

PLANNING COMMITTEE MEETING AGENDA

Monday, 20 October 2014

CONTENTS

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
<i>COWLING</i> 22/2014/15039	<i>CONSTRUCTION OF FOUR BEDROOM DETACHED DWELLING WITH ASSOCIATED TURNING AND PARKING AREA (RE- SUBMISSION OF PREVIOUS PLANNING APPLICATION 22/2014/14612).</i> <i>LAND TO WEST OF KITCHEN SHOWROOM DOVETAIL, COWLING</i> APPLICANT NAME: MR LES INGHAM TARGET DECISION DATE: 04/11/2014 CASE OFFICER: Andrea Muscroft	2 - 12
<i>SETTLE & RIBBLE</i> 62/2014/14965	<i>APPLICATION FOR RESERVED MATTERS FOR 4 NO DWELLINGS, APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING AND SCALE (OUTLINE CONSENT REFERENCE 62/2011/12180 DATED 17 JANUARY 2012)</i> <i>LAND OFF TOWN HEAD WAY, SETTLE</i> APPLICANT NAME: MR GARETH WOOLER TARGET DECISION DATE: 13/10/2014 CASE OFFICER: Andrea Muscroft	13 - 16

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

COWLING
22/2014/15039

CONSTRUCTION OF FOUR BEDROOM DETACHED DWELLING WITH ASSOCIATED TURNING AND PARKING AREA (RE- SUBMISSION OF PREVIOUS PLANNING APPLICATION 22/2014/14612).

LAND TO WEST OF KITCHEN SHOWROOM DOVETAIL, COWLING.

APPLICANT NAME: MR LES INGHAM
TARGET DECISION DATE: 04/11/2014
CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site is located on the western edge of the built-up area of Ickornshaw and occupies a narrow, triangular shaped strip of steeply sloping grassland land lying between the A6068 Colne Road to the south, and Nan Scar to the north. The roads form a junction to the west of the site.
- 1.2 The immediate locality is characterised by small groups of residential and commercial buildings surrounded by open countryside. The site falls outside (but adjacent to) the development limits of Cowling as adopted in the approved Local Plan, but is included within the designated Cowling Conservation Area - which includes the wider countryside setting.
- 1.3 The land within the application site extends to 0.1 hectares and is bounded by new residential development and some established business premises to the northeast; older cottages on the opposite side of Nan Scar to the north; and Colne Road and open countryside to the south. Just beyond the south east boundary is a former public house (Black Bull) now a furniture showroom.
- 1.4 Levels fall steeply across the site from the south and west to the northeast. There are a number of semi-mature trees along the higher section of the site, running parallel to Colne Road.

2. Proposal

- 2.1 The proposal seeks permission for the construction of a detached four bedroom dwelling with detached garage and associated turning and parking area.
- 2.2 The proposed building would be located to the south east of the site with the main principle elevations facing south and vehicle access directly off Nan Scar. The remaining residential curtilage would be landscaped with boundary treatments comprising of indigenous hedging.
- 2.3 The proposal would require the removal of two trees identified as T5 & T7 on the Tree Constraints Plan.
- 2.4 The application is supported by the following documents:
 - Design & Access Statement;
 - Tree Survey Report.
- 2.5 **Officers Note:** The proposal is a resubmission of a previous refused application ref: 22/2014/14612. The revised proposal has been submitted with an attempt to address the issue raised in the refusal notice. The issue was the impact of the proposal on neighbouring properties.
- 2.6 The revised proposal would result in a reduction in the proposed foot print from 182.02 sq m to 113.50 sq m thus resulting in a 38% decrease. In addition, due to unequal eaves height the

proposal would result in a reduction in the proposed height from 6.6m to 3.9m at its nearest point to the southern boundary.

- 2.7 The proposed garage would measure approximately 6m x 3m and would be constructed from traditional materials.

3. Planning History

- 3.1 22/2013/14254: Erection of 2 Detached Houses. Refused under delegated powers on 25 February 2014 for the following reasons: -

1. *The proposed development fails to preserve or enhance the character and appearance of the designated Cowling Conservation Area, by reason of the obtrusive siting, imposing scale, and incongruous design of the proposed dwellings. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development in accordance with national planning guidance, or comply with saved Local Plan Policies ENV1, or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.*
2. *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height, scale and mass of the proposed dwellings would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.*

The application was subsequently dismissed at Appeal ref: APP/C2708/A/14/2215633 on the 4th June 2014.

- 3.2 22/2014/14485 – Re-submission of previous planning application (ref: 22/2014/14254) for the formation of 2 detached houses. Withdrawn 18th March 2014.

Officers Note: Prior to the determination of this proposal the applicant withdraw application ref: 22/2014/14485 over concerns relating to the design of the proposed dwellings.

- 3.3 22/2014/14612 - Construction of four bedroom detached dwelling with associated turning and parking area – Refused for the following reason:

1. *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.*

4. Planning Policy Background

- 4.1 Planning Practice Guidance & the National Planning Policy Framework.
- 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'; T2 'Road Hierarchy' and ENV10 'Protection of Trees & Woodland'.

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 Cowling Parish Council: The parish is of the opinion that the reasons for refusal (ref: 22/2014/14524) are still relevant with this proposal, therefore, the parish recommends refusal.

6. Consultations

6.1 Conservation & Listed Building Consultant:- The revised dwelling has taken on board earlier comments identifying and as such is considered acceptable.

6.2 NYCC Highways Authority: Recommend conditional approval. The conditions relate to the construction requirements for the access; the provision of 2 x 45 metre visibility splays, and the prior provision of the car parking.

6.3 Yorkshire Water: No objection in principle but suggests that the applicant looks into alternative options for surface water disposal, as any connection to the public sewer network is considered as a last resort option.

6.4 CDC Tree Officer: No objection in principle but have the similar comments to the previous application:-

6.5 A site visit was undertaken on the 9th October 2014 to assess the impact of the revised proposal on the existing trees and the potential of protecting the trees during the construction stage. Concern that due to the level of excavation to provide a level access driveway and the construction of the retaining wall that trees T3 & T6 which have been marked for retention will be impacted upon. However, details submitted indicate that trees T8 to T11 will be retained and will continue to be protected by the conservation area. It is therefore, recommended that appropriate conditions are attached to secure the protection of the trees during the construction period and that replacement tree planting is implemented.

7. Representations

7.1 The proposal was advertised on the 25th September 2014 in the Craven Herald with a Site Notice displayed within the surrounding area on the 19th September 2014. In addition, letters of notification were sent out directly to local residents. To date 4 letters of objection have been received and comments made are summarised below:-

7.2 **Visual Impact**

- Concern that the proposed dwelling would be out of character with the surrounding conservation area.
- Concern over the potential visual impact on the trees.

7.3 **Amenity**

- Concern that the proposal would result in a loss of privacy.
- Concern that the proposal would impact on the outlook and level of sunlight to existing residents.

7.4 **Highway Issues**

- Additional traffic will result in residents parking on the road.
- Concern that the proposal would have a negative impact on both vehicle and pedestrians using Nan Scar.

- Nan Scar is narrow, with minimal car parking; further traffic will increase congestion/cause obstructions, and the new access will remove parking space.

7.5 Other issues

- The site lies outside the development limits of Cowling and the development would be contrary to the local plan policies.
- Development would increase local/drainage flooding problems.
- The proposal would result in an unnecessary ribbon of development.
- Question the need for further housing in Cowling.
- The land was previously donated to the Parish Council to be used for the benefit of local residents.
- Concern that the proposal would impede the use of the footpath located to the west of the former Inn.
- Concern that the proposal would result in a landslide.

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.
- 8.5 Impact on trees.
- 8.6 Other issues.

9. Analysis

The principle of development

- 9.1 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 settlements are defined in the adopted Local Plan (1999) and, to avoid sporadic development in the countryside, and there is a presumption against new residential development outside development limits under Saved Local Plan Policies ENV1 and ENV2. In this case, the site is located outside the development limits of Cowling; hence for planning purposes falls within open countryside.
- 9.2 However, the land does fall on the edge of the existing built up area, close to existing residential development. The adopted Local Plan in terms of development limit boundaries and housing supply policies is out of date and the proposal should be principally considered against the NPPF. 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.
- 9.3 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).

- 9.4 As regards the emerging replacement Local Plan, it is at too early a stage to be given any material weight to be considered in determining applications. In the absence of an adopted up-to-date plan it cannot be demonstrated that a 5 year housing land supply exists within the district, which under NPPF guidance weighs in favour of the development. However, proposals should be assessed against the policies in the Framework as a whole; therefore, any strategic benefit from the development still has to be considered against any harm in the planning balance.
- 9.5 In conclusion, the site is not located within the recognised service centre of Cowling as defined in the 1999 Local Plan, but is located on the periphery of the village and adjoins existing residential development. In addition, community and other facilities are reasonably accessible within the area, and there are good existing public transport links along the A6068. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development; in particular, the impact on the conservation area and the general amenities of the locality.

The impact of the proposal on the character and appearance of the conservation area

- 9.6 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.
- 9.7 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). 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).”
- 9.8 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.9 The application site is located within the designated conservation area of Cowling which contains a mixture of properties in a variety of differing styles and periods, but with a core of traditional vernacular properties built on plateaus enclosed by stone boundary walls. To the east it is characterised by relatively high density, traditional 19th and early 20th century stone terraces. To the west the area is more rural by comparison, albeit the predominantly traditional houses along Nan Scar still create a clearly defined and broadly linear pattern of development following the road. Combined with the adjoining areas of countryside this pattern of development contributes positively to the character of the conservation area, and is part of its significance as a designated heritage asset.
- 9.10 The proposal seeks permission for the construction of a detached two storey dwelling with detached garage and associated parking/turning area, with access directly from Nan Scar.
- 9.11 Following pre-application discussions with the case officer, particular emphasis has been placed on reducing the scale of the proposed dwelling with the result that the revised dwelling has been designed to reflect the local vernacular.
- 9.12 The revised dwelling has reduced the footprint of the building by 38% and reduced the overall height of the dwelling with the incorporation of unequal eaves to the roof form. As such, the revised dwelling with its sympathetic design form and vernacular design which would sit within

the site is not considered to be at odds with the built form of this part of the village or the surrounding area. Similarly, the reduction in the residential curtilage would ensure the removal of an overtly domestic development whilst still retaining adequate space in terms of amenity for prospective occupiers.

- 9.13 In respect of mass, the revised dwelling has been designed in a way which would not appear unduly prominent in relation to the surrounding area. Therefore, whilst the proposal would be elevated above properties located to the north for reasons explained above it is not considered that the proposal would appear unduly prominent or out of keeping.
- 9.14 In terms of materials and landscaping, the proposed dwelling would be externally finished in high quality materials including reclaimed stones and natural slate roof tiles. These are considered appropriate for the area. In relation to landscaping, the plans and details submitted show the partial retention of existing trees and screen on site along the southern boundary and the inclusion of soft landscaping to the rear of the dwelling. The dry stone wall proposed as the residential boundary is also considered appropriate given stone boundary walls within the surrounding conservation area.
- 9.15 The proposed garage would be located within the bottom southeast corner and would be partially screened by existing trees. The garage is considered to be a small scale form of development within the overall scheme and would not have a negative visual impact on the wider conservation area.
- 9.16 For the reasons expressed above, it is therefore considered that the proposal meets the objectives of the NPPF, PPS5 Practice Guide, and saved local policies ENV1 & ENV2 which seek to maintain the landscape character of the countryside.

The effect of the proposal on neighbour amenity

- 9.17 Within the Core planning principles at paragraph 17 of the NPPF it states that the planning system should, amongst other things “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.18 The principal objection to the proposal from a local resident occupying property on Nan Scar was the potential loss of privacy from overlooking due to the proposals elevated position.
- 9.19 When reviewing the proposal with reference to the Appeal Decision ref: 22/2014/14254 and the subsequent refusal ref: 22/2014/14612, it was deemed that the proposal had not overcome the perceived imposing nature of the proposal and its impact of neighbouring amenity. The revised proposal, subject of this application, has reduced the foot print of the dwelling by 38% and also reduced the height of the dwelling. In addition, the buildings orientation has been rotated by 10 degrees with the outcome that the revised rear elevation now faces towards land currently used for parking between the Works and no. 4 Nan Scar. It is accepted that the northern elevation would see the introduction of 4no. Roof lights, however, no windows are proposed in this elevation at either ground or first floor. As such it is considered that the proposal would not result in any overlooking of habitable rooms of properties located to the south of the application site along Nan Scar.
- 9.20 Window and door openings are proposed to the western elevation; however, these would not result in any unacceptable loss of privacy. In relation to the eastern elevation, the proposal would also see the introduction of window and door opening which would face land to the rear of ‘Dovetail’ a non-residential dwelling. However, given the nature of this land, existing trees/shrubs combined with the separation distance of approximately 38m it is not considered that the proposal would appear overbearing or result in any loss of privacy to the visitors of this building.
- 9.21 The site is of sufficient size to physically accommodate the proposed dwelling, but there are physical site constraints imposed by the steep sloping site levels and existing trees. In this instance the siting and orientation of the dwelling would result in a separation distance of approximately 30m between the proposed and existing houses, on a slightly oblique alignment. Taking into account the difference in level, this distance is considered acceptable to maintain privacy.

- 9.22 In conclusion it is considered that the revised dwelling and detached garage would not have a significant adverse impact on neighbouring properties in terms of amenity or privacy and is therefore considered acceptable.

Highway safety

- 9.23 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.”
- 9.24 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.
- 9.25 A letter of representation has been received from a local resident regarding inadequate road widths and the effects of traffic generation on pedestrians and vehicle safety. However, the highway authority recommends approval of the application subject to standard conditions regarding the specifications for the provision of satisfactory junction at the site entrance, including appropriate visibility splays; and the laying out of the proposed off-street car parking prior to occupation.
- 9.26 Therefore, despite neighbour objections, there is no technical evidence that the additional dwelling will prejudice highway safety in the vicinity of the site sufficient to withhold planning permission.

Impact on trees

- 9.27 Saved Local Plan Policy ENV10 seeks to safeguard trees and woodland that contribute significantly to landscape diversity, wildlife habitats and visual amenity. Trees on the site are not specifically protected by a Tree Preservation Order, but given the sites location within the conservation area they have some protection through this designation. In this case, there are 12 trees within or directly adjacent to the site that form a significant group large enough to have a visual impact outside the site and contribute to the visual amenity within the conservation area.
- 9.28 The tree survey submitted with the proposal has identifies the removal of just two trees. However, the survey fails to include any details on the ‘impact and recommendation schedules’ of the survey (i.e. the impact that the development will have on the trees). In officers opinion it is considered that implementation of the scheme will have far more impact on trees than the application suggests.
- 9.29 However, it is considered that the trees are not of especially high amenity quality and, as such, the application need not be directly in conflict with saved LP Policy ENV10 providing there was sufficient public benefit to justify development. With respect to the previously refused application 22/2014/14612, which would have resulted in the loss of Trees T3 to T7 (inclusive) officers did not cite tree loss as a reason for refusal. The Council’s Arboriculturist advised that Trees T8-T12 could be retained and a condition requiring protective fencing was recommended. (Officer Note. T1 & T2 are adjacent to the application site, but not within it, and are not considered to be unacceptably impacted on).
- 9.30 It is also worth noting that the previously dismissed appeal (Planning Ref. 22/2013/14254) also resulted in the loss of Trees T3 to T7 (inclusive), the Planning Inspector in assessing the acceptability of the development did not highlight the loss of these trees as an issue of concern.
- 9.31 In conclusion whilst trees will be lost it is not considered that they are of sufficient quality or make such a great contribution to the visual amenity of the area to justify a reason for refusing the development. The proposed development is held to be compatible with the character or appearance of the conservation area and is therefore considered acceptable.

Other issues

- 9.32 Representation has been received in relation to concerns that the proposal would exacerbate surface water flooding that may occur after periods of heavy rainfall. In this respect the applicant proposes to use a permeable material (gravel) along the drive and turning areas to reduce any runoff.
- 9.33 As the proposal is for development on a site less than one hectare in an area not in Flood Zone 2 or 3, a flood risk assessment was not required. However appropriate conditions are recommended to ensure the development provides satisfactory drainage and furthermore the Building Regulations process will address matters within its remit if planning permission is granted (Building Regulations 2000. Approved Document H: H3 Rainwater Drainage).
- 9.34 As regards, other general matters; there is no technical evidence that issues concerning land stability will cause insurmountable problems. In any event, a condition is recommended that any retaining walls should be constructed in accordance with advice produced by an appropriately qualified person and other considerations are the subject of separate legislation (including building regulations) and would not normally form material planning considerations.
- 9.35 Concerns have been raised with respect to land ownership. The application states that the land is in the control of the applicant, and any dispute over ownership would be a legal matter that falls outside the scope of the planning considerations.

10. Recommendation

- 10.1 To grant planning permission 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 Planning and Compensation Act 2004.

2. The approved plans comprise of Drawing No's 26/8/14/A, 26/8/14/B, 26/8/14/C, 26/8/14/D, 26/8/14/F and BTC589 – TCP – 9 received by Craven District Council on 9th September 2014. Also drawing no's 15039/1 (the drawing number has been added by the case officer for clarification) received by Craven District Council on 7th October 2014. 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 nonmaterial amendment.

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

3. Prior to the first use of building materials on the site details and/or samples of all new materials to be used in the external surfaces of the buildings, including proposed external walling and roofing materials, the colour of the render, and the design and colour of all window frames, doors, rainwater goods, and the details of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved plans.

Reason: To ensure the development is of good appearance in the interests of visual amenity.

4. All external faces of windows and doors shall receive reveals of at least 100mm deep from the external face of the walls.

Reason: To ensure the development is of good appearance in the interest of visual amenity.

5. No barge boards, fascia boards or soffit boards shall be used in the carryout of the development hereby approved.

Reason: To ensure the development is of good appearance in the interests of visual amenity.

6. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, the erection of fencing for the protection of trees T8 to T12 (inclusive) shall be undertaken. The fencing shall be maintained until all equipment, machinery and surplus

materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of Craven District Council.

Informative: The fencing in relation to condition (6) should be erected in accordance with BS5837:2012 'Trees in Relation to Construction'. The fencing should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

Reason: To ensure the protection of the trees during the carrying out of the development.

7. No excavation works or removal of top soil within the site shall take place until a detailed design for the foundations together with a method statement for their construction has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the approved detailed scheme.

Reason: To ensure the preservation in situ of trees identified on site.

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

Reason: In the interest of satisfactory and sustainable drainage.

9. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority.

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

10. The glass sheet roof lights hereby approved shall be 'Conservation' roof lights which shall fit flush within the roof form.

Reason: To protect the character of the surrounding conservation area.

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

- i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details 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 **6m** into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding **1 in 10**.
- 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 specification of the Highway Authority and maintained thereafter to prevent such discharges.
- v) The final surfacing of any private access within **6m** of the public highway shall not contain any loss materials that are capable of being drawn on the existing or proposed public highway.

Reason: In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

12. 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 45 metres measured along both channel lines of the major road Nan Scar from a point measured 2 metres 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 policy T2 and in the interests of road safety.

13. The vehicle access, parking and manoeuvring surfaces hereby approved shall be made of porous materials and so retained thereafter or alternatively provision shall be made and retained thereafter to direct run-off water from these surfaces to a permeable or porous area or surface within the curtilage of this property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

14. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: In the interests of visual amenity and the protection of the amenities of neighbours.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or door other than those expressly authorised by this permission shall be inserted at any time in the northern elevation of the building hereby approved.

Reason: To safeguard the residential amenities of the occupiers of adjoining properties.

16. Prior to the commencement of development, full details of both hard and soft landscape works, which shall include replacement tree planting to replace those lost, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, schedule of new trees/shrubs to be planted (noting species, plant sizes and numbers/densities).

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area.

17. The soft landscaping proposal approved shall be completed within the first planning season following the completion of the development and shall be maintained thereafter as approved. Any tree that dies or is damaged within 5 years of the completion of the development shall be replaced within another tree of the same species and standard.

Reason: In the interest of visual amenity.

18. Retaining walls within the application site shall be constructed to the requirements of an appointed Civil Engineer Report which shall be made available at all reasonable times to the Local Planning Authority. The retaining wall shall be constructed in accordance with the appointed Civil Engineer Report and maintained/retained throughout the life of the development.

Reason: To reduce the risk of subsidence.

Informative

The applicant is advised that details of approved Civil Engineers can be obtained from the Institution of Civil Engineers (ICE) web site (<http://www.ice.org.uk>).

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

With regard to Conditions **3, 7 & 16** above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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.

- engaged in pre-application discussions

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

**SETTLE & RIBBLE
62/2014/14965**

*APPLICATION FOR RESERVED MATTERS FOR 4 NO DWELLINGS,
APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING AND SCALE
(OUTLINE CONSENT REFERENCE 62/2011/12180 DATED 17 JANUARY
2012)*

LAND OFF TOWN HEAD WAY, SETTLE.

APPLICANT NAME: MR GARETH WOOLER

TARGET DECISION DATE: 13/10/2014

CASE OFFICER: Andrea Muscroft

This application is being referred to Planning Committee because the original outline application ref: 62/2011/12180 was determined at Planning Committee.

1. Site Description

- 1.1 The application site is a vacant piece of land located between the residential development on Townhead Way and the grounds of the Holy Ascension Church close to the centre of Settle. Immediately to the south is the Health Centre.
- 1.2 The site is predominantly grassed with two accesses onto Townhead Way. The accesses are narrow onto Townhead Way with boundaries formed by stone walls. The properties to the east on Townhead Way are set at a significantly higher level than the majority of the ground level within the application site.
- 1.3 A public sewer runs through the site from north to south.
- 1.4 The Holy Ascension Church, a grade II listed Building, is located a short distance to the south of the application site with the church grounds bounding the application site to the west.
- 1.5 The application site is located within the development limits of Settle

2. Proposal

- 2.1 Outline planning permission for the development of this site for a residential development of 4 dwellings was granted conditional approval by the Planning Committee on the 16th January 2012. (Application Ref: 62/2011/12180). Details approved at that time were the means of access and layout of the development.
- 2.2 Matters reserved for further consideration and approval comprised the appearance, landscaping and scale of the development. The application is seeking approval for these reserved matters.
- 2.3 There have been some very minor changes to the position of the houses, however, these can be accepted as not materially significant and do not impact on the approved scheme.
- 2.4 The landscape proposals includes additional tree planting totalling 7 trees of three species (Silverbirch, Mountain Ash & Native Cherry); gardens are to be grassed with low level shrubs species (box, cotoneaster, euonymus, berberis & manhonia); In addition, western boundary larger shrub planting is proposed with five species (hawthorn, blackthorn, cherry, cornus & elder). Hardstanding includes set paved parking areas, 900mm loop top railing to frontages, 1800mm close boarded fencing and 900mm dry stone wall to the rear.
- 2.5 The proposed dwellings shown on the submitted plans will be two storey and have been designed to a common design within the surrounding area. Proposed window and door proportions and external detailing of the elevations are in keeping with the adjacent dwellings located to the east and north of the site. The external finish of the dwellings would comprise of coursed stone walls under concrete interlocking grey tiles. UPVc windows and stained timber doors with artstone surrounds.

- 3 Planning History
- 3.1 5/62/417 (17/6/91) Permission granted for change of use of land to burial ground.
- 3.2 5/62/417/a (9/1/95) Outline permission granted for residential development of land to rear of 1-11 Townhead Way (No reserved matters application was made).
- 3.3 5/62/135/b (12/6/96) Permission granted for creation of community cemetery, incorporating an area for the burial of cremated remains on the land north of Holy ascension Church.
- 3.4 62/2011/12180 - Outline application for 4 no dwellings - approval sought for access & layout of site – Approved
- 4 Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Policy Guidance – PPG.
- 4.3 Saved Local Policies H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 5 Town Council Comments
- 5.1 Settle Town Council: - Object to the proposal on the grounds that there was inadequate landscaping and means of enclosure to ensure no loss of privacy. Also the low wall that is to be retained and repaired should be made higher either with stone or fencing on top.
- 6 Consultations
- 6.1 NYCC Highways – No comments received at the time of compiling this report, however it should be noted that the access to the site has been previously approved and is not under consideration.
- 7 Representations
- 7.1 No letters of representation have been received at the time of compiling this report.
- 8 Summary of Principal Planning Issues
- 8.1 Whether the appearance/scale of the development and the landscaping is acceptable having regard to the design parameters set out in the outline application, and the requirement for good design as set out in the NPPF.
- 9 Analysis
- Principle of development**
- 9.1 The principle of residential development on this site was established in January 2012 (Ref: 62/2011/12180); which also approved the means of access to the site from Town Head Way and the site layout.
- Appearance**
- 9.2 The NPPF places a strong emphasis on good design within its policy guidance. Section 7 of the NPPF entitled 'Requiring good design' sets out a number of policies which support the delivery of good design. Importantly, design quality is a 'core principle' identified in paragraph 17 and Paragraph 56 goes on to confirm "good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people". In paragraph 64 it is made clear that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 9.3 As stated in paragraph 2.1 there are 4 dwellings proposed for this site. The application site lies on the periphery of the Settle but within the development limits with a variety of suburban semi-detached dwellings to the east and north of the site.
- 9.4 The proposed dwellings are considered to be of an acceptable design that is appropriate to the setting, taking into account the adjacent suburban residential dwellings. Furthermore,

the use of sympathetic materials with the surrounding properties would ensure that the proposed dwellings reflect the adjacent dwellings and would blend into the surrounding area. The proposed appearance of the dwellings is not considered to have any unacceptable impact on the setting of the Grade II Listed Church to the south of the application site. As such the appearance of the proposed dwellings is held to be satisfactory.

Landscape

- 9.5 The general layout was approved at the outline stage with the provision to allow for appropriate soft and hard landscaping treatment of the site.
- 9.6 The landscaping details shown on the submitted plans show that the entrance to the site would have a tarmac finish with the parking and turning areas associated with each of the dwelling being block setts paving. Additional trees and shrubbery is also proposed to be planted with each dwelling also having a lawn area. Overall, the proposal is considered to be acceptable in respect of hard and soft landscaping. Concerns raised by Settle Town Council are noted, but in Officers opinion the development proposals are perfectly acceptable and are considered appropriate to safeguard the amenities of the site and its surroundings.

Scale

- 9.7 The development represents 2 2no.Semi-detached dwellings. The dwellings are of a similar scale to the adjacent dwellings to the east and north of the site. It is acknowledged that the proposal would be partial visible when travelling along the B6480, however, it is considered that the scale of the development in terms of its immediate context is appropriate. Furthermore, there already exists examples of semi-detached dwellings along Town Head Way and therefore the scale of these dwellings is considered appropriate for this location.

10 Recommendation

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

Conditions

1. The approved plans comprise Plan Numbers 1411-101(P) Rev A & 141-102(P) Rev A received on 15th August 2014 and details contained within the 'Design and Access Statement' document received on the 3rd September 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 terms of the permission and for the avoidance of doubt.

2. The approved landscape planting scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained 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. The replacement tree or shrub must be of similar size to that originally planted.

Reason: To ensure that the development is of attractive appearance and to safeguard the wider character and appearance of the site's surroundings, in the interests of visual amenity.

3. Notwithstanding the details submitted with the application, prior to the first use of building materials on the site samples of the external walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved details.

Reason: To ensure that the development is of good appearance and to safeguard the character of the locality, in the interests of visual amenity.

Informative

Attention is drawn to the planning conditions attached to the outline planning permission Ref 62/2011/12180 regarding the submission of site precise details of existing/proposed site levels; foul and surface water drainage details and highway authority requirements.

The submitted layout would be in close proximity to a public sewer and either the sewer would need to be moved or dwellings 1 and 3 would be subject to a Build Over Agreement in accordance with United Utilities requirements.

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.