultant advises that it is not the case that the proposal will cause 'substantial harm' or total loss of the significance of the heritage asset. However the proposal does, as summarised above, cause harm to the heritage asset and in accordance with NPPF advice the harm caused should therefore be weighed against the public benefits of the proposal, including securing its optimum viable use.

9.14 In conclusion the advice from Hinchliffe Heritage is that: -

1. The development proposal would “significantly and demonstrably” harm the character, appearance and significance of the CA through: the loss of open space which makes an important contribution to the character, appearance and significance of the CA and; the unjustified introduction of building features (the projecting ground floor element and asymmetrical glazed door panel on the front elevation) which are alien to the prevailing character of the CA.
2. The development proposal includes no significant public benefits which would outweigh that harm.
3. The development proposal is not acceptable when assessed against national guidance and policies and CDC has a strong case for refusing the application on heritage grounds.
4. Inappropriate development on the wider croft (of which the application site form part) and on other similar areas of undeveloped open agricultural land have the potential to “significantly and demonstrably” harm the character and appearance of the CA and its significance, although these would need to be assessed on their merits together with any public benefits which they may bring.

Impact on Residential amenity

- 9.15 One of the core planning principles of the NPPF is to seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. 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. In summary the relationship between the proposed dwelling and the adjacent vicarage are unacceptable.
- 9.16 A letter has been received from the Diocesan Property Officer and Surveyor confirming that the Diocese does not object to the proposed dwelling. Notwithstanding this letter it still falls to the Local Planning Authority to assess whether the relation between the two properties provide an acceptable standard of residential amenity. For the reasons explained above it is not considered that the relationship is acceptable.
- 9.17 A representation has been received from a local resident expressing concerns about overlooking, but given the distance of approximately 28m. from the proposed dwelling to this neighbour’s property it is not considered an objection on these grounds can be sustained.

Highway issues.

- 9.18 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 has recommended conditions. It is not considered that an objection on highway grounds could be sustained.

Other Matters

- 9.19 The Parish Council has commented that the land is as of value as an important open space. In terms of the contribution that the land makes to the conservation area this comment is accepted. The land is also identified as ‘Important Open Space’ by the 1999 Craven District (Outside the Yorkshire Dales National Park) Saved Local Plan. However, the policy that designated the land as ‘Important Open Space’ is not saved and this designation should not be given any weight in the decision making process.

Conclusion

- 9.20 Planning Policy within the NPPF supersedes out-of-date local plan policies in the determination of this application. The Government's advises that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. 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. With respect to heritage assets Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.21 The site is within the village of Gargrave which is a settlement with local facilities and access to public transport. Residential development in this location is in principle given support by the NPPF and there is a strong presumption in favour of sustainable development. The contribution that the development would make to meeting the districts housing needs is also an important consideration in the assessment of the application.
- 9.22 Permitting the development would however have adverse impacts on the heritage asset that is Gargrave Conservation area as well as providing an unsatisfactory standard of residential amenity. The key question is therefore whether these adverse impacts significantly and demonstrably outweigh the benefits.
- 9.23 Paragraph 132 advises that great weight should be given to the conservation of heritage assets. There is also a requirement under S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 '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 conservation advice that the Council has received is that the development proposal would "significantly and demonstrably" harm the character, appearance and significance of the Conservation Area. This part of the conservation area is very distinctive in its built form with small groups of buildings separated by areas of open space. Encroachment into these open spaces would begin to destroy what is important and special about the area and therefore it is considered that the development fails to preserve or enhance the character and appearance of the conservation area. With respect to the residential amenity considerations, the relationship between the development proposal and the adjacent dwelling is clearly unacceptable.
- 9.24 In conclusion it is accepted that the development proposal is sustainably located and that housing development would be a viable use for the site. It is also recognised that there is a strong presumption in favour of sustainable development and the contribution to housing supply (albeit limited in this case) is an important factor. However, the adverse impacts of the development are significant and it considered that they demonstrably outweigh the benefits of the proposal. Therefore, in accordance with the requirements of Paragraph 14 of the NPPF the development should be resisted.
- 9.25 It is therefore considered that the proposed development will fail to preserve or enhance the conservation area; the design of the dwelling is alien to the prevailing character of the conservation area and siting would have an overbearing impact on the residential amenities of the Vicarage to the west of the site. The proposal therefore conflicts with the guidance in the NPPF and planning permission should be refused.

10. Recommendation

- 10.1 That the application be refused.

Reasons for refusal

1. S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed dwelling would "significantly and demonstrably" harm the Gargrave Conservation Area through the loss of open space that makes an important contribution to the character, appearance and

significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.

2. S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The projecting ground floor element and the asymmetrical glazed door panel of the proposed dwelling are alien features and not in harmony with the local character and distinctiveness of the conservation area. Development would therefore harm this designated Heritage Asset and conflict with the guidance in the National Planning Policy Framework.
3. 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.

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**

*WEST CRAVEN
17/2014/14875*

CONSTRUCTION OF SINGLE-STOREY THREE-BEDROOMED LOG CABIN.

WEND NURSERIES, THE WEND, CARLETON

APPLICANT NAME: MR GORDON MIDDLETON

TARGET DECISION DATE: 17/09/2014

CASE OFFICER: Roger France

Councillor Mason has asked for the application to be referred to the Planning Committee and a site visit, as the site is derelict, and has been for several years. For this reason he considers that the merits need consideration by the Planning Committee.

1. Site Description

1.1 The application site is located to the southwest of Carleton village, beyond the main built up area of the settlement, and forms part of a larger area of undulating land with a history of use as an allotment/small-holding and horticultural nursery. This area contains open grass land and various groupings of sheds, greenhouses and animal shelters (some in a dilapidated condition), but currently is not generally in productive use.

1.2 This larger area is bounded by a track to the south, which is an extension of The Wend, itself an un-adopted narrow road off West Road which serves an enclave of around 20 largely traditional cottages and houses to the east of the site. To the north is pasture land separating the site from West Lane. To the south and west is open countryside, although there are some sporadic isolated buildings of former agricultural use, some of which have been converted to residential use.

1.3 The application site itself is situated to the northwest of the small holding, on rising sloping land, close to the main grouping of existing structures.

1.4 Vehicle access is from The Wend which forms a junction with West Lane.

1.5 The land falls outside the allocated Development Limits of Carleton, as identified in the adopted local plan (1999), and although the lower grassland falls within the designated Carleton Conservation Area the application site itself lies outside (but adjacent to) the boundary.

2. Proposal

2.1 The erection of a permanent dwelling, as a single-storey pitched roof building of timber construction, on a concrete base, providing three-bedroom accommodation. The facing materials are described as timber log walls and shingle roof cladding.

2.2 The proposed development will be served by the existing vehicle access to the small holding from The Wend, with a parking area on site. The application proposes a package treatment plant for waste water treatment.

2.3 The applicant has provided some supporting information stating that their existing property is inadequate to run their costume design/hire business and that the proposed dwelling would allow this enterprise to expand, with an additional worker employed, and at the same time allow better use of the larger former market garden site, with the intention selling produce to local people.

3. Planning History

3.1 17/2005/5434: Use of existing static caravan as permanent residential accommodation. Refused 2005

- 3.2 17/2005/5920: Use of existing static caravan as temporary residential accommodation for period of two years (Re submission of refused Application No. 17/2005/5434). Temporary permission granted 2006 (expired 25.1.2008).
- 3.3 17/2007/8234: Use of existing static caravan as temporary residential accommodation. Withdrawn January 2008.
- 3.4 17/2009/9595: Demolition of existing workshop/storage shed, erection of new dwelling and temporary retention of existing static caravan. Refused: 3 June 2009.
- 3.5 Enforcement Ref. 69/08. In August 2009 formal Enforcement Action was taken by CDC through the service of a Breach of Condition Notice that required the removal of the static caravan permitted on a temporary basis by Planning 17/2005/5920). The caravan was subsequently removed in accordance with the requirements of the notice.
- 3.6 17/2013/14160: Construction of One 2/3 Bedroomed Log Cabin. Withdrawn February 2014.
4. Planning Policy Background
- 4.1 National Planning Practice Guidance (nPPG) & the National Planning Policy Framework (NPPF).
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.3 The local plan policies that are relevant to the current application and have been ‘saved’ (under the Planning & Compulsory Purchase Act 2004) are Policies ENV1 ‘Development in the Open Countryside’; ENV2 ‘Requirements for Development in Open Countryside’; H2 ‘New Residential Development’; and T2 ‘Road Hierarchy’.
- 4.4 *[Officer Note: 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.*
5. Parish Council Comments
- 5.1 Carleton in Craven Parish Council: “The Parish Council would like to see that any granting of planning permission is linked to a condition that the whole site is tidied up including the removal of derelict buildings.”
6. Consultations
- 6.1 NYCC highways: Recommend refusal on the following grounds
1. It is County Council policy that where an access serves more than 5 dwellings that access shall be made up to adoptable standards.
 2. Existing visibility is 2m x 15m to nearside, and 2m x 20m to centreline easterly. Existing visibility is 2m x 15m to nearside, and 2m x 30m to centreline westerly. Required visibility is 2m x 60m.
 3. There have been conflicting letters regarding a ‘Traffic Generation Trade Off’. It would be prudent to recommend refusal until this matter is resolved by planners
7. Representations
- 7.1 Three individual letters of support have been received, plus a further miscellaneous batch of correspondence supplied by the applicants; and three letter of objection (although the latter are all on behalf of one household).
- 7.2 The letters of support comment that:
- “The current site is unsightly and using it to provide housing as planned seems a much better use of the land, notwithstanding the Highways Dept. opinion. Those of us who live in The Wend manage perfectly well with the lane access as it presently is.”

- “We have lived on Sunnybank for nearly 29 years and remember when Gordon and Anne lived in the Wend Nurseries. We fully support their application and hope that they gain permission to live and work on this land. Since they left, it has become a nuisance to residents in the immediate area. It is overgrown, open to abuse and looks a mess. It would make a difference to us and many residents of Carleton in general, if Gordon and Ann lived at Wend Garden Nurseries. When they lived there previously, the land was full of flowers and trees. It was peaceful and they were good neighbours.”
- “I would like to support this application. As a close neighbour I am concerned at the state of dereliction that the area has fallen into and believe that the creation of a residential property would reverse this process and add value to the area. The application would help to address the lack of available rural housing in the area and involves the improvement of a brownfield site rather than expansion into the greenbelt.”

7.3 In addition, the applicants have supplied a bundle of letters and a petition in support of the application. The letters include seven individual correspondents, some from local businesses and letters from the local theatre group, that (in summary) support the application either because

- a) there are concerns that since the previous nursery business run by a late family member stopped the site has not been maintained, the land and buildings fallen into disrepair, and is being used for anti-social purposes. By allowing the applicants to live on site it is suggested there would be a better prospect of the site being reused or improved; or
- b) if the applicant's moved away with their existing costume business the theatre group would suffer.

7.4 There are also three further correspondents who have signed ‘pro-forma’ style letter prepared by the applicant supporting the application for the reasons given in (a) and (b) above, and one adding that there would be no adverse impact on traffic levels.

7.5 The petition contains 53 signatures and is headed “This is petition for the support of the planning application for a log cabin at Wend Nurseries, The Wend, Carleton. The owners, Gordon & Ann Middleton wish to re-establish the nurseries as a small market garden business as has been since 1977 until recent years serving the community.”

7.6 Officer Note: The applicants have stated that the prime purpose of the application is to provide more space for their costume business, it has not been firmly indicated that the former nursery business will be re-established. Had the latter been the case normal planning practice would be to suggest that the horticultural business be established first, allowing the evidence for the need for a dwelling to be assessed later). In addition the applicant has provided information to the highway authority (dated January 2014) that the site would be used for keeping animals and to “use the workshop for dismantling and repairing various vehicles and equipment”, thereby suggesting that the traffic to and from the site would be reduced by the applicant's living on site).

7.7 The representations in objection are contained in two letters from the same household, plus a further letter from a professional agent on behalf of the same household. The grounds of objection are (in summary);

- that the development would increase traffic using the un-adopted ‘The Wend’, which the highway authority has identified as being substandard in visibility at the junction with West Road and unlikely to be improved. That there are also access right issues to the site that would lead to parking outside the site, reducing existing car parking space.
- the planning history of the site includes previous refusals for residential use, site lies outside the settlement boundary of the village and development would be contrary to saved Policy ENV1 of the local plan.
- There is no business plan for the site and it is some years since the site was in commercial horticultural use, that use would now be inappropriate on this site.
- The submitted architectural drawings lack detail and lack of clarity may lead to disputes.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location.
- 8.2 The impact of the proposal on the character and appearance of the conservation area.
- 8.3 The effect of the proposal on neighbour amenity.
- 8.4 Highway safety.

9. Analysis

The principle of development

- 9.1 To avoid sporadic development in the countryside saved Local Plan Policy H2 seeks, in general terms, to locate the majority of new residential development in the existing main service centre settlements. 'Development Limits' for these settlements are defined in the adopted Local Plan (1999), and there is a presumption against new residential development outside development limits under Saved Local Plan Policies ENV1 and ENV2.
- 9.2 Policy ENV1 specifically restricts development in open countryside to "Small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development." and development would only be considered acceptable where it;
 - Clearly benefits the rural economy
 - Helps to maintain or enhance landscape character
 - Is essential for the efficient operation of agriculture or forestry; or
 - Is essential to the needs of the rural community
- 9.3 Policy ENV2 provides more specific guidance in relation to development where it meets the general criteria outlined in ENV1. Specifically it requires that development should be compatible with the character of the surrounding area and that it should not have an unacceptable impact on the landscape.
- 9.4 In this case the application site is a greenfield site located outside the existing built up area of the village and falls outside the allocated Development Limits. The site of the proposed new dwelling is separated from the existing edge of development by the open area of the former allotments/nursery and the site has a contrasting rural character to the built-up area of the village.
- 9.5 Hence, for planning purposes, the site falls within open countryside and, to be acceptable in principle with respect to Local Plan policies, there would have to be special circumstances to justify a new dwelling. The applicant's supporting information does not identify any reason associated with their costume design / hire business why the occupation of the dwelling would be linked to the application site, or require a rural location, and as such the proposed residential development is held to be contrary to Policy ENV1. Similarly, there is no evidence to suggest that a horticultural use could not be carried out without a residential presence on-site.
- 9.6 However, as already indicated, the adopted Local Plan is out of date, and in these circumstances the NPPF takes primacy. Nonetheless, saved LP Policies ENV1 and ENV2 are broadly consistent with the rural restraint and countryside protection objectives of the NPPF, and can be given some limited weight in this respect.
- 9.7 With respect to the emerging replacement Local Plan it is at too early a stage to be given any material weight to be considered in determining applications. However, the site has been shown to have development constraints and public consultation has been carried out, with a preference shown for development elsewhere within the village, and the application site is not a 'preferred option' for development going forward.
- 9.8 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up

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

- 9.9 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 in the Framework that the “intrinsic character and beauty of the countryside” be recognised; that planning should contribute to “conserving and enhancing the natural environment” and “conserve heritage assets in a manner appropriate to their significance” (Para 17).
- 9.10 To judge whether the application proposal forms sustainable development it needs to be assessed against the Framework as a whole, including the impact of the development on the conservation area and the effect on the general amenities of the locality.

Impact on Heritage Assets / Visual Amenity.

- 9.11 Although the application site lies outside the boundary of the Carleton Conservation Area, it lies adjacent to the boundary and will be visible from it. 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.
- 9.12 In addition to this legal provision the NPPF provides overlapping material planning considerations to be taken into account. Listed buildings and designated Conservation Areas are ‘heritage assets’ for the purposes of NPPF guidance (under which there is a presumption in favour of their conservation).
- 9.13 Within the overarching roles of the NPPF are 12 principles set out in Para 17. These include high quality design and conservation of heritage assets. Especially relevant to this proposal are Section 7 ‘Requiring good design’ (Para’s 56 to 68), and Section 12 ‘Conserving and enhancing the historic environment’ (Para’s 126 to 141). Para 56 states that the ‘Government attaches great importance to the design of the built environment’ and that good design “is a key aspect of sustainable development”; while Para 129 confirms that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).”
- 9.14 With regard to the application proposals, no analysis of the key features and characteristics of the area, including existing building styles in the locality, have been submitted. There are no features on the site with special historical associations to preserve and the present collection of small sheds and structures associated with former use detract from the appearance of the immediate landscape, especially the hillside where the dwelling is to be sited. Nonetheless, there is no evidence that residential development at the proposed location will lead to any material visual improvement to the land associated with the site. Furthermore, a ‘log cabin’ style structure would not be a form of development that would enhance the area. Rather it is considered that with the likely associated domestic paraphernalia, the proposed development would have an urbanising impact, in contrast with the present rural site characteristics. The development would therefore be unlikely to preserve or enhance the character or appearance of the adjacent conservation area, as required under the S.72 ‘test’, and would be detrimental to the character and appearance of the area generally.

Highway Safety

- 9.15 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.”
- 9.16 Saved Local Plan Policy T2 is 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 design and road safety; and the highway impact has regard to the surrounding landscape.

- 9.17 There are representations from local residents regarding inadequate road widths and increased congestion, and the effects of traffic generation on pedestrians and vehicle safety.
- 9.18 The Highway Authority has recommended refusal of this application on the grounds of traffic safety. Specifically: -
- The unsuitability of the roads leading to the site to accommodate the traffic which would be likely to be generated by the proposal.
 - Concerns over the access from The Wend onto the main road which has substandard visibility splays and could not adequately accommodate the intensification of use which would result if planning permission were granted.
- 9.19 NYCC's policy is that in cases where there are more than 5 properties served by an access that access should be made up to an adoptable standard. In this case the applicant does not own or control the road, and therefore does not have the means to provide an acceptable access. Notwithstanding this, consideration must be given to whether or not the proposed dwelling would generate more vehicular activity than the existing lawful use as allotments/horticultural nursery and whether in doing so highway safety would be compromised.
- 9.20 It was previously concluded (in 2009) that a dwelling would not result in any appreciable difference in activity over that associated with the authorised use of the site and that a refusal of planning permission based on highway safety could not be justified. It is considered that the situation remains the same; i.e. it would be difficult to provide technical evidence that a single additional dwelling would materially impact on road safety given the existing level of use.
- 9.21 Nonetheless, the unsuitability of the access to the site does add weight to the other concerns regarding the suitability of the site for residential development.

Neighbour Amenity

- 9.22 It is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents. By reason of the separation distances to the other nearest neighbouring properties it is not considered that the development would have any adverse material impact on the living conditions of existing residents through loss of privacy, outlook, or light.

Conclusion

- 9.23 Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The benefits that this proposal would bring include the minor contribution that this development would bring to meeting the Districts housing supply and the positive contribution to the economy that development can bring generally. However, whilst the NPPF has a wider initiative to promote house building this proposal is only for 1 dwelling and the site does not therefore make any strategic contribution to meeting housing needs. Given the access constraints to the site, it is not envisaged that it is possible to make any greater contribution to housing supply.
- 9.24 With respect to other benefits it is also stated by the applicant that the development would allow their online business to expand and make better use of the adjacent land. The applicant's supporting information does not identify any business reasons why the occupation of the dwelling would be linked to the application site, or would require a rural location, and as such this matter should be given limited weight. Similarly, there is no evidence to suggest that a horticultural use could not be carried out without a residential presence on-site.
- 9.25 It is also contended by the applicant that allowing the development would bring environmental improvements to the site. However, as part of considering an application for a new dwelling it is not reasonable or appropriate to link any grant of permission subject to requiring other improvements to the condition of the land. It is possible for the landowner to make environmental improvements to the site with or without a grant of planning permission for a new dwelling.

- 9.26 There are however significant dis-benefits to allowing the development that outweigh the benefits. In particular the development proposal through its proposed design and appearance fails to preserve or enhance the character and appearance of the adjacent conservation area, and would be detrimental to the character and appearance of the area generally failing to protect the intrinsic character and beauty of the countryside.
- 9.27 The fact that the site is located outside development limits as identified by Saved Local Plan policy ENV1 can at best only be given limited weight. Nonetheless, saved LP Policies ENV1 and ENV2 are broadly consistent with the rural restraint and countryside protection objectives of the NPPF, and these policies can be given some limited weight in this respect.
- 9.28 In summary, it is therefore held there is insufficient public benefit to overcome the significant harm caused by the development in this open countryside location. As such, the development would be contrary to the policies of the NPPF that seek to protect heritage assets and Local Plan Policies ENV1 & ENV2 and the policy of the NPPF that seeks to maintain the landscape character of the countryside.
10. Recommendation
- 10.1 Refusal.
- 11 Reason for refusal
1. The site borders the designated Carleton Conservation Area and the heritage asset includes both the built up area of the village and its countryside setting. By reason of the obtrusive siting and incongruous design of the proposed dwelling the development would introduce a built-form of development that would be detrimental to the present spatial pattern, appearance and setting of the adjacent conservation area. As such, notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, it is considered there is insufficient public benefit to overcome the significant harm caused by the development in this open countryside location. The Local Planning Authority therefore considers that the development would not form sustainable development in accordance with national planning guidance, and specifically the development would be contrary to the policies of the NPPF that seek to protect heritage assets and Local Plan Policies ENV1 & ENV2 and the policy of the NPPF that seeks to maintain the landscape character of the countryside. Furthermore the development does not accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to have regard to pay special attention to the desirability to preserving or enhancing the character and appearance of conservation areas.

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
63/2014/14902

PROPOSED CHANGE OF USE TO A1, A3 AND A4 RETAIL, RESTAURANT,
CAFÉ AND DRINKING ESTABLISHMENT.

CRAVEN DISTRICT COUNCIL, TOWN HALL, 17 - 19 HIGH STREET,
SKIPTON.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 13/10/2014

CASE OFFICER: Andrea Muscroft

This application is referred to Planning Committee as it is for development at a Craven District Council owned property.

1. Site Description

1.1 The application relates to No. 17 – 19 High Street which are Grade II Listed Buildings constructed in 1862. The buildings occupy a prominent position at the northern end of the High Street. The principle two storey elevation of the Town Hall (no. 19) is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. In contrast, the principle three storey elevation of No. 17 is less detailed with a centre double door set within a square moulded doorway with frieze, cornice and pilasters.

1.2 The application site comprises only part of the ground floor of no. 19 (which is presently used as Tourist Information Centre) and all 3 floors of no. 17. No. 17 was previously used as office accommodation by the Council, but in recent years has been underused.

1.3 The site is within the Conservation Area of Skipton. The High Street is also subject to two Article 4 Directions which restrict:-

- *The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvements or alteration does not increase the height above the height appropriate for a new means of enclosure.*
- *Development consisting of the painting of the exterior of any building or wall. "Painting shall include any application of colour". "Wall" shall include reveals around doors windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.*

1.4 Saved policies from the 1999 Craven Local Plan identify that the site is outside of the area identified as Core Retail area.

2 Proposal

2.1 The application seeks permission to change the use of No. 17 – 19 High Street as commercial units falling within the Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes) and A4 (Drinking Establishment). No physical works are proposed by the application. Any physical works that are subsequently proposed may require further applications for planning permission and / or Listed Building Consent.

- 2.2 The proposal seeks a 'blanket' approval to allow the building to be used for all or any of the named uses (retail, financial/professional offices, drinking establishment) to operate. No hours of operation have been proposed.
- 2.3 Access to the building would be via the existing entrances to the building.
- 2.4 There is no dedicated parking associated with the application site, however, the site is in the town centre location which is well served by public car parks and good public transport links.

3 Planning History

- 3.1 The Town Hall has been subject to various applications for minor alterations and signage but the following is of direct relevance to the current proposal.
- 3.2 63/2013/13734 – Change of use of main ground floor rooms fronting High Street to A1 Retail, A2 Financial & Professional Services, A3 Restaurants and Cafes and A4 Drinking Establishments – Refused 28th August 2013 for the following reason: -

'The proposals seek permission for a wide range of alternative uses of part of a Grade II Listed Building which is located in a prominent position on the High Street within Skipton town centre and the Skipton Conservation Area and is moreover an established community asset. It is not considered that sufficient information has been submitted in support of the application to enable all the potential impacts of the proposed uses on the town centre, the Listed Building and the Conservation Area to be adequately assessed. In particular, English Heritage have questioned the appropriateness of an A3 (Restaurant/Café) Use of the building and there is insufficient detail of what alterations to the building would be necessary in order to accommodate both this and the other proposed alternative uses. Furthermore, the impact that these alternative uses may have on the continued use of the Town Hall as a community asset are not clear. Therefore, it is considered that the application fails to meet the requirements of the NPPF and PPS5: Planning for the Historic Environment Practice Guide in that the level of detail provided with the application is not proportionate to the significance of the heritage asset and does not enable the potential impact of the proposal to be fully understood. In addition it is not clear whether the site should be subject to sequential testing as set out in Saved Policy R1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.'

4 Planning Policy Background

- 4.1 The National Planning Policy Framework - NPPF.
- 4.2 National Planning Policy Guidance – nPPG.
- 4.3 Saved Local Policies R1 & R2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Town Council Comments

- 5.1 Skipton Town Council: No comments received at the time of compiling this report, but any comments received will be updated verbally at the Committee meeting.

6 Consultations

- 6.1 **NYCC Highways:** Do not wish to impose restriction on the grant of any permission.
- 6.2 **English Heritage:** No comments received at the time of compiling this report, but any comments received will be updated verbally at the Committee meeting.

7 Representations

- 7.1 None received at the time of compiling this report, but any comments received will be updated verbally at the Committee meeting.

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact of development on the character and appearance of the conservation area and listed building.

8.3 Amenity issues.

8.4 Highways and parking.

9 Analysis

Principle of development.

9.1 The NPPF seeks to promote sustainable development that would support the viability and vitality of town centres. It also advocates LPA's promoting competitive town centres. The principle of identifying primary shopping areas is retained and the LPA's are encouraged to define primary and secondary frontages and to make clear which uses would be appropriate to those areas.

9.2 There are 'Saved' (under the Planning & Compulsory Purchase Act 2004) Local Plan policies relevant to the current proposal. However, paragraph 215 of the 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 new NPPF; in particular "*the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given*".

9.3 Saved Policy R1 seeks to restrict new retail development to town centres and specifically within the Core Retail Area (CRA) unless there is no suitable sites available. No sequential test has been submitted as part of this proposal; however, the site is located on a primary frontage in the town centre and immediately adjacent to the CRA.

9.4 Saved Policy R2 is also supportive of new retail development subject to satisfying the following criteria of ensuring that the proposal can be accommodated in terms of traffic and parking, it does not result in the loss of residential accommodation, does not affect the townscape or local amenity, is not located in a protected local space or amenity area and not on land allocated for another purpose and does not affect a site of historic importance. It is acknowledged that the policy is more appropriate to entirely new retail development rather than changes of use.

9.5 In this instance, Saved Policies R1 & R2 of the Local Plan are broadly compatible with the objectives of the NPPF, but as they were not prepared under the aforementioned Act and are now superseded by the more recently published NPPF. As such the local plan carries very limited weight with the result that the application needs to be principally assessed against the NPPF.

9.6 With regards to the issue of sequential testing the NPPF requires that the LPA's to apply this test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date plan. Notwithstanding this requirement, it is considered that the need for a sequential test is not needed in this particular case given that the site is clearly within the town centre albeit outside of the currently defined CRA. Furthermore, the designation of the CRA stems from the now superseded Local Plan and therefore it is considered the Saved Policy R1 is of no relevance in connection with this application.

9.7 In terms of loss of employment (office) premises it is considered that the proposal would not have a significant impact as the uses applied for would all generate employment opportunities in their own right. Furthermore, the submitted proposal states that one of the potential future uses applied for remains that of offices falling under Class A2 (Financial and Professional Services).

- 9.8 In conclusion, it is considered that the uses applied for are considered to be appropriate for a town centre location, would be consistent with both the Local Plan and the NPPF and therefore the proposal is acceptable in principle.

Visual impact on the character and appearance of the conservation area and listed building.

- 9.9 The NPPF also makes it clear that the government attaches great importance to high quality design of the built environment, and considers this aspect to be indivisible from good planning. The NPPF also makes it clear that although visual appearance and the architectural design of buildings is important, high quality design goes beyond just aesthetic considerations.
- 9.10 The NPPF also deals with the conservation of the historic environment and requires that LPA's to consider '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*'.
- 9.11 Details submitted state that there will be no physical changes to the building although there would inevitably be works requiring listed building consent should permission be granted for the proposed units. The proposed uses of the building in themselves are not considered to be inappropriate or likely to impact in any adverse way upon the significance of the listed building as the key features that have contributed to its listing and the group value of the building would be preserved and protected as part of consideration of subsequent applications for physical alterations.

Impact of proposed on the amenity of neighbouring properties.

- 9.12 It is considered that the proposed uses would not have any greater impact than the existing uses within the Town Centre. Furthermore, there are no residential properties within close proximity to the site that could be adversely affected by this permission in terms of noise disturbance as a result of an increase in activity and opening hours that the proposed A4 use would require. In addition, the site is facing onto the High Street where there already exists a number of other public houses and restaurants nearby which open late at night. It is therefore considered that the proposed A3 or A4 uses would result in any significant increase in noise and activity over and above the current levels experienced within the Town Centre.
- 9.13 Notwithstanding this fact in the consideration of the Maple Grove appeal (on the land to the rear and north of the planning application site) the Planning Inspector imposed a condition restricting the units fronting onto the High Street (now occupied by Pizza Express & Chevin Cycles) to 0830 hours to 2300 hours. The evening opening hours on the adjacent development are considered to be quite restrictive given the town centre location of the proposal, but in the interests of consistency and given that the end user is unknown it seems appropriate to follow the precedent set by the Planning Inspectorate. It would always be open for any known end user to apply to vary the condition and extend opening hours.

Highway Issues.

- 9.14 The application site is located within the Town Centre of Skipton which is well served by public parking and local transport and therefore it is not considered that the proposal would have any impact on the existing highway network than the previous uses of the building. Furthermore, NYCC Highways have been consulted and have raised no objection to the proposal.

Other Issues

- 9.15 A very similar proposal was previously refused by the Planning Committee and there have been no significant changes in planning policy since the last decision was taken.

Notwithstanding this the view of Planning Officers remains that based on its planning merits the development proposal is acceptable.

10. Recommendation

10.1 To grant planning permission subject to the following conditions.

Conditions

1. The changes of use 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. No A3/A4 use within the development shall be open for business on any day of the week outside of 0830 to 2300 hours.

Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others.

Informative

This permission is for the change of use of the building only and does not provide authorisation for any internal or external alterations which may require a further application for planning permission and, due to the Grade II listing of the building, would also require Listed Building Consent.

The applicant is advised that this permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Licensing Team, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ (telephone 01756 706251).

Statement of Positive Engagement: -

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

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