

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
SETTLE & RIBBLE 62/2013/13590	RESIDENTIAL DEVELOPMENT OF 37 DWELLINGS LAND TO SOUTH OF INGFIELD LANE SETTLE APPLICANT NAME: SKIPTON PROPERTIES TARGET DECISION DATE: 30/08/2013 CASE OFFICER: Mark Moore

This application is being referred to the Planning Committee because it relates to a major application with significant public interest that has previously been determined by the Planning Committee. In addition, due to its location outside of Development Limits, the proposal is a departure from the Local Plan.

1. Site Description

- 1.1 The application site comprises a 1.24 hectare area of open grassland located to the southern side of Ingfield Lane in Settle.
- 1.2 The northernmost parts of the site, with the exception of a 30m section that fronts directly onto Ingfield Lane, lie adjacent to the rear gardens of properties on Ingfield Road. The eastern boundary lies partly adjacent to the rear gardens of residential properties at Brockhole View and partly onto open countryside. The western boundary partly adjoins the gardens of properties at Falcon Gardens and an area of private land associated with the Falcon Hotel further to the west. The southern site boundaries adjoin open agricultural land.
- 1.3 The application site also includes a strip of land forming a grassed highway verge on Ingfield Lane. The applicant's agent has confirmed that notice was served on 21/5/2013 on NYCC at County Hall, Northallerton as the landowners of the verge.
- 1.4 The site lies approximately 250m west of the boundary to the Yorkshire Dales National Park and approximately 400m to the south of the Settle Conservation Area.
- 1.5 The Falcon Manor is a Grade II listed building.
- 1.6 The site is relatively flat and open in aspect with the northern end generally at a higher level than the southern. There is a public footpath that runs parallel to the eastern boundary of the site and links to a wider footpath network within the National Park to the east and south.
- 1.7 The site lies wholly outside of development limits in an area defined as open countryside in the Local Plan although it does adjoin the settlement boundary of Settle.
- 1.8 The agricultural land on which the site located is classed as Grade 4 agricultural and there is an existing protected tree located just outside of the southern boundary (TPO No:177/2009).

2. Proposal

- 2.1 The site has had a previous planning application comprising an outline proposal for 37 dwellings (Ref: 62/2009/9632) that was refused in September 2009 and subsequently dismissed on appeal. Following a revised application that was submitted in 2010 (Ref: 62/2010/10975) planning permission was granted in January 2011.
- 2.2 In summary, the Council's original reason for refusal of the first application which was based upon the impacts of parts of the development on the amenity of properties lying adjacent to the site was accepted by the planning inspector on appeal (the full reason for refusal is set out in the Planning History below). The subsequent revised application proposed changes to overcome the reasons for refusal and in particular the concerns of the Planning Inspector as set out in the appeal decision. The proposed changes were accepted by CDC and outline planning permission was granted for 37 dwellings in 2011.

- 2.3 Consequently, the site has an extant outline planning approval for the erection of 37 dwellings with appearance, landscaping and scale being reserved matters. The reserved matters would need to be applied for before January 2014 in order to comply with the terms of the extant planning permission.
- 2.4 In this case the applicants had originally enquired about the possibility of applying for the reserved matters on the extant outline planning permission but were advised that as layout was one of the matters previously approved which it is now proposed to change it would be necessary for a new application to be submitted. Notwithstanding, the principle of residential development on this site has already been established.
- 2.5 This is a full application for the construction of a residential development of 37 dwellings comprising:
- 2.6 10 x 4 bedroom.
12 x 3 bedroom.
15 x 2 bedroom (affordable units).
- 2.7 All of the proposed houses are 2 storeys with 30° roof pitches and the layout comprises 6 different house types including terraced, semi-detached and detached properties. It is proposed to construct the housing of natural random coursed stone to the facades with artificial stone slates to the roofs and black upvc rainwater goods.
- 2.8 The proposed development would be accessed via a new adopted road coming off Ingfield Lane (as per the extant planning approval) and 48 private car parking spaces on driveways and a further 23 spaces in garages would be provided. This would be a total on-site parking provision of 71 spaces equating to 190%.
- 2.9 Eight of the properties would be served by private (shared) driveways, two to the north-east corner of the site, two to the south-east corner and the remaining four at the south-west corner. It is proposed to provide 4.5m x 90m visibility splays at the site entrance.
- 2.10 An area of public open space, comprised in part of a LAP (Local Area for Play,) is proposed immediately adjacent to Ingfield Lane on the eastern side of the site entrance.
- 2.11 As outlined above 15 of the proposed dwellings are to be affordable units. This would equate to 40% of the overall provision and would comprise a mix of both rented and shared ownership. The affordable units would all comprise 2 bedroom (4 person) dwellings and would be located more or less in the middle of the proposed layout. The details of the affordable housing have been agreed with the Council's Strategic Housing Manager.
- 2.12 The applicants have agreed to provide a crossing on Ingfield Lane which would link the proposed footpath on the northern boundary to the existing footpath on the opposite side of Ingfield Lane.
- 2.13 A link to an existing public right of way located to the east of the site would be provided immediately to the north of the pair of semi-detached properties proposed at the south-east corner of the site.
- 2.14 The application site is located outside of development limits and therefore has been advertised as a departure from the Local Plan.
- 2.15 The Council has issued a screening opinion for EIA confirming that the proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and a full EIA is not required. (Ref: 62/2013/13496).
- 2.16 Both of the previous planning applications were subject to screening and the Council came to the view on both occasions that EIA was not necessary. The decision of the Council that EIA was not required was not questioned by the Planning Inspector when the extant planning application was being considered on appeal. The current proposal does not raise any further issues that would justify the Council reaching a different conclusion to the screening that has taken place in relation to the previous applications.

Officer note: The application has been erroneously advertised as being accompanied by an environmental assessment (EA).

3. Planning History

- 3.1 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access. Refused September 2009 for the following reason:

‘the proposed development by virtue of its siting and layout and due to the proximity of existing properties on Brockhole View and Inglehurst on Ingfield Lane which have limited depth to their rear garden areas is likely to cause disturbance and loss of privacy to those properties to such a degree as to be detrimental to residential amenity. This would be contrary to PPS1 ‘Delivering Sustainable Development’ and PPS3 ‘Housing’.

An appeal was lodged against the refusal of planning permission. In summary, the Inspector came to the view that the development was acceptable in principle but did however agree with the Council's reason for refusal concluding that the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers. The appeal was subsequently dismissed.

- 3.2 62/2010/10975: Outline application for 37 dwellings including layout and access. This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.

- 3.3 62/2013/13496: request for screening opinion for a residential development of 37 houses. Screening opinion that EIA not required issued May 2013.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework.

- 4.2 Saved Local Plan Policies:

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in the Open Countryside

ENV10: Protection of Trees and Woodland

SRC2: Provision of Recreation Space in New Housing Developments

SRC12: Protection of Public Rights of Way

T2: Road Hierarchy.

5. Town Council Comments

- 5.1 Settle Town Council: Resolved that this application be approved.

6. Consultations

- 6.1 **CDC Environmental Protection:** No objections but the operation times of the construction site should be limited to minimise disturbance to nearby dwellings. There are no known contaminated land implications.

- 6.2 **Electricity North West:** Proposal has no impact on the electricity distribution system infrastructure or other ENW assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

- 6.3 **Environment Agency:** No objection to the proposals subject to conditions to ensure that development is carried out in accordance with the approved FRA and Drainage Strategy, provision of a SuDs drainage scheme and appropriate measures to deal with surface water run-off and foul drainage.

- 6.4 **NYCC Archaeology:** The proposed development has no known archaeological constraint.

- 6.5 **NYCC Highways:** Recommends that planning permission is granted subject to conditions:

- Road and footway layout/construction

- Private access and verge crossings construction
- Visibility splays
- Pedestrian visibility splays
- Approval of details of works in the highway
- Completion of works in the highway
- Details of access, turning and parking
- Provision of approved access, turning and parking areas
- Restriction on garage conversions
- Precautions to prevent mud on highway
- Doors and windows opening over the highway
- On-site parking/storage and construction during development
- Routing of construction traffic
- Production of a travel plan
- An informative relating to the adjacent PROW.
- Applicant should enter into a legal agreement to provide a footway along the south side of Ingfield Lane from the site to and across the B6480.

Officer note: The applicant has agreed to provide a pedestrian crossing to connect the footpath to the north of the site with the existing footpath on the opposite side of Ingfield Lane. The provision of a footpath to the specification of the Highway Engineer would not be practical due to land ownership details and is not considered to be necessary in this instance.

- 6.6 **Natural England:** The proposed development will not impact upon any nearby Sites of Special Scientific Interest. The LPA should ensure that, having regard to the NE standing advice, the development does not impact upon any protected species or adversely affect the local landscape and opportunities should be taken to incorporate biodiversity enhancements within the scheme.
- 6.7 **CDC Strategic Housing:** The applicant is proposing that 15 out of a total of 37 homes will be provided on site as affordable. This total equates to 40% of the units on site which is in line with Council policy. Of the 15 units to be provided 11 will be made available for affordable rent and 4 will be made available for sale on a shared ownership basis. The units will be transferred to a registered provider as proposed by the council at the time the development commences for £1000 per m².

The 2011 SHMA indicates a need for 32 affordable homes to be provided each year within the Settle and Ribblesbanks ward. To date no affordable homes have been delivered. The proposals allow for 10 x 2 bed 77 m² homes and 5 x 2 bed 80 m² homes distributed within the development. The size of these units is adequate and in line with the findings of the SHMA which indicated a substantial need for 2 bedroom properties within the District. This development will provide much needed affordable accommodation within the Settle and Ribblesbanks Ward.

- 6.8 **CDC Sports Development Officer:** Based upon the Craven District Council Open Space Strategy, Settle and Giggleswick area have an oversupply of playing fields for the youth and adult space. This also identified a lack of quantity and quality for the area play areas.

The inclusion of the on-site LAP and POS of 520m² supports the Craven District Council assessment of local need. The developer has offered a contribution of £20,000 for the off-site provision and improvement to play and recreational space in order to meet the policy

requirements triggered by the proposal. This is contained within the draft 106 heads of terms (Section 5.1). The trigger point is satisfactory.

Having assessed the application and draft heads of terms for the 106 agreement, the Sports Development Officer is satisfied that this meets the locally saved SRC2 policy as well as the national planning policy framework. This is set out in section 4.18 and 5.24 – 5.27 of the applications planning statement as well as the draft heads of terms for the 106 agreement – see notes below on finalising this agreement.

There are a few matters that need to be finalised. One as a condition and three points to be resolved under the negotiations for the 106 agreement:

- A planning condition to ensure that the final design and layout of the LAP and POS meet Craven District Council and Settle Town Councils requirements.
- The proposed maintenance of the on-site POS and LAP as set out in section 5.2 of the draft heads of terms for the 106 are incorrect and need to be changed to reflect the applicants proposed maintenance and includes the provision of an commuted sum of £4,680 to cover the 10 year costs of this by whoever the application agrees with to take on this duty in order to fully meet SRC2 policy.
- The payment of the commuted sums should be inflation adjusted and the trigger point for the maintenance of the on-site should be upon completion of the LAP and POS.
- The draft heads of terms sets out that commuted sums should be returned within 3 years, this should be increased to 5 years for the £20,000 and does not apply to the maintenance sum as this is for duration of 10 years.

6.9 **United Utilities:** No objections subject to conditions relating to management of foul and surface water drainage. UU request that advisory notes be attached to ensure that they retain access to the pumping station at Brockhole View and to advise that building over the public sewers on the site will not be allowed and should be dealt with either by retaining an access strip or by diversion of the sewer at the applicant's expense.

6.10 **Yorkshire Water:** No objections. Alterations to the road entrance may require a diversion of the main under the RASWA Regs.

6.11 **Police Liaison Officer:** Comments that the application is far improved for security than the previous submission. The following recommendations are made:

- The proposed footpath link to the PROW should be removed as it is considered to be unnecessary and contrary to security.
- That the play area should not combine play areas designed for different age groups.
- That the toddler play area be fenced off and incorporate a lockable gate.
- The play park should display clear signage informing when the park is open and closed.
- Litter bins should be provided at suitable locations in the play areas.
- Housing should attain Secured by Design Certification.
- Adequate security should be maintained during construction phase of the development.

6.12 **Yorkshire Dales National Park Authority:** Although no response received in relation to this application the Park Authority have commented on the previous (extant) planning application to say that they had no objections to the scheme.

7 Representations

7.1 There have been 6 letters of representation that object to the application for the following reasons:

- The field is subject to flooding and proposed development will make the current situation worse. This contravenes the NPPF.

- Houses on the site would be uninsurable due to flooding problems. There could also be a knock-on effect on insurance premiums on neighbouring properties.
- Application is not valid as no FRA was submitted. Previous FRA from 2009 is out of date and based on previous planning proposals and therefore not acceptable.

Officer note: A Flood Risk Assessment was submitted with the application and has been specifically commented on by the Environment Agency.

- Planning Statement makes no reference to the requirement under the previous planning permission for a SuDS drainage system.
- The requirement to pump sewage is alarming due to propensity of the site to flood due to surface water run-off and consequences of a pump failure are a concern.
- Development on flood prone area will place a burden on the local fire service.
- Drainage strategy has not considered the wider impacts eg. The nearby footpath on Brockhole Lane.
- The proposal does not represent sustainable development.
- Site is likely to be underlain by peat. Engineering works to resolve this would cause unacceptably high levels of disturbance to residents.
- The 'rounding off' of the settlement referred to in the Planning Statement is preposterous and unacceptable as irregular boundary forms the character of the settlement.
- Relationship and impact on neighbouring properties is unacceptable and could be improved.
- There are brownfield sites in Settle which should be developed first.
- Development is not needed in Settle as evidenced by numbers of properties that are for sale and is not desired by most residents.
- Proposed housing will put additional pressure on local amenities and employment.
- Development will de-value neighbouring properties.
- Development is disproportionate for small town like Settle.
- Development will cause traffic congestion on Ingfield Lane and other local routes.
- Traffic survey was conducted on a single day in March and is not representative of traffic throughout the whole year. It also does not provide any representation of bicycle usage.
- Proposals would impact upon recreational value of the area and nearby National Park.
- Site is prime agricultural land.
- Recent changes to the area, principally the recent demolition of the elderly persons home at Lower Greenfoot and its replacement with an 'extra care' unit including shops and a library cast doubt on the validity of the Transport Assessment.
- The EIA screening assessment purports that the development will enhance the existing area. The area would not be enhanced by an increase in traffic, noise and light pollution and buildings.
- Properties have not been designed to incorporate solar panels and the development is therefore not sustainable.

In addition to the above an objection has been received from the Campaign for the Protection of Rural England who has expressed concerns regarding the following:

- The lack of EIA.
- The use of watercourses by brown trout for spawning.
- The size and scale of the development.

- The proximity to a Grade II listed building.
- The proximity to the Yorkshire Dales National Park.
- The effect on the character of the market town of Settle.
- The use of green field land.
- Potential for further applications to increase the site once development has begun.

8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Proposed layout and access.
- 8.3 Design and materials.
- 8.4 Impact on amenity.
- 8.5 Impact on the adjacent listed building.
- 8.6 Affordable housing and open space.

9 Analysis

9.1 The Principle of Development:

- 9.2 The application site is located outside of Development Limits in an area defined as open countryside in the Local Plan. As a consequence the proposal would need to be considered under Saved Policies ENV1 and ENV2 of the Local Plan. Policy ENV1 is prohibitive of residential development in the open countryside other than under very special circumstances, none of which apply in this particular case. Accordingly, the development proposal is not supported in principle under the saved Local Plan policy. However, there are two significant issues that are relevant to this application.
- 9.3 Firstly, the site has an extant outline planning permission for the development of 37 dwellings. As detailed above the planning permission follows a previous refusal and a planning appeal and comprises a subsequent re-submission which was ultimately approved by the District Council. As a consequence, the site has an extant outline planning permission which could, subject to approval of reserved matters, be implemented. This is therefore a material consideration in relation to the current application.
- 9.4 Secondly, the Saved Local Plan policies, including ENV1, are derived from the Craven District (Outside the Yorkshire Dales National Park) Local Plan which was adopted in 1999. Specifically, a number of policies within the Local Plan, including ENV1, were saved in September 2007 under a Direction from the Secretary of State but were not prepared under the 2004 Planning and Compulsory Purchase Act. Paragraph 215 of the NPPF makes it clear that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF, stating that:
- 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*
- Consequently, where there is a conflict between the Local Plan and the NPPF the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.
- 9.5 The main thrust of the NPPF is the overarching presumption in favour of sustainable development, i.e, the general acceptability of proposals against the stated three dimensions to sustainable development; economic, social and environmental. The NPPF sets out that it is the Governments clear expectation that LPA's should deal promptly and favourably with applications that comply with up to date plans. Where plans are out of date (as with Craven's Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with national planning policy. Therefore, 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, when assessed against the policies in the

Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

- 9.6 In this case the principle of development on this site has already been dealt with under the previous outline planning permission and there is no change in the circumstances of the application site that would support the view that the site is no longer in a sustainable location. Accordingly, the proposal remains a sustainable development which should be supported under NPPF policy.
- 9.7 With regards to housing supply issues it should be noted that the Council is still unable to demonstrate that it has a five year supply of housing land. The most recent summary of housing supply in the Council's Housing Position Statement (March 2013) identifies a shortfall of 78 dwellings measured against a five year housing requirement of 882 dwellings (based upon a revised target of 160 per annum) which takes into consideration the extant planning permission for this particular site. As a consequence, the Council could not justify refusal of planning permission on the grounds of changes in housing land supply as there remains a shortfall which would increase should this site remain undeveloped and the extant planning permission lapse.
- 9.8 In summary, there have been no changes in planning policy since the outline planning permission was granted on this site that would substantiate a refusal of planning permission on the grounds of the principle of development. The extant planning permission is a material consideration that can in any case be implemented subject to approval of reserved matters and therefore a refusal of planning permission would not ultimately prevent the site from being developed. It is therefore only necessary to consider the acceptability of the revised submitted details of the application rather than the principle of development.
- 9.9 Proposed layout and access:
- 9.10 The proposed access to the site would be in the same position as that of the previous outline planning permission and, as per the extant approval, is considered to be acceptable. Within the site the wider road layout would differ from the approved scheme in that the main estate access would form a contiguous frontage along the eastern end of the site with access to the western part of the site being achieved via a smaller link road to a further access road set on a north-south axis in the central part of the site. This would in turn connect to a smaller private drive serving a group of four detached properties located at the south-west corner of the site.
- 9.11 In terms of the overall mix of housing within the development the revised scheme retains a mix of 2, 3 and 4 bedroom properties with the proposed (15) affordable units located across the central part of the site.
- 9.12 A significant change from the approved scheme would be the relocation of public open space (POS) within the development which would now be adjacent to the site entrance at the north-east of the site where it would front onto Ingfield Lane. It is also proposed to revise the eastern site boundary where it adjoins the properties at nos. 1-3 Brockhole View thereby increasing the depth of the gardens to those properties.
- 9.13 Overall, the proposed changes would lead to a more conventional estate layout with less emphasis on terraced rows of properties and segregated communal parking areas that were features of the original scheme.
- 9.14 It is considered that the new layout is an improvement to the approved scheme in that the housing would all have dedicated vehicle parking, there would be a greater variety of built form and the proposed POS would be more accessible to the wider community whilst retaining the existing character of Ingfield Lane by setting the new development further back from the road frontage.
- 9.15 It is considered that the general form and detail of the proposed layout are acceptable and represent an overall improvement in comparison the layout of the extant planning approval.
- 9.16 Design and materials:
- 9.17 The proposed development would comprise traditional gable ended two-storey properties constructed in a natural stone with artificial stone slates to the roofs. The overall form and

detailing of the proposed houses would be appropriate to the locality and are considered to be acceptable.

9.18 Impact on amenity:

9.19 This issue is significant as it formed the basis of the Council's previous refusal of planning permission and of the subsequent dismissal on appeal.

9.20 The scheme maintains adequate separation distances between the proposed new development and the existing housing on the periphery of the site with window to window distances ranging from 21m - 30m and 12m - 21m gable to window. The general arrangement and orientation of properties are all considered to be satisfactory and there are no issues in relation to the parking courts in proximity to neighbouring properties that were a particular problem on the first scheme that was put forward on this site.

9.21 Of note are the proposed changes in the north-east corner of the site. As detailed above the proposal to revise the eastern boundary would enlarge the rear gardens of the bungalows on Brockhole View whilst the general arrangement of the proposed new development would create a much more open aspect and generally improve the outlook of the existing dwellings. It is acknowledged that the gable end of the property proposed on plot 1 would lie closer than the previously approved dwellings (17m gable to the rear elevation of 2 Brockhole View) but this is an acceptable relationship and compensated for by the enlarged garden to the existing property and reduction in the overall massing of new development that would be visible from the rear elevation.

9.22 The revised proposals are considered to be acceptable in terms of impact on amenity and would be a general improvement to the scheme that currently has planning approval. As a consequence the application is considered to be acceptable in terms of the impact on the amenity of the existing properties bordering the site.

9.23 Impact on the adjacent listed building:

9.24 One key change from the approved scheme is the introduction of housing into the south-west corner of the site immediately adjacent to the southern boundary of 3 Falcon Gardens and the neighbouring Grade II listed Falcon Manor hotel.

9.25 The NPPF states that when considering the conservation of heritage assets great weight should be given to the asset's conservation. In particular it is acknowledged that significance can be harmed or lost through, amongst other things, development within its setting. However, it is also stated that LPA's should only refuse consent where substantial harm or loss occurs and that any such harm to a heritage asset should be weighed against the public benefits of the proposed development.

9.26 In this particular instance the significance of the listed building is derived in part from its setting which occupies a prominent location at the junction of Ingfield Lane with the main road (B6480) Duke Street. Viewed from the roads bounding the curtilage of the listed building the hotel has its frontage facing west where it is set well back from the road with a large car park and forecourt area screened by landscaping along the site frontage. To the southern part of the site there is a large area of private garden associated with the hotel fronting the main road and a bowling green which backs onto open countryside and the western tip of the development site. To the north the listed building is obscured from view to a large extent by a detached residential property that lies between the northern elevation of the hotel and Ingfield Lane.

9.27 It is not considered that the development would have any impact on the views or setting of the principle elevations of the listed building as the proposed new housing would be set well to the south-east and would not be visible other than from the grounds of the hotel.

9.28 With regards to the rear and south facing elevations of the listed hotel it is clear that the building faces onto residential development at Falcon Gardens and therefore the existing character of this aspect would not be significantly affected by the proposed further residential development. However, the revised proposals would encroach into an area which previously

would have remained undeveloped, thereby maintaining the open aspect of the southern part of the hotel, and it is necessary to consider the implications of this proposed change.

- 9.29 The development would partially enclose the rearmost part of the curtilage of the listed building by 'wrapping around' the existing development of Falcon Gardens. However, it is not considered that the impact on the setting of the listed building would be harmed to a significant extent as the southern aspect is already characterised by residential development and the overall context of its setting would not be materially altered. There is no doubt that long distance views from the south would see the setting of the listed hotel changed but it would still occupy a prominent position and the overall context of the site, which currently has residential development in close proximity, would not be altered to a significant degree.
- 9.30 Applying the test set out in the NPPF it is not considered that the revised scheme would result in substantial harm to the significance of the heritage asset of the grade II listed hotel and therefore refusal of planning permission on this basis could not be substantiated.
- 9.31 Affordable housing and open space:
- 9.32 The proposals include 15 affordable housing units which equates to 40% provision in line with the Councils policy requirements. The siting and details of the proposed units (two bedroom 70m²) have been agreed with the Councils Strategic Housing Officers and an affordable housing pro-forma completed.
- 9.33 With regards to the open space provision it can be seen from the Sports Development Officers comments above that subject to an appropriate legal agreement to secure 520m² of on-site open space and a developer contribution of £20,000 for the off-site provision and improvement to play and recreational space the proposals are satisfactory.
- 9.34 It is considered that the proposals are acceptable in terms of both affordable housing and open space provision. A draft legal agreement has been submitted to the Council but has not as yet been finalised. Consequently, it is proposed that any grant of planning permission should be subject to a condition requiring completion of a legal agreement to secure both the affordable housing, POS and commuted sum for off-site provision.

10. Recommendation

That planning permission is granted subject to the following conditions:

Conditions

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

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

2. The approved plans comprise the following drawings:

PL- 01, 02, 03, 10, 11, 12, 13, 14, 15, 20 and 21,

RF13-126-L01 and L02,

13026-C-SK02 Revision A

Received by the Local Planning Authority 23rd May 2013, and

C13163/001 Revision A received 16th August 2013.

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

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

3. Before development commences samples of all materials to be used in the external elevations of all the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the stone to be used (including the

colour and method of pointing and coursing). Such details as approved shall be implemented in full and retained thereafter.

4. Before development commences samples of all roofing materials to be used in the roofing of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in full and retained thereafter.
5. No development shall commence until details of the means of enclosure of the site, and where appropriate, plot boundaries within the site, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details and all boundary treatments shall be retained (as approved) at all times thereafter.

Reason (for 3 – 5): To ensure the appropriate use of materials and design in the interest of the character of the area.

6. During the construction period, all trees to be retained shall be protected by fencing as specified in BS 5837 (2012) at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained, and to accord with Saved Local Plan Policy ENV10.

7. No development shall commence until full details of the hard and soft landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following the occupation of the 36th dwelling, whichever is the soonest. The approved landscaping scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 5 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. Details submitted shall be compliant with BS 5837 (2012) and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area and ensure compliance with Saved Local Plan Policy H12.

8. The proposed ground levels, floor levels of any dwellings, paths, drives, garages and parking areas and the height of any retaining walls within the development site shall be completed strictly in accordance with the approved plans or by agreement with the Local Planning Authority following the submission of details for subsequent approval.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and in the interests of the character of the area.

9. No development shall commence until a Landscape Management Plan, indicating long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than any privately owned residential gardens) has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall be adhered to at all times thereafter.

Reason: To ensure that the approved landscaping scheme is implemented and maintained to an appropriate standard.

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

(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 no 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.

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

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

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

Reason: In accordance with Saved Local Plan Policy T2 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. There shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - ii) Any gates or barriers shall be erected a minimum distance of 6m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - iii) That part of the access(es) extending 6 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - iv) 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.
 - v) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - vi) Provision of tactile paving in accordance with the current Government guidance.

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

Reason: Changes to the GDPO were specifically brought in in 2008 to prevent newly hard surfaced front gardens resulting in flooding problems and surcharging public sewers. Discharging water from newly hard surfaced drives to public sewers should therefore be avoided where possible.

Informative:

With reference to condition No. 14 above, information relating to Standard Detail number E6 can be obtained from North Yorkshire County Council Highways Authority (0845 8727 374).

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m measured along both channel lines of the major road Ingfield Lane from a point measured 4.5m 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 splays 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 and in the interests of road safety.

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility splays 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 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

16. There shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (i) tactile paving
 - (ii) vehicular, cycle, and pedestrian accesses
 - (iii) vehicular and cycle parking
 - (iv) vehicular turning arrangements
 - (v) manoeuvring arrangements
 - (vi) loading and unloading arrangements.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the approved drawing and made available for use. 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 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

18. 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 ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

19. 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

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

20. 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 to ensure that the details are satisfactory in the interests of the safety and the general amenity of the area.

21. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (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 Local Plan Policy T2 and to establish measures to encourage more sustainable non-car modes of transport.

22. Surface water must drain separate from the foul water and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage of the site.

23. The development shall incorporate a sustainable drainage system (SUDS) to be submitted to and approved in writing by Craven District Council prior to the commencement of development.

Reason: In the interests of amenity and to ensure that the site is adequately drained.

24. No development shall take place until:

1. A scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it.

The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision in the development and shall be, in matters of tenure and type, in accordance with the findings of the Housing Needs Assessment 2005 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 the occupancy criteria to be

used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Or,

Confirmation has been obtained in writing from the Local Planning Authority that due to the nature of the development a contribution towards affordable housing is not required.

2. The design and layout of the LAP and POS (to meet Craven District Council and Settle Town Councils requirements) has been submitted to and agreed in writing by the Local Planning Authority.
3. The applicant has entered into a legal agreement to secure:
 - a) Details of the maintenance of the on-site POS and LAP together with agreement of a commuted sum to cover the 10 year costs
 - b) The payment of a commuted sum for off-site provision of open space in lieu of the on-site provision required under Saved Local Plan Policy SRC2.

Reason: To ensure the proposed development provides a suitably managed level of affordable housing and open space.

Informatives:

1. No works are to be undertaken which will create an obstruction either permanent or temporary to the Public Right of Way adjacent to the proposed development.
2. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
3. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up to date information regarding the line of the route of the way, The applicant should discuss with the Highway Authority any proposals for altering the route.
4. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats & c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.
5. Operating times of the site are limited from 7.30am to 18.00pm Monday to Friday, 8.00am to 13.00pm Saturday and no Sunday or Bank Holiday working.
6. The applicants should ensure that access to the pumping station at Brockhole View is retained at all times and should be aware that building over the public sewers on the site will not be allowed and should be dealt with either by retaining an access strip or by diversion of the sewer at the applicant's expense. United Utilities should be contacted to agree these details prior to the commencement of any works on site.

- 7, The applicant should note that the approved plans detail amendments to the boundary lines of the properties at Nos:1- 3 Brockhole View. These details must be complied with in order to fulfil the terms of condition No.2 above.

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 post validation.