

## PLANNING COMMITTEE MEETING AGENDA

Monday, 16 February 2015

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TARGET DECISION DATE: 02/03/2014  
CASE OFFICER: Gemma Kennedy

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

*AIRE VAL W LOTH*  
*21/2014/14630*

*RE-SUBMISSION OF PREVIOUS PLANNING APPLICATION REF:*  
*21/2013/13960 FOR THE PROPOSED ERECTION OF UP TO 10*  
*DWELLINGS, WITH COMMUNITY OPEN SPACE, VEHICULAR AND*  
*PEDESTRIAN ACCESS, HIGHWAY SAFETY IMPROVEMENTS, LOCAL*  
*RESIDENTS OFF STREET PARKING AND LANDSCAPING*

*CROSSHILLS ROAD, CONONLEY.*

APPLICANT NAME: MRS H WATTS  
TARGET DECISION DATE: 06/08/2014  
CASE OFFICER: Neville Watson

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**The application has been referred to Planning Committee as it has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2010.**

1. Site Description

- 1.1 The application site of approximately 0.73 ha. is currently a grass field that is accessed from Crosshills Road, Cononley between a small semi-derelict stone agricultural building and an existing dwelling. The site slopes steeply down from Crosshills Road towards the bowling green and recreation ground to the north of the application site. The village cricket ground and football pitch lie to the south east of the site.
- 1.2 There are mature trees on the north western boundary of the site and a public right of way to the south eastern boundary of the site that links Crosshills Road to Main Street.
- 1.3 The site is within the conservation area of Cononley. It is outside the development limit that is drawn tightly round the central core of the village. The development limit excludes the properties on Crosshills Road to the west and south of the application site.

2. Proposal

- 2.1 The application is an outline application for the erection of up to 10 dwellings with open space, vehicular and pedestrian access, highway safety improvements, local resident's off-street parking and landscaping. Only details for the access into the site have been submitted for consideration. The appearance, landscaping, layout and scale of the development are reserved matters.
- 2.2 The application is supported by the following documents and plans:-
- A Planning Policy Statement
  - A Design and Access Statement
  - A Heritage Statement
  - A Landscape and Visual Impact Assessment
  - An Arboricultural Survey
  - A Preliminary Ecological Appraisal
  - A Phase 1 Environmental Assessment

- A Flooding and Drainage Assessment
- Transport Statement
- Stage 1 Road Safety Audit
- A proposed access, localised highway safety and residents off-street parking drawing Ref 7336/001 Rev Hi (Amended and updated with additional information)
- Illustrative layout plan SK03 (Amended and revised)

2.3 The access details propose forming a new T-junction with a speed table onto Crosshills Road. The works also include a new proposed footway to the north west of the new junction on the north eastern side of Crosshills Road, and a dropped pedestrian crossing with tactile paving. Furthermore the existing grass verge on the south western side of Crosshills Road is to be used to create off road parking for existing residents and other users of the highway and a footway.

### 3. Planning History

3.1 21/2013/13960. Outline application for residential development. Withdrawn 22.1.2014

### 4. Planning Policy Background

4.1 NPPF, nPPG

4.2 Local Plan Policies ENV1, ENV2, ENV10, SRC2 and T2.

### 5. Parish/Town Council Comments

5.1 Cononley Parish Council has provided detailed objections (a full copy of which can be viewed on the District Council's website). The Parish have summarised their objections and this summary is repeated in below:

*'Cononley Parish Council objects to the proposed planning application .... for the following reasons which do not comply with the policy outlined within the National Policy Planning Framework 2012:*

#### *1. Conserving and Enhancing the Historic Environment*

*This development would not conserve and enhance the existing historic environment of Madge Bank and its central position within the village. The visual heritage and historical significance of this site would be lost forever.*

#### *2. Requiring Good Design*

*The National Planning Policy Framework (NPPF) states that a development must, "respond to local character and history, and reflect the identity of local surroundings and materials". This proposed design of the development does not adhere to this statement. It would change the landscape and vista of Cononley forever.*

#### *3. Promoting Sustainable Transport*

*The associated traffic increases, further reduction in pedestrian safety, increased parking issues and dangerous proposed access layout in this already congested area of the village would not promote the policy of sustainable transport as outlined in the NPPF.*

#### *4. Meeting the Challenge of Climate Change, Flooding and Coastal Change*

*The challenge of minimising energy consumption and to meet the challenges of flooding are not met by this proposed application, such a development (part of*

*which is within a flood plain) would require a massive amount of landscaping, complex construction and drainage which could and would not be compensated for by any perceived economic, social and environmental benefit that it may provide.'*

## 6. Consultations

- 6.1 **NYCC Highway Authority** accepts the revised details shown on drawing 7336/001 Rev Hi and recommends 11 standard conditions. **Officer Note:** The Highway Authority originally objected to the proposal. Subsequently the Highway Safety impacts of the development proposal have been extensively considered by the Highway Authority and discussions have resulted in a number of amendments to the application. The amended application details have been considered and assessed by Pam Johnson who is NYCC's Team Leader for Transport and Development.
- 6.2 **Environment Agency.** Advise that due to the proximity of the site to flood zone 3 the LPA should satisfy themselves that the proposed development will not be at risk of flooding and will not be impacted upon as a result of climate change. The Agency also advises that they supplied information to CDC in 2007 of historic landfill sites within 250 m. of this development proposal.  
**Officer note.** The illustrative layout shows the proposed development above the modelled flood risk area. **CDC Environmental Health Officer** has reviewed the landfill information and has confirmed that there are no known contaminated land implications regarding this application.
- 6.3 **Yorkshire Water Services.** Advise that any permission should include standard conditions in respect of separate foul and surface water systems and that the local combined sewer network does not have the capacity to accept discharge of surface water.
- 6.4 **CDC Strategic Housing.** Whilst formal comments have not been received the application and the content of this report has been discussed with the Strategic Housing team, and its recommendations with respect to affordable housing provision agreed.
- 6.5 **English Heritage** does not object to the application, but recommends that the minor harm the proposals would cause should be weighed against the public benefits of the scheme, paying special attention to the desirability of preserving or enhancing the character and appearance of the Cononley conservation area.  
**Officer Note:** English Heritage originally objected to the scheme, however amendments were made that reduced the proportion of the site to be developed for housing and reduced the level of harm to the conservation area.
- 6.6 **CDC Conservation Advisor** concludes that the latest scheme would only have a minimal effect on the character and appearance of Cononley and it should deliver sufficient public benefit to outweigh any perceived harm to the character of Cononley conservation area and the local valley landscape.
- 6.7 **Police Architectural Liaison Officer** has provided advice on issues of "Secure by Design"

## 7. Representations

- 7.1 The original consultation period between 23rd May 2014 – 13th June 2014 attracted 42 representations, forty one of those raised objections to the development and one made a more general observation regarding land allocation. The objections from the first consultation period are summarised as follows;

### Highway Issues:

Development would result in an increase in traffic movements, detrimental to pedestrian safety, limited if no footpath, lack of on-site parking, inadequate visibility splays, creation of additional parking would make no difference would just contribute to the already high volume, increase risk to pedestrians and no traffic control.

### Impact upon Conservation Area:

Site is important open space in the village, no unique features left; the barn is a heritage asset and would be lost as a result of the development. The development will change the landscape character and appearance of the important open space. Proposal is outside of defined Development Limits; development will be detrimental to the village through the loss of the barn and open space.

### Flood Risk:

Bottom of site floods which will impact the 'community garden', drainage issues and increase in surface water will cause problems. The field is currently an important wildlife habitat that may be lost.

7.2

Following the receipt of an amended plan, the Parish Council and North Yorkshire County Council were re-consulted. As a result of this re-consultation a further 130 representations was received. The objections received are summarised as follows;

### Highway Issues:

Traffic congestion as a result of more vehicles, traffic and pedestrian safety will be compromised by the development, lack of footpath makes journeys into the village difficult, particularly at school times/peak times. Another junction in this location is too dangerous, visibility splays will be lost due to people parking on pavements, and the area is a 'pinch point' already heavily congested. The road width is inadequate, if the existing grassy verges are tarmaced this will encourage vehicle parking increasing risk to pedestrian safety. Concerns in severe weather conditions vehicles will not be able to leave the development safely which will lead to an increase in on street parking along Crosshills Road. Despite amended drawings, still serious concerns over highway safety. Concerns about highway management during construction with heavy vehicles manoeuvring through the village. This is added pressure upon the small scale village infrastructure that currently exists. Amendments to the plans do not address the continued pressures upon the highway situation.

### Impact upon the Conservation Area:

The field is an integral part of the village, development would be detrimental to the area and against the Council's Local Plan Strategy to protect Conservation Areas. Development would erode the setting of the historic village settlement and would be visible from a number of public vantage points. The design of the proposed dwellings lack consistency. The loss of this open space would change the nature of the village and ruin the open aspect, it is considered that the development is out of place in this location and that the site should be preserved. The development would impact upon the wildlife and the field should remain agricultural as intended. There should be a greater balance between development and conservation, the loss of open space is unacceptable. The proposal falls outside the village development limits and is ill considered given its location. The field is home to annual events such as the Cononley Gala Fell Race which will no longer take place should the development go ahead. In winter time the field is used for recreational purposes for local villagers.

The development will increase flooding and as the site is prone to flooding the 'community garden' will become a 'bog' and is therefore impractical. The amount of tarmac proposed to create the road to the development will reduce natural soak away therefore surface water will increase and flood the bottom of the site. Inadequate sewage system, this is a critical field for natural soak away.

7.3 As a result of both consultation periods a total of 172 letters of objection were received in relation to the proposal.

## 8. Summary of Principal Planning Issues

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

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

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

8.4 The impact of the development on drainage and flood risk.

8.5 Affordable Housing Provision.

8.6 Open Space.

## 9. Analysis

### **Planning policy and the principle of development**

9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.2 The application site lies outside the existing development limits of Cononley, therefore, saved LP Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

9.3 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF,

9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the



NPPF “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 At the time of compiling this report the Council’s most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th November 2013. The summary is based on an emerging housing target of 160 dwellings per annum which is a figure that is yet to be subject to full public examination and concludes that the current housing land supply provides 26 dwellings more than the requirement assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.8 The latest household projection figures from the Department for Communities and Local Government indicate that the Council may require a slightly higher housing requirement than currently proposed and this may impact on the Council’s HPS. The Planning Policy team are presently working on establishing whether there is a need to identify an amended figure. Even if it remains the case that the Council considers that it can still identify a five year housing requirement, in the absence of an adopted Local Plan or formally adopted land allocations, this is not an NPPF compliant 5 year housing supply. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site.
- 9.9 The replacement local plan remains at an early consultation stage and therefore, the process still has some way to progress, and therefore it carries very minimal weight. At the Craven Spatial Planning Sub Committee meeting on 3<sup>rd</sup> June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late 2014. In Cononley the emerging minimum annual figure for development is 3 dwellings per annum to provide for 45 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that there was one preferred housing site to meet that minimum need, Ref No: CN006, located at Station Works to the north of Cononley Lane.
- 9.10 The application site at Crosshills Road is not a preferred site to be brought forward for development in Cononley. However, this emerging policy can be given very limited weight and the Council’s decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force. Nonetheless, the scale of the scheme is sufficient to make a contribution to the housing land supply for the District, but not

so substantial to have a cumulative effect that granting permission could prejudice the strategy of the emerging replacement local plan to a material degree.

- 9.11 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets.
- 9.12 With respect to Policy ENV1, this proposal is for the development of some 0.6 hectares which cannot be considered small scale and, therefore the proposal fails to accord with Saved Local Plan Policy ENV1. However, the NPPF's presumption in favour of sustainable development, and the need to demonstrate an NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can be now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.
- 9.13 With respect to the NPPF and the suitability of the site for development in principle, the site is in a location on the edge of the existing built up area of Cononley. The village has some facilities and a rail station and is considered to be a sustainable location for residential development. The outline proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively. As such, it is held that the proposal is in line with the objectives of the NPPF in that it has economic benefits, reflects the general need and demand for housing in the area, and the development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives in the new local plan. Therefore, having regard to the advice in the Framework, taken overall the proposal is in principle considered to be a sustainable form of development.
- 9.14 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF, and the issues raised are addressed in the body of this report.
- 9.15 In conclusion, the application site is not located within the recognised development limits of Cononley, as defined in the 1999 Local Plan, but is located immediately adjacent to residential development in the village. 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.

**The effect of residential development on the character and appearance of the conservation area and other heritage assets.**

- 9.16 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities “to pay special attention to the desirability of preserving or enhancing the character or appearance of that area” in considering whether to grant planning permission or not. The NPPF sets out guidance on assessing the impact of development on heritage assets including listed buildings and conservation areas. The historic environment is seen as having potential to contribute to sustainable communities, including economic vitality; and it is therefore desirable that new development make a positive contribution to the historic environment and local distinctiveness (Para’s 128 to 141 are particularly relevant).
- 9.17 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.18 When viewed from Crosshills Road, the public rights of way to the east of the site, the playing fields to the north and from various points along the Main Street it is considered that this open, agricultural land makes a contribution to the overall character and appearance of this part of the Cononley Conservation Area. However, it is not considered that the upper section of land is of sufficient significance so as to preclude any sort of residential development.
- 9.19 As an open tract of land, this clearly affords views over it to the rest of Cononley, the valley sides and valley floor landscape. However, the site does not appear to possess any specific, intrinsic attributes. It is not an area of parkland, or of “designed” tree planting, or has obvious features of earlier agricultural practices, nor does it form the immediate setting of an individual historic building or historic building group. It is considered to be a residual piece of landlocked agricultural land. Its value is the way it affords the public views of the valley buildings, from the Playing Fields, or looking down the Public footpath, or from the gap alongside the old barn on Crosshills Road, towards the dominant Woollen Mill Buildings.
- 9.20 It is considered that any development proposals for this land needs to be judged on the effect it will have on these key views. However, it is considered that the character of this site and the views in all directions were seriously harmed when the three developments of the 20th century were constructed. Especially when viewed from below up the steep slope, the two detached houses and the block of semi’s become even more visually dominant. It is these buildings that that either block or intrude on the view to the Station, Mill, and Playing Fields from Crosshills Road, and they form discordant elements in relation to the historic buildings on Crosshills Road. The views to the long, unique millworkers terrace (Aire View) would not be affected by any developments on the upper slope, immediately behind the three modern buildings.
- 9.21 It is concluded that the latest revised drawing (SK03) takes into account the importance of retaining the key views noted above, and by keeping the footprint of the proposed dwellings to the rear of the four 20th century dwellings, it will leave a significant gap near the old barn, to appreciate the Aire Valley landscape, and the visual context of the valley floor area. The use of the more open, lower part of the

site to be used as an enlargement to the Playing Fields will serve to preserve and enhance the conservation area.

- 9.22 It is therefore the case that whilst the development will have some impact on the village conservation area, the resulting impact will be less than substantial. **(Officer Note:** English Heritage has advised that this is the case in their opinion). The development of the site will therefore need to be considered against the advice in paragraph 134 of the NPPF that requires that in cases where 'less than substantial harm' is caused to heritage assets, 'this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

### **Highway Issues**

- 9.23 Local residents have raised a number of issues on highway matters and the scheme has been the subject of lengthy discussions between the applicant's transport consultant's and the County Highway Authority. The recommendation and advice from the Highway Authority withdrawing their previous objections has been the subject of a full review by the Team Leader, Transport and Development from County Hall. It is confirmed that the design standard used in assessing the visibility splays is "Manual for Streets" published by the Chartered Institution of Highways and Transportation in 2010.
- 9.24 There are no highway objections to the development and standard conditions are recommended.

### **Drainage and flood risk issues.**

- 9.25 The lower part of the site is with Flood Zone 3 and therefore has the potential to flood and the proposed dwellings would be on the upper slopes in Flood Zone 1. Local residents are concerned that increase hard surfacing will increase run-off and therefore the risk of flooding of the lower ground. There will be a need to positively drain the site and it is considered that appropriate measures can be introduced to ensure that the site is properly drained. These are covered by the conditions recommended by Yorkshire Water Services and Officers.
- 9.26 The applicant's flood risk assessment advises that watercourses on the site should be retained and the channels cleared of silt and vegetation. The watercourses are culverted as they leave the site. It is considered that these measures are also positive and should not result in increased flooding. Appropriate conditions are recommended to control these matters.

### **Affordable Housing**

- 9.27 When originally received planning policy within the District required the provision of affordable housing for schemes of 5 or more dwellings (subject to viability). In principle the applicant confirmed that they would be happy to provide 40% provision as required by policy subject to the eventual reserved matters scheme triggering the need to make provision (since the precise number of dwellings is not known it could not definitely be established that a contribution was justified).
- 9.28 Very recently a number of new / amended paragraphs have been inserted into NPPG and it is now the case that affordable housing cannot be sought for schemes of 10 dwellings or less, or for proposals below a combined gross floorspace of 1000 m<sup>2</sup>. As the application is for up to 10 dwellings, the new 'number of dwellings' threshold does not require affordable housing provision. However, it is possible that a reserved matters scheme could include more than 1000 m<sup>2</sup> of combined gross floorspace leading to a requirement to provide an affordable housing contribution. **Officer Note:** The recent changes to the NPPG also allow the Local Planning Authority to require affordable housing provision for

schemes of more than 5 dwellings if the site is within a Designated Rural Area, but this is not applicable to Cononley.

- 9.29 In summary, as the precise details of the proposed dwellings are not yet known it is not possible to establish whether a contribution to affordable housing is required. However the applicant has already previously indicated that they are happy to make a contribution if it is required by planning policy and it is therefore considered appropriate to proceed on this basis. An appropriate condition is therefore recommended.

### **Open Space**

- 9.30 The application proposes that areas of open space are to be provided. These spaces comprise the north western part of the application site (as indicated by the illustrative plan), and additionally an area marked as community garden to the north of the application site, but on land that is within the applicant's control.
- 9.31 The Council's Saved policy SRC2 only seeks to secure contributions to open space on developments of more than 10 dwellings. No contribution to open space is therefore required by planning policy. With respect to the land that is within the boundary of the application site clarity is needed with respect to how this land will be managed in the future. An appropriate condition is recommended. With respect to the proposed community garden this is outside of the application site and does not form part of the application that is under consideration.

### **Other Matters**

- 9.32 Comments have also been made that the field is home to annual events such as the Cononley Gala Fell Race which could no longer take place should the development go ahead and in winter time the field is used for recreational purposes for local villagers. Whilst these comments are noted, these are not reasons that could justifiably be used to refuse planning permission.

### **Conclusions**

- 9.33 Paragraph 14 of the NPPF advises that LPA's should be *'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.'*
- 9.34 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The impact of the development on the village conservation area is a relevant consideration in this assessment. This harm has to be weighed against the other benefits. In Officers opinion the harm caused to the conservation area is less than significant, and Officers consider that this harm to the heritage asset does not outweigh a strong presumption in favour of approving a sustainable development proposal that accords with national planning policies in all other respects.

## **10. Recommendation**

- 10.1 That the application be approved.

## Conditions

1. No development shall commence until approval of the details of the layout, scale and appearance of the building(s) and the landscaping/boundary treatments (hereinafter called “the reserved matters”) has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. The approved plans comprise 7336/001 Rev Hi received by the Local Planning Authority on the 29 January 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. The application for the approval of reserved matters shall closely reflect the siting of the dwellings as shown on the Illustrative Layout SK03 received by the Local Planning Authority on 15 December 2014.

REASON. In the interests of the amenities of the conservation area.

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

REASON. In the interests of satisfactory and sustainable drainage.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

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

6. Unless alternative details are approved as part of a reserved matters submission the development shall be implemented in accordance with the conclusions and recommendations of the Flooding and Drainage Assessment dated 14 April 2014 produced by Coda Structures.

REASON: To help ensure satisfactory drainage, minimise offsite flood risk concerns, and to ensure compliance with planning policy within the NPPF.

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

a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary

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

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

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

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

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

9. 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 28.9 metres measured along a line 500mm from the channel lines of the major road Crosshills Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON: In the interests of highway safety

10. There shall be no access or egress by any vehicles between the estate road 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 house access and the back edge of the footway of the estate road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times

REASON: In the interests of road safety to provided 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.

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 in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
  - a. Provision of tactile paving
  - b. the access on Crosshills Road (indicated on drawing 7336/001 Rev Hi)
  - c. the parking bays on Crosshills Road (indicated on drawing 7336/001 Rev Hi)
  - d. the speed tables on Crosshills Road (indicated on drawing 7336/001 Rev Hi)
  - e. the alteration to Crosshills Road (indicated on drawing 7336/001 Rev Hi)
- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- (iii) A programme for the completion of the proposed works shall be submitted to and approved by the Local planning Authority in consultation with the Local Highway Authority.

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

12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with



the details approved in writing by the Local Planning Authority under condition number 7:

- a. The access on Crosshills Road (indicated on drawing 7336/001 Rev Hi)
- b. The parking bays on Crosshills Road (indicated on drawing 7336/001 Rev Hi)
- c. The alteration to Crosshills Road (indicated on drawing 7336/001 rev Hi)

REASON: In the interest of the safety and convenience of highway users

13. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 5:

- a. The speed table on Crosshills Road (indicated on drawing 7336/001 Rev Hi)

REASON: In the interests of the safety and convenience of highway users

14. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these areas shall be maintained clear of any construction and retained for their intended purpose at all times.

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

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

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

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

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

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

17. 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 HCV 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 the interests of highway safety and the general amenity of the area.

18. The development shall not begin until either: -

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

The scheme shall include:

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

Or,

B. The Local Planning Authority formally confirms in its decision notice at the reserved matters stage that the approved detailed scheme does not trigger a requirement to provide affordable housing.

REASON: To make provision for affordable housing, if the reserved matters submission justifies a contribution to affordable housing being made, in accordance with the requirements of the National Planning Policy Framework and national Planning Policy Guidance (or any future guidance and/or policies replacing or in place at the time), and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

19. No development shall take place until full details of public open space that is proposed have been submitted to and approved in writing by the Local Planning Authority and approval has been given by the Local Planning Authority as to its subsequent management and maintenance arrangements.

REASON: In the interests of residential and visual amenity.

20. Reserved matters applications shall provide information to demonstrate how the development proposal will ensure that flood risk is not increased elsewhere and how the development gives priority to the use of sustainable drainage systems.

Reason: To minimise offsite flood risk concerns and to ensure compliance with planning policy within the NPPF.

### Informatives

In imposing condition 7 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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

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

The applicant's attention is drawn to the advice from Yorkshire Water in their consultation response dated 23 May 2014 with respect to acceptable drainage solutions for the site.

### Statement of Positive Engagement: -

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

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

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

**SKIPTON WEST  
63/2014/14916**

*PARTIAL DEMOLITION, EXTENSION AND REFURBISHMENT OF THE EXISTING GUYSON INTERNATIONAL ADVANCED MANUFACTURING FACILITY AND THE REDEVELOPMENT OF PART OF THE SITE FOR NON-FOOD BULKY GOODS RETAIL, WITH NEW ACCESS FROM KEIGHLEY ROAD AND ASSOCIATED PARKING.*

*GUYSON INTERNATIONAL LTD, KEIGHLEY ROAD, SKIPTON.*

APPLICANT NAME: GUYSON INTERNATIONAL & OPUS LAND NORTH

TARGET DECISION DATE: 03/11/2014

CASE OFFICER: Mark Moore

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**This application is being referred to the Planning Committee as it is a major application that has also been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2010.**

**The application was deferred from the December 2014 Planning Committee meeting as members expressed concerns regarding:**

- i) The potential impact on the vitality of the existing town centre. Specifically, members questioned how robust the recommended planning condition (Condition 4) would be in restricting the range of goods that could be sold from the proposed retail park.**
- ii) The overall appearance and design of the proposed retail development. Members expressed the view that as the site would be located on a key gateway into the town the appearance could be detrimental and adversely impact on tourism**
- iii) The loss of trees across the site frontage. Although acknowledged that the issue of the trees that were removed from the site frontage is of no relevance in relation to the consideration of this application members considered that the proposed landscaping was insufficient to adequately screen the site and offset the tree removal.**

**The above points have been addressed in the following report which is a revised version of the original 15 December 2014 officer report that was previously referred to the Planning Committee. The Specific points i) - iii) above have been addressed as follows:**

- i) A copy of the independent assessment of the Sequential Testing and Retail Impact Assessment that was undertaken by MT Planning on behalf of the Council has been attached as an Appendix to the report. Additionally further commentary on the robustness of condition 4 is included at paragraphs 9.19 and 9.20.**
- ii) Revised plans have been submitted. The revisions to the design are outlined at paragraphs 2.6 and 9.30 below. Furthermore an additional**

**condition is recommended to control outdoor advertising (see paragraph 9.30 and Condition 11).**

- iii) **Revised plans have been submitted. The revisions to the landscaping are outlined at paragraphs 2.9 and 9.31 below.**

**The following revised report also includes the corrections that were reported to members on the day of the Planning Committee in the Addendum Report and an additional condition requiring the retail units not to be occupied until the extensions to the existing building have been completed (paragraph 9.28 and Condition 6).**

1. Site Description

- 1.1 The application site is located within the Snaygill Industrial Estate on the southern outskirts of Skipton. The site is currently developed with industrial buildings occupied by Guysons International Ltd and has a frontage that adjoins the A6131 Keighley Road to the east.
- 1.2 The proposal mainly relates to the eastern part of the site, principally the area that immediately adjoins Keighley Road, but also entails re-development of the western part of the existing Guyson's site.
- 1.3 The site is located within an established employment area and is surrounded by commercial/industrial development to the south, west and north. To the east on the opposite side of Keighley Road there is a restaurant, a large hotel and a care home. Further along Keighley Road to the south of the application site there are other land uses comprising fast food restaurant, car showrooms and a recently approved supermarket.
- 1.4 In total the existing Guyson's site is 4.3 acres in area and is for the most part developed although there is a wide grassed area to the eastern site (Keighley Road) frontage that until fairly recently was very well screened by a row of well-established trees. In addition there is a grassed highway verge with a footpath running through it that lies adjacent to the site frontage.
- Officer note:** The trees were removed in October 2013. No permission was needed to undertake these works as the trees were not protected. This matter has been subject to an investigation by the Council's enforcement team.
- 1.5 There is an existing access to the Guyson's site that is at the northern side of the site entering onto the Snaygill Industrial Estate. The site frontage is enclosed by stone walling with land levels within the application site lower than the road level particularly towards the southern end of the site. The southern part of the site drops sharply towards a beck that runs west to east adjacent to the southern boundary. Approximately two thirds of the site (the western part of the site) is identified as being with Flood Zone Area 2 (medium probability of flooding).
- 1.6 The site has a bus stop immediately adjacent and there is a lay-by on Keighley Road located near to the northern end of the site.

2 Proposal

- 2.1 There are two main elements to the application:
- Partial demolition of the existing Guyson's International buildings fronting onto
  - of two new extensions to the existing Guyson's factory together Keighley Road and their replacement with a new non-food 'bulky' goods retail development .
  - The construction with modifications to the car parking layout.

- 2.2 The buildings proposed for demolition are the three easternmost bays nearest to the Keighley Road site frontage. These buildings are pitched roofed structures that are cladded and in a generally poor state of repair.
- 2.3 The proposed retail development would comprise 4 units with a combined gross floor area of 4240 m<sup>2</sup> arranged in an 'L' shaped configuration. The units would comprise:
- Unit 1 - 1,749 m<sup>2</sup> unit plus 464 m<sup>2</sup> mezzanine (and an additional 326 m<sup>2</sup> external sales area).
  - Unit 2 - 559 m<sup>2</sup> unit plus 284 m<sup>2</sup> mezzanine.
  - Unit 3 - 465 m<sup>2</sup> unit.
  - Unit 4 - 393 m<sup>2</sup> unit.
- 2.4 The final end users of the retail units is stated to be Wickes (Unit 1) and Pets at Home (Unit 2) both of which are stated to be under contract to occupy the units. However, members should be made aware that if permission is granted the units could be occupied by any non-food bulky goods retailer providing they operated in accordance with the restrictive conditions. Units 3 & 4 are speculative and an end user is not known.
- 2.5 The proposed units would be of steel framed construction with externally projecting columns at ground floor and coloured cladding set above a stone plinth. The buildings would have ridged roofs the larger unit being 10.1m in height whilst the smaller units would be 8.5m.
- 2.6 Following the concerns expressed by members regarding the appearance of the proposed retail units revised plans have been submitted. The revised external materials would be varying tones of grey cladding with a dark grey horizontal band across the middle of the building, eaves and entrance. Other areas of cladding would be mid and light grey tones to distinguish the upper and lower areas of the building. Horizontal aluminium fins finished in a brown colour have been added to the buildings at high level around the entrance areas and on the corners of the Keighley Road elevations. Unit 1 would incorporate a projecting entrance pod with a signage zone above whilst units 2 and 3 would feature glazed canopies. Units 2 – 4 would feature a number of roof lights.
- 2.7 It is proposed that the retail units would be for the sale of non-food 'bulky' goods. To that end it is proposed that a use restriction be imposed by way of a planning condition that would limit the sale of goods to DIY and gardening products, furniture and floor coverings, electrical goods, pet products, and motoring/bicycle accessories.
- 2.8 A parking area with a total of 101 car spaces (including 6 spaces for disabled persons) plus 2 car and trailer spaces is proposed. Access would be via a new entrance that would be constructed at the northern end of the site. Servicing/delivery access would be achieved to the rear of the site utilising the existing Guyson's access onto Snaygill Estate which would also continue to be used as access to the Guyson's site.
- 2.9 It is proposed to landscape the frontage of the site which would include a number of native extra heavy standard trees, native standard trees and shrub/hedgerow planting. Further to the original landscaping proposals, and in response to the concerns raised by members, revised plans have been submitted that include additional planting throughout the car park and to the site entrance. It is considered that the proposed revisions are a substantial improvement to the previous scheme

and would be more in line with the recommendations made by the Councils Tree Officer.

- 2.10 The Guyson's factory extensions would comprise 2 two-storey height buildings located at the eastern end of the site which would be finished in grey coloured cladding to match the existing buildings. The rearmost extension would have a York Stone coloured block plinth and a glazed curtain walling entrance.

**Officer note:** One of the extensions has misleadingly been annotated as a single storey extension on the submitted plans. It is the case that the proposed extension does not have 2 storeys within it, but it is the same height as the other proposed extension that does have 2 storeys.

- 2.11 In a supporting statement the applicant's agent outlines the intended use of the proposed extensions which are to provide a new production engineering room, an extended distribution area, spray booths, main entrance, office accommodation and production/warehousing areas. It is also proposed to create a total of 65 car parking spaces that would be set around the periphery of the site.

### 3 Planning History

- 3.1 There are no recent planning applications on this site.

### 4 Planning Policy Background

#### 4.1 **Saved Local Plan Policies:**

EMP7: Change of use from Industrial to Non-Industrial

R1: Sequential Approach for New Retail Development.

R2: New Retail Development.

T2: Road Hierarchy.

#### 4.2 **National Planning Policy Framework.**

#### 4.3 **National Planning Policy Guidance**

### 5 Parish/Town Council Comments

- 5.1 **Skipton Town Council:** The Committee welcome the new employment opportunities this proposal would bring. However, they are concerned about the impact an out of town retail development would have on Skipton High Street. Members believe there is insufficient information provided on the effect this application would have on the High Street and suggest that a sequential testing assessment is carried out.

### 6 Consultations

- 6.1 **CDC Environmental Health:** In terms of environmental protection EH recommend the incorporation of a SuDS sustainable drainage scheme to be approved by the Council prior to the commencement of development. They also recommend that regard be had for limiting the hours of construction works on the site in order to minimise potential nuisance to the occupiers of nearby dwellings.

With respect to ground contamination, the applicants have submitted a Geo-environmental Appraisal that has identified an area of land contaminated with hydrocarbons in the diesel range and will require remediation. The report recommends removal of the contaminated material off-site to an approved waste disposal site at a target level of 150mg/kg. EH advise that this is acceptable and recommend a condition to ensure that remediation is carried out in line with the submitted report. It is also recommended that no works take place until remediation

has been completed and that the applicants submit a validation report for approval by the Council once the remediation has been undertaken.

**6.2 NYCC Highways:** Highways were initially critical of the application for the reason that they considered the Transport Assessment (TA) to be unsatisfactory. Specifically they were concerned that:

- the TA did not take into account new developments at North Parade and at the old HML building in the town centre,
- that the capacity of the signals at the junction of Keighley Road/Carleton Road had been over-estimated,
- that the development did not include sufficient measures to promote sustainable methods of transport and;
- that the scheme would require alterations to the existing lay-by on Keighley Road which should be replaced.

Following discussions with the applicant's agent these issues have been resolved. Further information has been provided and the developer has agreed to pay a sum total of £35,000 to allow re-configuration of the traffic lights (£15,000) and to make a financial contribution towards improvements to the existing footpath running from Horse Close to Snaygill (£20,000) comprised of widening to allow dual use as a footpath and cycleway.

NYCC Highways have conceded the need to reinstate the lay-by in favour of the footpath improvements which are works that have been identified in the draft 'Leeds and Liverpool Canal Towpath Access Development Plan'. In addition to the above the applicants are to construct a pedestrian refuge on Keighley Road to the south of the site access.

Subject to the above NYCC Highways do not object to the proposals and recommend various planning conditions relating to the road/footpath highway works, provision of visibility splays/turning and parking areas, details of construction traffic routes/compound and the submission of a Travel Plan.

**6.3 The Environment Agency:** No objections provided the development is built in accordance with the submitted Flood Risk Assessment.

**6.4 Yorkshire Water:** No objections subject to a planning condition being imposed to require prior approval of a scheme for dealing with outfall for surface water.

**6.5 Airedale Drainage Commissioners:** No objections subject to the proposal being subject to agreement in regard to the surface water drainage plan. A condition is recommended to require prior approval of a scheme for the provision of surface water drainage works in order to control run-off rates from the site and minimise the potential for flooding.

**6.6 Canal and River Trust:** No comments.

**6.7 Natural England:** Advises that the application is unlikely to affect any statutorily protected sites or landscapes and therefore has no objection. NE also comment that it has not assessed the application and associated documents for impacts on protected species and recommends that their standing advice be applied in relation to this issue.

## 7 Representations

7.1 There are 11 responses that comment on the application.

7.2 7 of the responses object to the application (2 of which are from the same objector) and comment as follows:



- Skipton is the gateway to the Dales and is starting to look like Keighley and Colne. More traffic on Keighley Road will create more speeding through Bradley using village as a shortcut.
- Development will lead to traffic congestion.
- Development will impact on existing small businesses in the town centre whilst the goods to be supplied are already available elsewhere in Skipton or in nearby Keighley.
- Skipton is thriving and has a diversity of shops which would be adversely affected should the proposed development be allowed.
- Development looks ugly and will drive away tourists.
- The applicants felled trees without following due process or permission to increase the value of their site and this has impacted upon the appearance of the road which is a key entrance into Skipton.
- Very few people would visit a 'bulky goods' site other than by car which will lead to congestion.
- Economic and employment benefits are questionable given the impact on existing shops and businesses and on the character of the town.
- The applicant's statements regarding support at their public consultation event are questionable.
- The signage above the shops and on the advertising tower would be out of character with the town of Skipton.
- What restrictions will be placed on the goods to be sold from the site?
- If approved the application would set a precedent for other out of town developments such as Wyvern Park (Sainsbury's) and should be rejected for the same reasons.
- Guyson's can afford to carry out improvements without the retail development.
- Town centre should not be sacrificed for the benefit of travelling 1 mile instead of a few miles to shop at a larger retail centre.

7.3 The remaining 4 responses are in support of the proposals and comment as follows:

- DIY store would be an asset to Skipton and reduce need to travel to Keighley.
- Development would make entrance to town much smarter than the existing factory.
- Development would keep employment in Skipton and benefit the local economy.
- Development is designed sensibly and will have minimal impact on the traffic.

## 8 Summary of Principal Planning Issues

8.1 The impact of the proposed out-of-centre retail development on the viability and vitality of the town centre of Skipton and other nearby centres. Also whether the proposal would satisfy the requirements of national and local planning policies taking into account the sequential approach and availability of alternative sites.

8.2 Whether the development would result in an unacceptable loss of employment land.

- 8.3 Design and visual impact.
- 8.4 The impact on amenity.
- 8.5 Highway safety.
- 8.6 Ecological issues.
- 8.7 Flood Risk and Drainage

9 Analysis

**Retail Sequential Testing & Impact Assessment:**

- 9.1 The local plan policies which relate to retail development and have been 'saved' are Policy R1 'The sequential approach for new retail development' and Policy R2 'New retail development'.
- 9.2 Saved policy R1 of the Local Plan sets out a requirement to undertake a sequential test for new developments outside of town centres and is therefore consistent with the NPPF in this respect. Saved Policy R2 identifies detailed criteria that need to be satisfied for new retail developments. The criteria that this policy raises are addressed in the body of the report.
- 9.3 Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the NPPF commenting that *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Saved policies R1 and R2 were not prepared under the aforementioned Act and are now superseded by the more recently published NPPF. Consequently Saved Local Plan Policies R1 and R2 carry very limited weight.
- 9.4 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated three dimensions to sustainable development: economic, social and environmental. The NPPF 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. Specifically, paragraph 14 of the NPPF states 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 this Framework taken as a whole, or specific policies in the Framework indicate development should be restricted'*.
- 9.4 Section 2 of the NPPF relates to the vitality of town centres and sets out policies for their management and growth. Paragraph 23 recognises town centres as the heart of local communities and under paragraph 24 development proposals for a 'town centre use' (which includes retail development) that is not located in an existing centre and is not in accordance with an up to date local plan, requires a sequential assessment and, dependant on size, an impact assessment.
- 9.5 The NPPF asserts that main town centre uses should be located in town centres, then edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local authorities are also advised to demonstrate flexibility on issues such as format and scale (but also that alternative sites should be suitable, viable and available).
- 9.6 Paragraph 26 further requires that retail developments above a 2,500m<sup>2</sup> threshold that do not accord with an up-to-date local plan should be subject to an impact

assessment. This should assess the impact on the vitality and viability of the town centre up to 5 years from the time the application is made. In this case the development exceeds the threshold and therefore an impact assessment has been provided.

- 9.7 In summary the NPPF recognises the need to allow for a range of suitable sites that meet the scale and type of retail development needed in town centres and allows for the use of out-of-centre locations where suitable sites are not otherwise available. However, retail development should only be allowed where it can be clearly demonstrated that the sequential test has been passed and the impacts would not be *'significantly adverse'*.
- 9.8 The applicants have submitted a Planning and Retail Statement to accompany their application. This statement includes both sequential testing and a retail impact analysis and has been independently assessed on behalf of the Council by a retail consultant (MT Town Planning).
- 9.9 The following is a summary of the retail consultant's conclusions and recommendations.

Sequential test:

- 9.10 In terms of sequential testing the applicants have assessed other locations outside of Skipton and its environs. They concluded that the need the application aims to fulfil is for bulky goods retail warehouses to serve Skipton (and the surrounding area) and therefore Skipton town centre is the most appropriate location. The applicants concluded that to provide a bulky goods retail development in smaller town centres e.g. Barnoldswick, would not meet the identified need. Similarly they conclude that lower tier centres within the Craven district would be unsuitable. These conclusions are agreed by the Council's consultant MT Town Planning.
- 9.11 As there are no suitable town centre sites within Skipton, four edge-of-centre sites and one alternative out-of-centre site have been considered. The four edge-of-centre sites comprise town centre car parks and have been discounted as they are not available. The alternative out-of-centre site is the 'Wyvern Park' site in south west Skipton that was recently refused planning permission for a superstore (for reasons relating to the retail impact on the town centre, and the impact on the Conservation Area and the wider landscape). The Council's retail consultant has commented that whilst the retail offering proposed by this application could potentially overcome the above reasons for refusal and be accommodated on the 'Wyvern Park' site it is reasonable to discount this option. The 'Wyvern Park' site is not currently available as the site owner is pursuing other options for the site. Furthermore there are known viability issues with the 'Wyvern Park' site that are unlikely to be overcome by the development proposed by this application. Finally, given this sites superior accessibility and connectivity to the town centre the application site is arguably sequentially superior to the 'Wyvern Park' site.
- 9.12 The conclusion of MT Planning is that there are no sequentially better sites than the application site and therefore the sequential approach to site selection has been satisfactorily complied with. The recommendation is therefore that on the basis of sequential testing the application is acceptable.

Impact assessment:

- 9.13 In relation to retail impact the NPPF at paragraph 26 sets out two areas that assessments should address:
- The impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area of the proposal; and,

- The impact on town centre vitality and viability, including consumer choice and trade in the town centre and wider area up to 5 years from the time of the application.
- 9.14 With regards to the first point above MT Planning has agreed with the applicant's conclusion that as there are no committed or planned investment proposals in Skipton Town centre this particular impact test of the NPPF does not apply.
- 9.15 The second point requires a much more detailed assessment and the methodology applied by the applicant's has been appraised by MT Planning to ensure that it is compliant with the requirement of the National Planning Policy Guidance (NPPG). This is stated in paragraph 17 of the NPPG and the applicants are required to:
- 'set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues'.*
- 9.16 The summary of the conclusions drawn from MT Planning's analysis of the retail impact assessment are that:
- The development would result in bulky goods trade draw from Skipton of 40%. This is an assessment of the trade that would be drawn from a particular geographical location. In reaching a figure it has been agreed between MT Planning and the applicants agents that trade draw from certain locations would be limited as the bulky good retailers located in Keighley would be more accessible from certain parts of Craven district e.g., Glusburn and Cross Hills.
  - In terms of trade diversion i.e. trade being drawn from existing suppliers, MT Planning state that the applicants have overstated clawing back of leakage to other shopping destinations whilst understating the diversion of trade from shops in Skipton town centre. Notwithstanding, it is conceded that even if these impacts were to be doubled from the figures provided by the applicants and account taken of diversion from existing trade counters and quasi retailing units the impacts would not have a significant adverse impact on the town centre and therefore would fall within acceptable limits.
  - The applicant's agents have argued that the proposal will result in a significant improvement in the choice of bulky goods provision in Skipton as there are currently no large bulky goods retail stores within the area. MT Planning comment that this has to be balanced against the adverse effects on the choice and quality of the convenience offer in the town centre and consider that only limited weight can be applied to the competition and choice benefits that the out-of-centre proposal which will impact negatively upon the choice and competition within the town centre itself.
  - The applicant's 'health check' of Skipton town centre concludes that it is trading well and displaying good signs of vitality and viability. This point however is not entirely agreed by MT Planning who highlight that there is an over reliance on visitor spending that makes the centre vulnerable and that there are a high number of charity shops and high car parking charges which both weakens the retail offer and encourages trips to out-of-centre retail facilities.
- 9.17 The overall conclusion of MT Planning is that the impacts on Skipton town centre are likely to be greater than has been stated by the applicants. In particular MT Planning notes that existing retailers supplying comparable bulky goods have not been identified and that the impact to existing town centre retailers will vary depending upon the eventual occupiers of the proposed units. Therefore whilst it has been agreed that the potential impacts are not likely to be significantly adverse

it is not agreed that those have been fully identified in the applicant's retail impact assessment.

**Officer note:** The independent assessment of the sequential testing and retail impact that was undertaken on behalf of the Council by MT Planning is attached as an appendix to this report.

- 9.18 Following reservations expressed by the Planning Committee the proposed condition to restrict the use of the proposed retail units has been subject to discussion between planning officers, the Council's legal officers, MT Planning and the applicants. The Council's retail consultant has advised that the condition as originally drafted *'is clear and unambiguous – it would stand up to any attempts to bypass it and is as good as any bulky goods condition wordings as I have come across elsewhere'*. However he has suggested adding the word 'bulky' before the words 'electrical goods' to provide further clarity. It should be noted that any bulky goods seller could still sell some ancillary non-bulky goods, but to achieve compliance with the condition the primary activity should be bulky goods sales. Additionally the wording 'and for no other purpose' has been added at the end of the condition to help underline that only certain retail uses are permitted.
- 9.19 Alternative wording for the condition has been considered, but the condition as drafted is considered by Officers to be the simplest and most straight forward to interpret and if necessary subsequently enforce. It is considered that this slightly revised wording would be a robust planning condition that would overcome the concerns expressed by members over the potential for other non-bulky goods to be traded from the proposed retail units. The advice from the Council's retail consultant is clear with respect to the bulky goods condition. He has stated that *'I can't really see what more you can do – if your members are thinking of refusing on impact grounds they will almost certainly lose on appeal if the applicant will accept above [i.e., the amended bulky good condition] or your earlier bulky goods conditions. There might be a concern about future applications to relax above conditions [i.e. conditions relating to bulky goods], but you have to deal with the application before you now'*.

#### Summary

- 9.20 In summary, notwithstanding some concerns regarding the potential impact on individual town centre businesses, it is not considered that the overall impact would be significant enough to sustain a refusal of planning permission. The adverse impacts are not considered by MT Planning to be significantly adverse and it is recommended that planning permission is acceptable in terms of sequential testing and retail impact subject to a planning condition to restrict the sale of goods from the site to 'bulky' goods only. Bulky goods in this case is defined as:
- DIY and gardening products,
  - furniture and floor coverings,
  - electrical goods,
  - motoring goods and bike accessories,
  - pet products.

#### Loss of employment land:

- 9.21 The site is located within an established employment area and would result in the partial loss of an existing employment site. This is therefore a material consideration in the assessment of this application. Saved Policy EMP7 is of some relevance and it relates to the change of use of premises from industrial to non-industrial. This proposal does not strictly relate to the change of use of a premises

and is actually the re-development of the site, but nonetheless the policy is of relevance. It should be noted that the actual criteria within the policy all relate to circumstances where planning permission will be given for the change of use of premises to uses other than industrial or commercial uses. Furthermore the reasoned justification to the policy also explains that the purpose of the policy is to ensure a change to non-commercial uses is only permitted when especially justified. The use of part of the site for retail development is a commercial use and therefore it is considered that the aims and objectives of Saved Policy EMP7 are not particularly applicable to this development proposal.

- 9.22 Furthermore more up to date guidance within the NPPF is broadly supportive. Paragraph 19 outlines that the planning system should do everything that it can to support sustainable economic growth and that significant weight should be placed on this objective. Paragraph 22 also makes it clear that Council's should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.
- 9.23 In terms of actual loss of employment land the area to be developed for retail would be 0.95ha of the 1.75ha site. However, it should be noted the applications supporting information indicates that due to the proposed new extensions to Guyson's buildings there would be a net increase in the gross internal general industrial floor space across the site of 939m<sup>2</sup>.
- 9.24 The case put forward by the applicants in support of their application is that the proposals would:
- Enable Guyson's to re-organise their existing business and re-develop parts of the site which would improve conditions for their existing workforce and reduce running costs thereby helping to improve their overall efficiency.
  - Enable the company to expand thereby bringing more business which would result in the need for additional employees (estimated to be between 10 -15 new manufacturing jobs).
  - Secure the future of the existing business and protect the 92 manufacturing and head office jobs on the site.
  - Create 35 FTE jobs at the proposed retail development.
- 9.25 The proposals indicate the re-development and extension of Guyson's buildings, and that the proposed works and capital receipts from the sale of the land would give rise to some operational advantages and an opportunity to invest in the business. However, no evidence has been put forward to support the case that the sale of land for the proposed retail development is absolutely necessary for the safeguarding of Guyson's long-term viability. On this basis it not considered that this element of the applicant's argument can be given any significant weight.
- 9.26 Notwithstanding, the proposed net increase in floor space at Guyson's is a relevant planning consideration. Furthermore the proposed investment in new retail development, and the benefits that this could potentially bring to the local economy, is also relevant (although MT Planning has commented that many of the 35 jobs that would be generated by the retail development would be part-time, unskilled and low paid and that there is likely to be some displacement from local shops arising from trade diversion).
- 9.27 Considering this matter more fully it is the officer's view that loss of 'traditional' industrial employment land would not provide justification to refuse planning permission in this case even if the application did not include proposals to offset the loss of floor space with new replacement extensions at Guyson's commercial premises. In coming to this view it is noted that the development proposal is not

contrary to any Local Plan policy that seeks to protect employment land and support in principle for new commercial development is given by the NPPF. It should also be noted that in this case the Council's policy team has commented informally on the proposals and has not raised any specific objections to the loss of employment land on policy grounds.

**Officer note:** In response to the concerns raised by members the applicants have proposed an additional planning condition (No. 6) to ensure that none of the retail units are occupied until the extension of the existing factory has been completed.

**Design and visual impact:**

- 9.28 The development would require demolition of the existing buildings across the site frontage that are faced with a mixture of horizontal and vertical green cladding and set in some cases on a Yorkshire stone plinth. The condition of the buildings is generally very poor and the applicants have commented to the case officer that the roofs in particular are substandard resulting in problems with water ingress in some areas. The proposed demolition of the existing Guyson's buildings is therefore not opposed and moreover would raise no specific planning issues.
- 9.29 The new retail development would be an 'L' shaped arrangement of standard out of centre units set around a large car parking area with a single access set at the northern end of the site. The appearance of the proposed units has been improved somewhat but they remain of no particular merit in terms of their design and appearance and the configuration is very conventional. That said, the overall conclusion is that the design is an improvement on the previous submission and would be appropriate for the location and wider setting of the site which is predominantly characterised by a mix of both commercial and industrial development set either side of Keighley Road, a major arterial route into the town centre of Skipton. A condition has also been recommended (Condition 11) requiring details of any external signage to be approved by the Local Planning Authority. The purpose of this condition is in the interests of ensuring the appearance of this entrance route into Skipton is not harmed by inappropriate advertising
- Officer Note:** This condition was not recommended on the original report, but has been added in response to concerns raised by Members of the Planning Committee at the December 2014 Committee meeting.
- 9.30 Following discussion with the developer's agents the landscaping across the site frontage has also been improved. It is considered that the revised scheme is acceptable and would help offset the previous tree removal albeit to a limited extent. In coming to this view it is acknowledged that the landscaping would not provide the visual amenity of the mature trees that were removed but it is not considered that it would be reasonable to require more substantial tree screening to a retail development of this type and in this particular location.
- 9.31 In terms of the scale of the proposals it is considered that the retail units would be appropriate in this location and although taller than some of the existing buildings surrounding the site the development would not appear especially obtrusive or incongruous in the general street scene. It is also noted that the hotel building immediately opposite the site is substantially taller than the proposed units and therefore the potential visual impact of the proposed retail development would be ameliorated to a certain degree.
- 9.32 The proposed extensions to the existing Guyson's factory are located at the rear (western) end of the site where there would be very limited public views of the buildings, these being from the Snaygill estate. The extensions would be completely obscured from view from the main public domain/viewpoints on

Keighley Road. As a consequence this element of the development only requires an assessment in terms of the appropriateness and impact of the proposed extensions in relation to the established industrial estate. The context of the rearmost part of the site is a grouping of industrial/commercial buildings that have no cohesive design approach or use of materials. It is considered that the proposed extensions would be appropriate in terms of their overall design, scale and use of materials and are therefore acceptable.

9.33 The general requirements laid down in the NPPF in relation to design are that local authorities' should encourage 'good' design that '*contributes positively to making places better for people*'. Whilst good design is to an extent a subjective issue the NPPF does stipulate 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*'.

9.34 Considering that both the proposed retail development and factory extensions are acceptable in principle it is not the view of the case officer that the lack of innovative design is a significant factor that would justify planning permission being refused in this case. Overall it is considered that the design is appropriate within the context of the application site which is not an area in which existing developments are characterised by any particular quality of design or use of materials. Specifically, it is not considered that the proposals would fail to improve the character and quality of the area or the way it functions which is the test set out in the NPPF.

9.35 Concerns have also been raised in representations that the visual impact will harm tourism. Given the sites location within an established industrial area it is not considered that such a reason for refusal could be justified. Objectors have also raised concerns about proposed advertising. However, advertising is not the subject of this application.

9.36 Taking all of the above points into account it is considered that overall the proposals are acceptable in terms of design and visual impact.

**The impact on amenity:**

9.37 The site is not located within close proximity to any residential development although there is a hotel and a care home on the opposite side of Keighley Road. Generally it is not considered that the proposals would give rise to any loss of amenity to any nearby properties.

9.38 In coming to the above view it is noted that the site is located within an established employment area which has a variety of land uses located in and around it and that the site fronts directly onto a busy main road. It is considered that whilst the appearance of the site would change significantly the impact to visual amenity would not be sufficient to warrant refusal of planning permission. Similarly, it is not considered that the activity that would be generated by the proposed retail development would be inappropriate in this area or change the character to an extent that could be considered to be unacceptable.

**Highway safety:**

9.39 No objections have been raised by NYCC Highways to the development subject to the applicants agreeing to provide a pedestrian refuge on Keighley Road and to a sum of £35,000 being paid to cover the costs of re-configuring the lights at the junction of Keighley Road/Carleton Road (£15,000) and contribute to the costs of widening of the footpath to create a footpath/cycleway along Keighley Road (£20,000).



- 9.40 In coming to their view NYCC Highways has considered the volumes of traffic that would potentially be created by the development and are satisfied that, subject to the changes to the controlled junction, the local highway network would not be unacceptably impacted upon.
- 9.41 The proposals would entail removal of the existing lay-by on Keighley Road and this is something that the Highway Authority originally wished to see retained or replaced. However, the Highways Authority has indicated a willingness to accept a contribution to footpath / cycleway improvements in lieu of lay-by provision and therefore NYCC Highways has confirmed that it does not object (subject to conditions).
- 9.42 The re-configured car parking for the Guyson's site is somewhat clumsily arranged around the periphery of the site but is workable and does provide a reasonable level of parking and adequate turning/delivery areas.
- 9.43 Concerns have also been raised in representations that the development will increase speeding traffic through Bradley village. However, it is not considered that there is evidence to justify refusal on such a concern and in any event speeding traffic is a matter controlled through other legislation.
- 9.44 Overall it is considered that the proposals are acceptable in terms of highway safety.

**Ecological issues:**

- 9.45 The ecological report submitted in support of the application has identified very minimal issues in relation to protected species. The report identifies only two possible habitats of any significance comprising the stream that adjoins the southern site boundary which could be a potential habitat for white clawed crayfish and the group of trees adjacent to the stream that are used by foraging bats.
- 9.46 The report makes recommendations for mitigation measures such as to prevent pollution to the stream arising from construction works and careful consideration of lighting towards the southern end of the site in order to minimise the impact on bats.
- 9.47 It is considered that the survey is of an acceptable standard and that there are no ecological issues of any significance arising from the proposal. The proposed mitigation measures can be secured by planning conditions and that there are no significant ecological issues associated with the proposed development. Natural England has been consulted and has raised no objections.

**Flood Risk and Drainage:**

- 9.48 A significant part of the application site falls within an area identified as Flood Zone 2 which is defined as having a medium probability of becoming flooded (the remainder of the site is at less risk of flooding). The development that is proposed across the site, both the retail element and factory extensions, are classed as less vulnerable forms of development which are acceptable in principle within Flood Zone 2 subject to a satisfactory Flood Risk Assessment being provided.
- 9.49 In this case no objections are raised to the proposals by the Environment Agency, Yorkshire Water or the Airedale Drainage Commissioners provided the submitted Flood Risk Assessment (FRA) is complied with. The FRA sets out various recommendations to address potential flooding issues on site and the attenuation of run-off and for the end users of the site subscribing to the EA Flood Alert Scheme.
- 9.50 Another requirement in relation to flood risk is the need for the proposal to undertake sequential testing in order to demonstrate that there are no sequentially

preferable sites that are less vulnerable to flooding that could accommodate the proposed development. In this case it has been established that there are no other site available that would be satisfactory in terms of their retail impact and therefore it is accepted that sequentially there are no possible less vulnerable alternative sites.

- 9.51 With respect to foul drainage no objections have been made by Yorkshire Water and they have advised that foul water should be discharged to the public foul sewer that crosses the site. It is considered that, subject to the imposition of conditions there are no unacceptable issues with this proposal in relation to flooding or drainage.

**Conclusion / The Planning Balance:**

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

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

- 9.53 The Council's Retail consultant has highlighted some concerns about the impact on Skipton town centre, but the impact is not significantly adverse in his opinion and would not justify refusing planning permission. Furthermore, the design of the development proposal is far from innovative and the contribution the scheme makes to the visual quality of the area is minimal (although on balance the design and appearance is considered acceptable in this location). However, the relevant test is whether such adverse impacts significantly and demonstrably outweigh the benefits. The recommendation is that the adverse impacts do not outweigh the benefits. Significant weight has to be given to the need to support economic growth, and in this case this outweighs other considerations.

10. **Recommendation:**

- 10.1 **That members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject to the following conditions and the applicant's entering into a Section 106 Legal Agreement to provide the following:**

- i) **A commuted sum of (£15,000) to facilitate re-configuration of the traffic lights at the junction of Keighley Road/Carleton Road.**
- ii) **A commuted sum of (£20,000) to facilitate widening and improvement of footpath and cycle linkages between the application site and Skipton town centre.**

**Conditions**

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

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

2. The development shall not be carried out other than wholly in accordance with the drawing nos:

- CAD 102, 104, 105, 110, project 7342 (000) 005 revision H, 007 revision H, 008 revision F, 011 revision D, and 012 revision C received on the 4<sup>th</sup> August 2014.
- MR14-032/102 rev C received by the Local Planning Authority on 2<sup>nd</sup> December 2014
- 006 revision C, 016 revision C, 017 revision C, 018 revision C, 021 revision H, 022 revision G, 023 revision F, Drawing nos. MR14-032/101 revision B and the amended Design and Access Statement received on 27<sup>th</sup> January 2015

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

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

3. Notwithstanding any details specified on the approved plans and supporting documentation prior to their first use on site details of types and colours of all external materials, including hard surfacing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

4. The retail units hereby granted permission shall be limited to the sale of non-food bulky goods comprised of DIY and gardening products; furniture and floor coverings; electrical goods; pet products; and motoring/bike accessories and for no other purpose.

Reason: For the avoidance of doubt and to safeguard the vitality and viability of Skipton town centre.

5. The total gross floor space of the retail units hereby permitted shall not exceed a combined total of 4240 m<sup>2</sup> including any mezzanine floor space and the external sales area proposed at unit 1.

Reason: For the avoidance of doubt and to safeguard the vitality and viability of the town centre of Skipton.

6. The retail units hereby granted planning permission shall not be occupied until the extension of the existing factory has been completed and brought into use.

Reason: For the avoidance of doubt and to mitigate for the loss of the employment land required in connection with the proposed retail development.

7. All soft landscape works shall be carried out in accordance with the approved drawings and shall be implemented during the first planting season following completion of the development hereby permitted and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

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

8. The development hereby permitted shall not be commenced until such time as a scheme to ensure that there is no increase in surface water run-off has been

submitted to, and approved in writing by, the local planning authority.  
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

Reason: In the interests of satisfactory and sustainable drainage.

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing 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.

11. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 no fascias, banners, projecting signs or other forms of advertisements shall be attached to the exterior of the building without the prior approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the development and the wider area.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the site access has been set out and constructed to binder course level and the following requirements:

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (iii) Any gates or barriers shall be erected a minimum distance of 3 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
- (vi) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- (vii) Provision of tactile paving in accordance with the current Government guidance.

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

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

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

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 45 metres measured along both channel lines of Keighley Road from a point measured 4.5 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Informative:

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

15. Unless otherwise approved in writing by the Local Planning Authority, the retail development hereby approved shall not be occupied until:
  - (i) A scheme for the provision of the required highway improvement works, listed below has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
  - (iii) A programme for the completion of the proposed works has been submitted.

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

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Works on Keighley Road i.e. access, pedestrian island and the means by which a new footway widened for shared use footway between site and Cawder Bridge (connection to canal towpath) is to be secured.

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

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

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

Works on Keighley Road i.e. access and pedestrian island.

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

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

17. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas:
- (i) Have been constructed in accordance with the approved drawing.
  - (ii) Are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

18. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - (ii) On-site materials storage area capable of accommodating all materials required for the operation of the site.

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

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

19. 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 the interests of highway safety and the general amenity of the area.

20. Prior to the retail development hereby approved 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: To establish measures to encourage more sustainable non-car modes of transport.

21. Other than within the external sales area (Project Centre) adjoining Unit 1 (which may be used for the display of produce, equipment and materials for sale), no materials, produce, equipment or waste materials shall be stored outside the buildings except for waste materials contained within bins for periodic removal. There shall be no obstruction of the delivery/vehicle manoeuvring areas.

Reason: In the interests of the visual amenity of the area and of highway safety.

22. Prior to its installation on site details of the external lighting in and around the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting to the southern elevation of the southernmost retail unit. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposed lighting does not give rise to amenity or highway safety issues.

23. Following completion of any measures identified in the Remediation Strategy approved by Craven District Councils Environmental Health Officers a Validation Report shall be submitted to the Local Planning Authority. The Validation Report shall be prepared in accordance with current best practice and the site shall not be brought into the use hereby granted planning

permission, until such time as the validation report has been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to determine whether or not the site has been rendered suitable for use and that contamination has been dealt with so as not to present significant environmental risks.

24. The mitigation measures set out in the submitted 'White-clawed Crayfish and Bat Activity Surveys' document produced by Brooks Ecological and submitted to the Council on 4<sup>th</sup> August 2014 shall be fully implemented during the construction phase and subsequent occupation of any part of the retail development hereby approved.

Reason: In the interests of the protection of wildlife species.

Informatives:

1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should 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 throughout the construction period.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
3. Please note that no consent has been granted for the erection of any form of advertisement as part of this planning permission.
4. Operating times of the demolition and then construction site should be limited from 7:30am to 6:00pm Monday to Friday, 08:00am to 1:00pm Saturday and no Sunday or Bank Holiday working. The objective being; to minimise disturbance from the site affecting nearby property.
5. The developer should note that condition Nos. 3,7,9,10,11,14,15,17,18,19, 21 and 22 above will require a further application to be submitted to enable the District Council to formally discharge the conditions.

In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.



Please note that in order to assist the Council and enable the Local Authority to deal effectively with your application to discharge conditions it is requested that a schedule is submitted with any subsequent application that identifies the condition numbers and the relevant plans, reports, documentation etc. that relates to that condition.

Statement of Positive Engagement: -

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

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

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## **1.0 Introduction**

- 1.1 In August 2014 I was appointed by Craven District Council to review a Planning and Retail Statement and other documentation submitted by Peacock & Smith (P&S) in support of a planning application for a retail park on the part of the Guyson International site fronting Keighley Road. The initial Planning and Retail Statement (August 2014) has been amended in a Revised Planning and Retail Statement (September 2014) following comments by myself in a note forwarded to P&S. It is mainly the Revised Planning and Retail Statement that I comment upon in this review.
- 1.2 The proposed retail park will be anchored by a 1,749 sq. m gross DIY store (plus 464 sq. m mezzanine and external garden centre) to be occupied by Wickes. There are three other retail warehouse units of 559 sq. m, 465 sq. m gross and 393 sq. m (all gross). Pets at Home are under contract to occupy the 559 sq. m gross retail warehouses for the sale of pets and pet related goods, with a mezzanine floor for a grooming salon. There are no named occupiers for the other two smaller units therefore they are speculative.
- 1.3 This report is structured to reflect that of the P&S Statement. Sections 1 to 5 of the Revised Planning and Retail Statement and sections 8 and 9 are largely unchanged from the earlier Planning and Retail Statement. In section 2 of the Revised Statement entitled 'Site Location and Description' P&S outline the planning history of the site. In section 3 P&S outline the proposed development and in section 4 they detail the planning policy background against which this application should be determined that I see no need to comment upon.
- 1.4 In section 5 of the Statement P&S set out an overview of the existing retail provision in and around Skipton, with a focus on the 'bulky goods' retail sector. The section also draws on the results of a household telephone survey to outline shopping patterns in the study area and refers to an appended health check of Skipton town centre. I comment upon this section of the P&S Statement in the following section of this report.
- 1.5 In section 6 P&S consider the sequential approach to site selection that I review in my section 3. The impact assessment is the subject of section 7 and I comment upon these in my section 4. In my section 5 I consider other material considerations which P&S address in their section 8 entitled 'Other Relevant Planning Issues'. In my section

6 I compare the impacts of the proposal against the benefits in a NPPF (para 14) 'planning balance' exercise.

- 1.6 P&S present their summary and conclusions in section 9 of their statement and my conclusions on the supporting information are presented in section 7 of this review.

## 2.0 Retail Context

- 2.1 P&S have carried out a 'health check' (Appendix 3) of the town centre using National Planning Policy Guidance (NPPG) indicators of vitality and viability to inform their impact assessment. They conclude the town centre has a good retail offer "*with a mix of national multiples and local independent stores, with a particularly strong representation of clothing and footwear retailers, outdoor retailers (i.e. camping and sports) and gift stores. The town centre also has a high proportion of pubs, cafes and restaurants, reflecting its role as a tourist destination. Its 'bulky goods' retail offer is, however, limited due to the small size and scale of the historic retail premises in the town centre.*"
- 2.2 Whilst I do not disagree strongly with P&S's conclusions the town centre is not without problems. There is almost certainly an over reliance upon visitor spending by some businesses that makes the centre potentially vulnerable. There are also a high number (12) of charity shops in Skipton even in the primary frontages which weakens the retail offer. Car parking charges are quite high in Skipton (even short term) making the town centre less accessible by car and encouraging trips to out-of-centre retail facilities and competing centres where charges are lower or parking is free.
- 2.3 I also consider the town centre bulky goods offer is more extensive than P&S suggest (para 5.03). In para 5.01 P&S define bulky goods shopping as DIY, gardening products, furniture, carpets and pets goods but omit electrical goods from their definition despite testing the impact with a scenario (2) that includes the speculative units being occupied by electrical / PC retailers. If the Council are minded to support this proposal then they will have to agree to the usual definition of bulky goods<sup>1</sup> that includes DIY, gardening products, furniture, carpets and electrical goods and extend it to include pet products.
- 2.4 P&S's health check is appended at Appendix 3 and extracts from a 2012 Goad Category Report for the town centre. Table A1.4 indicates there is one shop in the town centre retailing carpets and flooring; nine shops selling crafts, gifts, china and glass; one cycle shop; five DIY and home improvement stores, four shops retailing electrical and other durable goods; six furniture shops; three hardware / household

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<sup>1</sup> e.g. Pitney Bowes and Experian

goods stores; three shops selling sports, camping and leisure goods; two shops selling textiles and soft furnishings; and, two shops selling car accessories.

- 2.5 In total there are 32 shops in Skipton town centre potentially selling bulky goods and / or goods typically sold in retail parks. This represents around 25% of the comparison goods units in the town centre and in addition there are two department / variety stores retailing some bulky goods. Since the 2012 Dawson's furniture and household goods shop has opened in the 9 High Street development, however, most of the shops retailing crafts, gifts, china and glass appear to be gift shops rather than hardware / kitchenware shops.
- 2.6 Many of these 'bulky goods' retailer also occupy larger floorplates than the typical small shop in Skipton. P&S also state (para 5.07) there are no purpose-built bulky goods retail warehouses in Skipton which isn't entirely correct as the B&M Homestore unit (itself predominantly bulky goods) was previously a Focus DIY store. What this analysis demonstrates is that there are a significant number of shops in the town centre retailing similar goods to those potentially available at the proposed retail park and this probably explains why in zone 1 (Skipton) 51.8% of bulky good expenditure is retained within Skipton.
- 2.7 P&S go on in section 5 to describe the limited out-of-centre goods bulky offer in Skipton which is largely made up of trade counters and quasi retailing businesses. They also describe the superior bulky goods / retail warehouse offer in and around competing centers such as Keighley and go on to state that *"there are significant levels of outflow of spending to these facilities."* P&S conclude this section stating *"The proposed retail park aims to fill a gap in Skipton's retail market for bulky goods and to reduce the level of outflow of spending to facilities in Keighley and other locations."*

### **3.0 Sequential Approach to Site Selection**

- 3.1. Section 6 of the P&S Revised Planning and Retail Statement is identical to the original Statement with the addition of four new paragraphs that consider the Wyvern Park site as requested in my note to P&S on their original Statement. P&S consider that the need that the application aims to fulfil is for bulky goods retail warehouses to serve Skipton and the surrounding area therefore Skipton Town Centre is the most appropriate location in which to search for alternative sequentially preferable sites. P&S argue to provide a bulky goods retail development in smaller town centres such as Barnoldswick would not meet the identified need and I agree with them.
- 3.2. Other defined centres within the primary catchment area (PCA) are lower tier centres such as Gargrave and Grassington and these local centres are characterised by small-scale local retail provision and are not considered by P&S as appropriate for bulky goods retail warehouse development and again I agree.
- 3.3. P&S have identified four edge-of-centre sites and, following my note, one out-of-centre site to consider in the sequential approach to site selection. The four edge-of-centre sites are all town centre car parks – High Street, Cavendish Street, Coach Street and the Bus Station car parks. P&S append (Appendix 5) the Council's April 2009 Report of the Working Group on Car Parking in Skipton to demonstrate the need for these sites to be retained in car parking use therefore they are unavailable for retail development and can be discounted from the sequential assessment.
- 3.4. Wyvern Park is the marketing name for the proposed fifteen hectare business park on the site allocated as South Skipton Business Park by the Council. A planning application for employment use with enabling retail development (Sainsbury's superstore) was refused planning permission in April 2014 because it would have a significantly adverse impact on the town centre; it would have an adverse impact on a designated Conservation Area (the cemetery); and, it would fail to maintain and enhance the landscape. P&S conclude the site is therefore currently unavailable as there are significant planning constraints to overcome.
- 3.5. I consider that a retail warehouse development of the scale proposed on the Guyson International site could probably address the above constraints at the Wyvern Park site, however, the site might not be available as I understand the developer is still pursuing a superstore to enable the development. In addition, a bulky goods retail park

would not achieve the same valuation as a superstore development and would therefore be unviable in terms of enabling the employment development on the site and therefore unattractive to the developer. P&S also consider that although the Guyson International site is further from the town centre it is better linked to the centre by a direct route with regular buses. NPPF (para 24) advises out-of-centre sites can be prioritised on their accessibility and connectivity to the town centre and I agree with P&S that on this criteria the Guyson International site is sequentially superior to the Wyvern Park site. (P&S also point out that the Wyvern Park site is outside the development limit of Skipton.)

- 3.6. P&S conclude none of the sequentially preferable edge-of-centre sites are available for the proposed development as four sites are in active use as public car park. In addition, all of the sites are constrained by their Conservation Area status and / or adjacent listed buildings or other heritage assets. Two of the sites are also unsuitable as they are too small to accommodate the proposal. The out-of-centre Wyvern Park is equally unavailable for other reasons and in any case is sequentially inferior to the Guyson International site on NPPF (para 24) criteria. P&S conclude the Guyson International site therefore satisfies the sequential approach to site selection and I agree.



## 4.0 Impact

4.1 The scope of impact assessments is set out in NPPF (para 26) that advises they should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

4.2 In this section I consider P&S's quantitative / impact assessment methodology. Then I consider impact on trade in the town centre, impact on investment, consumer choice in Skipton and overall impact of the proposal on town centre vitality and viability.

### **Methodology and Quantitative Assessment**

4.3 P&S have broadly followed guidance in NPPG (para 018) on undertaking retail impact assessments. The impact assessment tables in the original Planning and Retail Statement were far too detailed and are now summarised in the Revised Statement in order to *"set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues"* in compliance with the NPPG (para 017) guidance. I also advised P&S in my note on their original statement that the trade diversion of the individual units was too detailed and that an overall retail park trade diversion for a best and worst case scenario would suffice. P&S have now produced an assessment with two scenarios<sup>2</sup> but they retain the detailed trade diversion of the individual units although it is summarised (Table 36<sup>3</sup> for scenario 1 and Table 36a for scenario 2).

### Turnover of the Proposal

4.4 In the original Planning and Retail Statement the turnover of the proposal was based upon company averages for the two known occupiers and an average of bulky goods operator sales densities for the two speculative units. The latter was contrary to

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<sup>2</sup> The first scenario (Table 28a) assumes the speculative units are occupied by furniture retailers. The second scenario (Table 28b) assumes the speculative units are occupied by electrical retailers.

<sup>3</sup> Table 36 doesn't look a lot different to Table 35 but there are some discrepancies in the turnovers of centres beyond the PCA (i.e. destinations for leaking expenditure) that need to be clarified.

guidance in the NPPG (para 018) that advises *“A range of possible scenarios should be considered to assess the impacts of the proposed development”* and this is addressed in the revised statement. The worst case scenario in terms of potential impact upon the town centre would be occupation by electrical / PC retailers (scenario 2) with high sales densities and the best case scenario would be occupation by carpet / furniture retailers (scenario 2). (The suggestion in my note that as the units that are under contract will not be conditioned to occupation by these retailers only, it would be sensible to consider a worst case scenario for these units too has not been addressed by P&S.)

#### Turnover Efficiency Improvements

- 4.5 In the original Planning and Retail Statement the 2019 turnovers had only been increased by 0.18% per annum (pa) and not the 1.8% pa increase stated in Footnote 4 to Table 27 in Appendix 6. As a result the trade diversions and impacts in Tables 31 to 36 were all understated. However, this has been corrected in the revised statement and the turnovers of the proposal in the two scenarios are agreed.

#### Trade Draw

- 4.6 The trade draw of the proposal in the original Planning and Retail Statement (Table 29) was erroneous in that it didn't reflect guidance in NPPG (para 017) that advises it should be assessed by *“drawing on information from comparable schemes... and carefully considering likely catchments...”* Similarly the trade draw didn't reflect guidance in the footnote to NPPG para 017 that advises *“trade draw will relate to a certain geographic area (i.e. the distance people are likely to travel) and for a particular market segment (e.g. convenience retail). The best way of assessing trade draw where new development is proposed is to look at existing proxies of that type of development in other areas.”*
- 4.7 In particular I had a concern that was also raised with Henry Boot's agents in relation to the trade draw of the Sainsbury proposals at Wyvern Park that some of the outer zones form a very weak secondary catchment area for the town centre. Cross Hills (in zone 2) is the half way point between Skipton and Keighley and also the point where the A692 becomes a dual carriageway making the larger centre of Keighley closer and more accessible in terms of time for most residents in zone 2 (Glusburn). Silsden and Steeton in zone 6 both lie to the east of Cross Hills i.e. they are even closer to Keighley in terms of both time and distance.

- 4.8 In my note to P&S I suggested that the best proxy in this area is Skipton town centre that attracts most of the bulky goods expenditure in zone 1. This is what P&S have now done in the revised statement (Table 29) so the bulky goods trade draw is agreed with 40% of trade drawn from Skipton as opposed to 25% in the earlier assessment.

#### Trade Diversion

- 4.9 In the original Planning and Retail Statement I was concerned that the trade diversion assessment was based upon an erroneous trade draw assessment. When more trade is drawn from zone 1 to reflect current bulky goods market shares and Skipton town centre's trade draw, I expected the level of clawed back leakage to be reduced considerably. The revised trade draw is agreed but the level of claw back is only reduced marginally in both scenarios from 60% in the earlier statement to 55% in the revised assessment (in both scenarios). The trade diversion is not agreed and I consider that the revised assessment still claws back too much leakage and diverts too little trade from shops in Skipton. Given the low market shares Skipton achieves in the peripheral zones and the proximity of competing centres / destinations in these zones in terms of time and distance, e.g. Keighley to zones 2 and 6 and Colne / Nelson to zone 7, I still consider there is insufficient justification for such a high level of clawed back leakage.

#### **Impact of the Proposal on Town Centre Trade**

- 4.10 P&S estimate (Tables 36 and 36a) that the impact on Skipton town centre comparison goods businesses will be between 3.2% (scenario 1) and 4.7% (scenario 2). Whilst I consider these adverse impacts are understated because more trade will be diverted from Skipton and less trade clawed back from leaking expenditure, even if the trade diversions / impacts were doubled they still wouldn't be 'significant adverse'. In addition, P&S have not made any allowance for town centre turnover to be bolstered by inflow expenditure, which is significant, therefore these percentage impact levels are overstated in that respect. Finally, P&S don't differentiate between the town centre and out-of-centre facilities in their assessment (a weakness in their survey design and market share analysis) so some of this impact will fall upon out-of-centre facilities such as the various trade counters and quasi retailing units P&S refer to in their section 5.

#### **Impact of the Proposal on Investment**

- 4.11 P&S refer to a recent Secretary of State decision in Northamptonshire (APP/G2815/V/12/2190175) where the Inspector commenting on this NPPF impact test stated that

*'only investment that has been made, has been committed or is planned warrants consideration'*. P&S state they are not aware of any 'committed or planned' investment proposals in Skipton town centre therefore this NPPF impact test does not apply. As the 9 High Street development is now fully occupied I agree with them.

### **Choice and Competition**

4.12 P&S consider the application will result in a significant improvement in the choice of bulky goods retail provision in Skipton as there are currently no large bulky goods retail stores within the area. They state there is a strong planning argument for the proposal to better meet local shopping needs as currently there is significant leakage of bulky goods retail expenditure from the area.

4.13 Whilst this may be the case post NPPF decisions in Saffron Walden and Todmorden are informative<sup>4</sup>. In Saffron Walden the inspector concluded the enhanced choice and competition offered by an out-of-centre proposal *"has to be balanced against the adverse effects on the choice and quality of the convenience offer in the town centre."* The Todmorden inspector came to similar conclusions. I therefore consider only limited weight can be attached to the competition and choice benefits of this out-of-centre proposal that will impact negatively upon the choice and competition within Skipton town centre itself.

### **Impact on the Vitality and Viability of Skipton Town Centre**

4.14 With regards impact on vitality and viability P&S refer to their health check in Appendix 3 of their statement that concludes Skipton town centre is trading well and displaying good signs of vitality and viability. As indicated earlier, I do not dispute this conclusion but the town centre is not without problems. There is almost certainly an over reliance upon visitor spending by some businesses that makes the centre potentially vulnerable. There are also a high number (12) of charity shops in Skipton even in the primary frontages which weakens the retail offer. Car parking charges are quite high in Skipton (even short term) making the town centre less accessible by car and encouraging trips to out-of-centre retail facilities and competing centres where charges are lower or parking is free.

4.15 P&S also refer to their quantitative impact assessment that indicates the proposal would give rise to only small levels of trade diversion from the town centre. As

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<sup>4</sup> APP/C1570/A/11/2152457 para 74 and APP/A4710/A/12/2171556/NWF para 7

indicated above, I consider the impacts on Skipton town centre are understated. There are shops retailing comparable bulky goods and P&S have not identified all of them e.g. they refer to only one edge-of-centre pet shop when there are another two pet shops<sup>5</sup> within the town centre. Depending upon the eventual occupiers of the retail park the impact of the proposal will fall upon a limited number of town centre shops retailing comparable goods. It is possible that there may be business closures although vacant premises in Skipton are likely to be reoccupied quickly.

4.16 P&S conclude *"In summary, there is no evidence to suggest that the subject application would have a significant adverse impact on any of the above defined centres."* I agree with this conclusion but as there will be adverse impacts probably greater than those identified by P&S the proposal has to be considered in a planning balance exercise as recommended in NPPF (para 14) and NPPG (para 010).

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<sup>5</sup> One is also a grooming centre and Pets at Home will include such a facility in its mezzanine area.

## 5.0 Other Material Considerations

- 5.1. Policy test 1 in the Framework is entitled "*Building a strong, competitive economy*" and this covers the regeneration and employment benefits of the proposal suggested by P&S. Whilst I agree there are some limited regenerative benefits to the proposal the site is not unsightly or highly visible to passing traffic although the recent felling of trees on the site has reduced screening and this should be addressed in the landscaping of the proposal.
- 5.2. With regard to the employment benefits it has to be recognised that many of the jobs (35 FTE) will be part time, unskilled and low paid. In addition some of the jobs will be displaced from local shops suffering trade diversion as recognised in the Portas Review (p31). P&S also refer to the safeguarding of existing jobs and creation of new jobs at Guyson International although the capital receipt for this site might not be so great that it is crucial to this investment going ahead anyway. P&S consider the employment benefits of the proposal offset the policy constraint of loss of employment land which they conclude (para 8.10) is in plentiful supply relative to the policy target (but I have not been instructed to comment upon this).
- 5.3. Promoting sustainable transport is covered in section 4 of the NPPF. P&S refer to the Transport Assessment submitted by Cameron Rose Associates that demonstrates the site is accessible by a choice of means of transport. However, the public transport access is not that good as busses only pass the site half hourly (in each direction) and this becomes an hourly service in the evenings. On Sundays, which is also a key shopping day, the service is reduced to every other hour. Making a shopping trip or commuting to and from the site by bus will therefore be difficult.
- 5.4. In addition, the proposal is to have 103 parking spaces indicating it will be primarily accessed by car that might offset some of the mileage savings claimed for the proposal particularly as trips diverted from the town centre might currently be made by more sustainable modes. This also has implications for NPPF test 10 (para 95) entitled "*Meeting the challenge of climate change, flooding and coastal change*" as an inspector<sup>6</sup> has concluded that car emissions are one of the main sources of CO<sub>2</sub> emissions.

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<sup>6</sup> APP /A3010/A/09/2111809 (para 42)

- 5.5. The weight to be attached to these material considerations in the determination of this planning application is considered in the following section.

## 6.0 The Planning Balance

6.1 NPPG (para 010) advises *"In line with paragraph 27 of the National Planning Policy Framework... where a proposal fails to satisfy the sequential test, it should be refused. Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision."* NPPF (para 14) advises supporting sustainable development proposals unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."* P&S list the positive benefits at para 9.07 of their conclusions as:

- The retention of an important existing local employer in the area;
- The creation of between 10 and 15 new manufacturing jobs at Guyson International;
- The creation of 35 FTE jobs at the proposed retail development;
- Enhanced local shopping choice and competition; and,
- A reduction in the need to travel for shopping purposes.

6.2 I consider the positive impacts to be regeneration and employment although only limited weight can be attached to them as the site is located in an employment area and the retail employment gains will be offset to some extent by displacement. I am not totally convinced the capital receipt for this site is absolutely necessary for the safeguarding of Guyson International's long-term viability. The proposal will result in the first bulky goods retail park in Skipton and this can't be achieved on a sequentially preferable site. There might also be positive impacts in terms of reduced CO<sub>2</sub> emissions although the proposal is mainly reliant upon carborne trade.

6.3 I consider the negative impacts to be the impact on overall vitality and viability of Skipton. In particular the impact on the trade and turnover of the town centre is underestimated by P&S. I do not consider investment in this out-of-centre site can be given significant weight as it adds to the critical mass of peripheral retail floorspace competing directly with the town centre. However, on balance I do not consider the impacts *'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.



## **7.0 Conclusions**

- 7.1. The proposal is for a 1,749 sq. m (gross) DIY store and external garden centre) to be occupied by Wickes in an out-of-centre location 1.8km south of the town centre. There are three other smaller retail warehouse units. Pets at Home are under contract to occupy the second largest 559 sq. m (gross) retail warehouse unit for the sale of pets and pet related goods, with a mezzanine floor for a grooming salon. There are no named occupiers for the other two smaller units therefore they are speculative.
- 7.2. Four edge-of-centre sites and one out-of-centre site are considered in the sequential assessment. None of the edge-of-centre sites are available for the proposed development as they are all in active use as public car parks. In addition, all of the sites are constrained by their Conservation Area status and / or adjacent listed buildings or other heritage assets. Two of the sites are also unsuitable as they are too small to accommodate the proposal. The out-of-centre Wyvern Park is equally unavailable for other reasons and in any case is sequentially inferior to the Guyson International site on NPPF (para 24) criteria. The Guyson International site therefore satisfies the sequential approach to site selection.
- 7.3. The P&S impact assessment understates impact levels on Skipton town centre and overstates the level of clawed back leakage that will be achieved. In particular I consider there are more town centre stores retailing bulky goods than P&S identify and the proposal will be competing with them directly.
- 7.4. As the 9 High Street development is now fully occupied there are no 'committed or planned' investment proposals in Skipton town centre therefore in the light of a recent Secretary of State decision the NPPF impact on investment test does not apply.
- 7.5. I agree the proposal will improve the overall bulky goods offer in the town but I also consider only limited weight can be attached to the competition and choice benefits of this out-of-centre proposal as it will impact negatively upon the choice and competition within Skipton town centre itself.
- 7.6. I agree that Skipton is a healthy town centre but this does not mean it is without problems. I conclude the impacts on Skipton town centre trade / turnover are understated by P&S. Depending upon the eventual occupiers of the retail park the impact of the proposal will fall upon a limited number of town centre shops retailing

comparable goods. It is possible that there may be business closures although vacant premises in Skipton town centre are likely to be reoccupied quickly.

- 7.7. As there will be adverse impacts probably greater than those identified by P&S the proposal has to be considered in a planning balance exercise as recommended in NPPF. I conclude that many of the claimed positive benefits can only be given limited weight whilst the adverse impacts are understated by P&S. However, on balance I do not consider the impacts *'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.
- 7.8. My overall conclusion is that the proposal satisfies the sequential approach to site selection. The proposal does not impact on town centre investment. There is an adverse impact on town centre trade and turnover, choice and completion in the centre itself and the overall vitality and viability of Skipton, however, this is not significant adverse. In the overall planning balance these adverse impacts do not outweigh the benefits of the proposal which satisfies the NPPF policy tests that out-of-centre retail proposals such as this must address. If the proposal addresses the other planning issues and the Council are minded to support this planning application, then it should be suitably conditioned. In particular the retail floorspace should be conditioned to be used only for the sale of bulky goods defined in this case as DIY and gardening products; furniture and floor coverings; electrical goods; and, pet products.

## **8.0 Postscript**

- 8.1. On 24 October 2014 P&S wrote to the Council requesting a slightly wider range of bulky goods to be sold than I had recommended. In particular P&S requested that the sale of motoring goods and accessories; cycling goods and accessories; and, textiles and soft furnishings be permitted in the proposal.
- 8.2. In justifying the sale of motoring goods and accessories P&S advised in their letter that one of two shops in the town centre selling motoring goods and accessories recorded in the 2012 Goad Category Report had closed leaving only one shop Car Radio Spares. This is a specialist shop selling in-car entertainment systems that doesn't offer general motoring goods and spare parts therefore according to P&S was unlikely to suffer any significant trade diversion to the retail park if the bulky goods condition was extended to include motoring goods and accessories. In response I advised the Council that I didn't see any problems with this request particularly as car accessories aren't even classed as retailing goods (because they are usually bought from garages).
- 8.3. P&S also requested the extension of the bulky goods condition to include cycling goods and accessories advised in their letter that there are now two shops in the town centre such goods. P&S expressed the view that the range of cycles that would typically be sold by a national retailer on a retail park would be limited and whilst there may be limited competition with town centre shops this wasn't sufficient justification for a condition restricting the sale of such goods.
- 8.4. In reply I advised the Council that the 2012 survey has possibly undercounted the cycle shops in the town centre, however, bicycles actually come under the Experian definition of bulky goods so it would be difficult to refuse this request. If it was a national retailer such as Halfords I didn't see any major impact on town centre stores but if it was an Evans or similar specialist shop then possibly town centre cycle shops would suffer greater trade diversion.
- 8.5. Finally, P&S requested the extension of the bulky goods condition to include textiles and soft furnishings advising that the 2012 survey had only recorded two such retailers in Skipton town centre. I advised the Council that whilst I agreed that the 2012 survey only recorded two shops selling textiles and soft furnishings, P&S had not included the department / variety stores that also sell an extensive range of soft furnishings e.g.

Rackhams, Dawsons, Boyes, etc. and there is also Laura Ashley and market stall businesses too. P&S's household survey included household textiles in with furniture, floor coverings and ornaments so there is no specific information on shopping patterns / market shares for textiles against which to gauge the possible impact. For these reasons I therefore recommended the Council decline this final request.

- 8.6. In conclusion and in reply to P&S's letter I recommended the request to extend the bulky goods condition to include motoring goods and accessories; and, cycling goods and accessories could be agreed but that the request to include textiles and soft furnishings should be declined.

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

**SKIPTON SOUTH  
63/2014/15244**

*TO DEVELOP LAND ON THE EAST SIDE OF THE CANAL TO PROVIDE A GARDEN FOR HOTEL GUESTS, A SHELTER FOR VISITORS AND ANIMALS AND TWO DISABLED PARKING SPACES*

*LAND OFF ACCESS ROAD TO HIGH LAITHE FARM, SNAYGILL, SKIPTON.*

APPLICANT NAME: MR MALCOLM WEAVING

TARGET DECISION DATE: 15/01/2015

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee at the request of Cllr Heseltine due to representations from concerned local residents and also for the reason that this application would cause precedent for commercial use to the east of the Leeds-Liverpool canal.**

1. Site Description

- 1.1 The application site comprises a plot of land located on the eastern side of the Leeds/Liverpool canal to the rear of the Rendezvous Hotel situated on Keighley Road, Skipton.
- 1.2 The land is a grassed enclosure that lies between the canal and an access track serving High Laithe Farm to the north-east. There are a number of residential properties immediately to the east of the site which are accessed via a swing bridge across the canal which would also serve the proposed application site.
- 1.3 The site is relatively level and has a post and wire fence along its boundary with the farm track. At the southern end the site has dry stone walling and there are two trees that lie adjacent to the canal bank.
- 1.4 The application site is located outside of Development Limits in an area of open countryside as identified by the 1999 Craven (Outside the Yorkshire Dales National Park) Local Plan.

2. Proposal

- 2.1 The application seeks permission to develop the land for use a garden in connection with the adjacent hotel. This would be used by hotel guests for leisure, wedding photographs and as a play area for children and would include landscaping and seating.
- 2.2 It is proposed to construct an animal shelter and covered seating area/shelter in the north-east corner of the garden. The animal shelter is to be used for the existing grazing land to the north of the proposed garden and the covered seating area would be for the use of visitors to the garden. The structure would be built with an oak frame and larch cladding and incorporate a 'green' sedum roof.
- 2.3 Access to the site is via an existing un-adopted track and the canal bridge. This access route serves other existing properties. A gated pedestrian access is proposed at the southern end of the site that would connect to the existing access track. Two disabled parking spaces are proposed at the northern end of the site on an adjoining field and a further pedestrian access into the garden is proposed to provide access for users of the disabled parking spaces. No other parking is proposed as parking is available at the adjacent hotel and it is anticipated that the garden would be accessed by hotel guests on foot.

2.4 The applicant's agent has stated in a Design and Access statement accompanying the application that *'there are no plans to play music, other than for a wedding ceremony, subject to the granting of a licence at the location'*. It is also stated that the garden would be locked at 10pm every day and it is not planned to seek a licence for alcoholic drinks in the shelter or anywhere in the garden.

### 3. Planning History

3.1 The following is of relevance:

3.2 63/2014/15046: Development of land on the east side of the canal to provide a garden for hotel guests and car parking for disabled visitors. Withdrawn November 2014.

### 4. Planning Policy Background

#### 4.1 **Saved Local Plan Policies:**

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

T2: Road Hierarchy.

SRC11: The Leeds and Liverpool Canal.

#### 4.2 **National Planning Policy Framework:**

#### 4.3 **National Planning Policy Guidance:**

### 5. Parish/Town Council Comments

5.1 Skipton Town Council: No objection.

### 6. Consultations

6.1 **CDC Environmental Health:** No contaminated land issues. In terms of environmental protection due to history of noise complaints and the proximity of residential properties every effort should be made to ensure that any noise emanating from the use of the site does not interfere with the quiet enjoyment of these properties. Recommended that condition is attached to restrict music to acoustic only ie.no amplified music, that music should not be audible at the garden boundary and should not occur any later than 20.00 hours

6.2 **NYCC Highways:** No objections.

6.3 **Environment Agency:** Has assessed application as having a low environmental risk.

6.4 **Yorkshire Water:** State that based on the information submitted no comments are required from Yorkshire Water.

6.5 **Canal and River Trust:** No objections raised but requested that an informative be attached to advise the developer to obtain any necessary consent for works affecting the canal bank and to ensure that any works comply with the code of best practice for works affecting the Canal and River Trust.

### 7. Representations

7.1 Five letters have been submitted one of which has been signed by six local residents occupying the residential properties immediately to the east of the site. The following comments have been made:

- The lane is un-adopted and in a poor state of repair and unlikely to be maintained by hotel.
- The swing bridge is problematic, especially in extreme temperatures and is also in a poor state of repair.

- The proposal to draw and recycle water from the canal for the fountain would require permission from the waterways authority and supplying electricity for the water pump and maybe pavilion would also be an issue.
- No type of small holding is appropriate and there is potential for noise and nuisance from hotel guests/wedding parties using the garden up to 10pm at night.
- Alcohol is already carried out onto towpath by hotel guests and wedding parties/functions would give rise to drunken parties late into the night close to residential properties.
- Disabled parking bays in the adjacent field could lead to an extended overflow car park for the hotel.
- Lane is sole access to farm and would be obstructed by people and cars coming up and over the bridge.

## 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact.

8.3 Impact on amenity.

8.4 Highways issues.

## 9. Analysis

### Principle of development:

- 9.1 Saved Local Plan policies ENV1 and ENV2 are restrictive of sporadic development in the open countryside but do allow appropriate small scale development provided there are no significant adverse impacts in terms of the character of the area, the setting of the site, access and the wider amenity of the locality.
- 9.2 Policy within the NPPF is more up-to-date and of greater weight in the decision making process. In terms of NPPF policy the approach is less restrictive in that there is a general presumption in favour of all forms of sustainable development provided that it does not give rise to any significantly adverse impacts.
- 9.3 In this case the proposed use of land is compatible with the open countryside location and is a leisure related use that would be both sustainable and appropriate in wider policy terms. Accordingly, there is no objection to the application in principle.
- 9.4 In coming to the above view the concerns of local residents and the Ward Representative have been taken into consideration. In particular it is noted that the approval of this application is viewed by those objectors as a means of setting a precedent that would allow commercial development to take place on the eastern side of the Leeds-Liverpool canal.
- 9.5 Firstly, it is the case that all applications must be determined on their own merits having regard to the relevant planning policies and concerns regarding precedent would not constitute grounds to refuse planning permission. Secondly, it is not considered that the proposal would in fact set any kind of precedent as it is a unique development that is unlikely to be replicated elsewhere. Additionally, approval of this application would have no bearing on the designation of the land or NPPF requirement to consider all applications for sustainable development favourably unless adverse impacts dictate otherwise.
- 9.6 Taking all the issues into account it is not considered that a robust case could be put forward to refuse planning permission for this application on the principle of development.

Visual impact:

- 9.7 The site is located to the rear of a substantial hotel building and is in close proximity to existing development located on Keighley Road and to a group of buildings situated at Low Snaygill immediately to the east. In this context therefore the site is not in a visually open countryside location and in fact has fairly limited views due to the buildings which partially screen the site from the main road and those to the east which, together with the topography that features a rising landscape to the east, limit views of the site. However, the site would be clearly visible both from the canal and the towpath.
- 9.8 Notwithstanding, the nature of the proposed use and landscaping of the site are such that it is not considered the development would have any adverse visual impact or appear out of context with the immediate surroundings. The proposed planted areas and arrangement of paths and benches would give a semi-formal appearance in terms of the overall layout but this is not considered to be unacceptable or an incongruous addition to the landscape.
- 9.9 The proposed shelter and seating area is a modest structure that would be an appropriate form of building within the context of the application site and is also considered to be acceptable.
- 9.10 The application has limited details regarding the actual landscaping and proposed boundary treatments to the site and it is therefore proposed to require prior approval of these details via a planning condition.
- 9.11 In terms of the visual impact on the neighbouring residential properties it is considered that the proposed landscaped garden would generally improve the appearance of the site which at present is simply grassed over. Some may prefer the sites existing appearance, but it still remains the case that the appearance of what is proposed is acceptable. The proposed shelter would be visible from the properties located at Low Snaygill but this is not considered to be unacceptable given the design of the structure and its wider setting.
- 9.12 In relation to the question of visual impact saved Local Plan Policy SRC11 has been taken into consideration. This policy seeks to ensure that development proposals associated with canal based recreation do not adversely affect the character and landscape of the canal corridor. In this case the proposal, which is for a site that immediately adjoins the canal, is not considered to be contrary to the policy requirements as the development would enhance the existing landscape and provide an opportunity for hotel guests to access the canal environment.

Impact on amenity:

- 9.13 The principal concern regarding the proposal is the potential for the use of the site to give rise to noise and disturbance to the occupiers of the nearby residential properties. In order to overcome this problem CDC Environmental Health has recommended restrictive conditions to limit the playing of music both in terms of the volume and its amplification and the times at which it can be played ie.no later than 8pm.
- 9.14 In terms of the general use of the site it is acknowledged that there is some potential for noise to arise from groups of people using the garden but due to seasonal changes this would be limited to certain times of the year and also to restricted times (ie.no later than 10pm) that can be controlled via planning conditions. On balance it is not considered that it would be appropriate to refuse planning permission on the grounds of loss of amenity through noise.



- 9.15 In addition to the above, it is proposed to limit the use of the site through planning conditions and also to restrict any lighting which could potentially have a visual impact and extend the hours in which the site could potentially be used.

Highways issues:

- 9.16 No objections have been raised by NYCC Highways to the proposals. It is acknowledged that the access to the site is an un-adopted road but it is nevertheless currently used by vehicular traffic as well as by the general public and it is not considered that the level of use the proposed development would generate would give rise to any highway safety issues. In particular the traffic that would potentially be generated by the proposal is unlikely to be significant given the proximity of the existing hotel parking. It is acknowledged that the existing hotel business does periodically give rise to parking congestion in and around the site but it is considered that the traffic movements that would be generated by the proposed hotel garden would be extremely limited
- 9.17 Concerns have been raised by local residents over the possibility of the proposed disabled car parking bays setting a precedent that would lead to a much larger car park at some point in the future. It is the case that each application must be dealt with on its own merits and this concern is therefore not a material consideration in the determination of this application. In addition comments have been made regarding the condition of the existing track and its future maintenance. With regards to this issue it is not considered that the proposed use would warrant highway improvements and the future maintenance would be a civil matter that will fall outside of the scope of planning controls.

Other matters:

- 9.18 Objections have been made regarding the water supply and electricity supply for the proposed fountain and pond. No objections to the application have been received from the Canal and Rivers Trust and it is proposed to attach the requested informative to advise the developer of the need to ensure that they obtain any necessary consents should any works affect the canal.
- 9.19 Other comments have been made regarding the condition and operation of the swing bridge but are not matters that would constitute grounds to refuse planning permission. It is the case that access to the site from the hotel is reliant upon the bridge, but that is equally true of the existing properties to the east of the canal and it is the responsibility of the relevant owner(s) to ensure that the bridge is maintained and remains operational.
- 9.20 Finally, objectors consider that no type of small holding is appropriate in this location. It is the case that no planning permission would be required to keep animals on the land and this does not form part of the application. The application does include a small shelter for animals on the field to the north, but this structure is considered to be acceptable with respect to all relevant planning considerations.

10. Recommendation

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

Conditions

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

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

2. The development shall not be carried out other than wholly in accordance with the Drawing Nos; RH/1414-01 A and 02 and the Design and Access Statement received by the Local Planning Authority on 20<sup>th</sup> November 2014.

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

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

3. There shall be no playing of amplified music on the site or in connection with the use of the site at any time and no music shall be played between the hours of 20.00 and 12.00 (noon).

Reason: To safeguard the living conditions of nearby residents from the effects of noise.

4. The use of the garden hereby approved shall be limited to casual use by hotel guests and periodic use for wedding/special occasion photography by hotel guests and at no time shall the garden area be used to accommodate functions or organised events. All use of the site should cease between the hours of 22.00 and 08.00.

Reason: To safeguard the living conditions of nearby residents

5. There shall be no lighting of any description on any part of the site hereby granted permission.

Reason: To safeguard the living conditions of nearby residents.

6. Prior to installation on site full details of the proposed boundary fencing and entrance gates shall be submitted to and approved in writing by the Local Planning Authority.

7. No development shall commence until full details of the landscaping of the site (both hard and soft landscaping) 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 the completion of the development or its first use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

8. No tree within the site shall be cut down, uprooted, topped, lopped or destroyed without the prior written approval of the Local Planning Authority.

Reason (for 8 and 9): In the interests of visual amenity.

Informatives:

1. The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
2. With regard to Condition Nos. 7 and 8 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. In particular the Council has: -

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

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

*EMBSAY W EASTBY  
26/2014/15324*

*CONSTRUCTION OF 14 NO. DWELLINGS AND NEW ACCESS  
(RESUBMISSION OF REFUSED APPLICATION 26/2014/14631)*

*LAUREL CROFT AND MAIN STREET, EMBSAY.*

APPLICANT NAME: MESSERS M J & R BROOKSBANK

TARGET DECISION DATE: 23/03/2015

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee by the Development Control Manager due to the significant public interest in the development proposal and the fact that this is a re-submission of a proposal that was previously considered by the Committee.**

1. Site Description

- 1.1 The application site comprises an approximately 0.33ha area of land located on the southern side of Main Street, Embsay.
- 1.2 The site includes a small area of land that fronts onto Main Street to the north but the majority lies adjacent to Laurel Croft to the west. The site falls in level from south to north and is enclosed by existing housing to the south-east and Embsay Village Hall to the north. To the east the site is bounded by a distinctive double row of planting that runs through its centre from an existing but unused access onto Main Street. The site boundaries are largely defined by stone walling.
- 1.3 A Grade II listed war memorial is located in a small publicly accessible area that lies to the east of the village hall facing onto Main Street. It is proposed to enlarge this area by incorporating an area of land that adjoins it to the east.
- 1.4 Public views of the site are limited to the frontage onto Main Street and from Laurel Croft which is a cul-de-sac that has sheltered housing located on its western side. The site adjoining Laurel Croft is entirely grassed over and partially enclosed by dry stone walling.
- 1.5 The smaller site adjoining the war memorial is also grassed and enclosed by stone walling and also has a row of mature trees along the frontage that are protected (TPO Ref: 139 2003).
- 1.6 The site is located within Development Limits and the Embsay Conservation Area. The boundary with the Yorkshire Dales National Park lies on the opposite side of Main Street immediately to the north of the site.

**Officer note:** Both parts of the application site comprise land that forms part of a larger area defined as an important open space under Policy BE1 of the Local Plan. However, this is not a saved policy.

- 1.7 The site lies within the outer consultation zone (400m) of the Nether Kellet gas pipeline.

2. Proposal

- 2.1 This is a full planning application for a development comprising 14 residential units in a mix of 1 or 2, 2 and 3 bedroom semi-detached and terraced properties.

**Officer note:** The 1 or 2 bed properties have one large bedroom that can be split if necessary depending on the needs of the occupier).

- 2.2 The development is a revised re-submission following refusal of an earlier application (Ref: 32/2014/14631) and comprises a much reduced site (from 0.74ha to 0.33ha) covering the western part of the original site and a corresponding reduction in the overall number of proposed dwellings from 21 to 14 units.
- 2.3 The main access to the site is proposed from Laurel Croft which would lead to an estate road intersecting the site from west to east. It is proposed to provide 6 affordable units on the site comprising a mix of 1 or 2, 2 and 3 bedroom units.
- Officer note:** The exact composition of the affordable units would be subject to agreement with CDC Strategic Housing prior to finalising a Sn106 Planning Agreement and could be subject to changes following an assessment for viability or altered evidence of housing need.
- 2.4 The proposed housing would be of a traditional gable ended design and would be constructed in coursed stone with limestone dashed render panels, stone window surrounds, sawn stone banding, flat brown concrete roofing and painted timber windows and doors. It is proposed to incorporate chimneys on all properties with the exception of plots 1 and 2 that would lie immediately to the rear of the village hall and face onto Laurel Croft.
- 2.5 In addition to the above it is proposed to create an area of open space at the frontage onto Main Street that would form an extension to the existing war memorial garden. The proposed extended area of open space would be approximately 400m<sup>2</sup> in area and include a grassed surface with a gravel path. Access is proposed via existing gates onto Main Street leading via a break in the hedgerow to the war memorial and an additional existing gated opening off the extended area. Three new bench seats are proposed within the site and the rear boundary would be defined by a 1.3m high steel 'park' railing. It is proposed to retain all of the protected trees on the site and for the site to be maintained by a registered housing provider.

### 3. Planning History

- 3.1 26/2005/5348: Tree Works – Clean through two parallel hedge lines of principally Beech, to remove dead/stunted trees, light crown lift to 3 metres & clear away from overhead telephone lines. Removal of no more than 25% of the trees, and no reduction of height of the trees retained. Approved June 2005.
- 3.2 26/2014/14631: Construction of 21 dwellings and new access. Refused September 2014 for the following reasons:
1. *The proposed development would lead to an increase in the number of vehicles using the junction of Laurel Croft with Main Street where clear visibility of 60m cannot be achieved along the public highway (Main Street) in a westerly direction from a point 2m from the carriageway edge measured down the centre line of Laurel Croft and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.*
  2. *S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.*

#### 4. Planning Policy Background

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

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

H4: Residential Development within the Development Limits of Villages.

ENV10: Protection of Trees & Woodland.

T2: Road Hierarchy.

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

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

#### 5 Parish Council Comments

5.1 **Embsay with Eastby Parish Council:** The District Council is aware from earlier Parish Council responses to planning applications that the PC has adopted a formal 'position statement' with regard to proposed new development within the Parish. From this Statement you will be aware that the PC is not opposed to additional housing within the Parish per se ; the view of the PC is that it must reasonably treat each application before it on its own merits and provide objective comments on the planning merits or otherwise as it sees them.

In the light of the above the PC comment on the proposal as follows:

- Residential development on this site was applied for and refused only last year.
- This is not one of the preferred sites identified following the 2013 Community Engagement Event.
- A review of the previous reasons for refusal of the last planning application is illuminating, there were two previous reasons for refusal.
- It is not considered that the reduction of just seven units in the numbers of proposed new houses (from that previously proposed) can overcome the first of the previous reasons for refusal. It is the view of the PC that as the visibility for vehicles leaving the site will remain the same as that previously considered, the proposed development would be likely to create conditions prejudicial to highway safety. These prejudicial impacts are still considered to be severe.
- Notwithstanding the above, the PC's greatest concern is the potential impacts on the Conservation Area. The Local Planning Authority has a statutory duty to have regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This sets a higher test and level of consideration than planning policies.
- CDC previously concluded that this open space makes an important contribution to the character, appearance and significance of the designated heritage asset. This proposal will still lead to the loss of this important area of open space and the reduction in the proposed numbers will have no impact whatsoever on this issue; should this scheme be implemented this open space will be lost. This PC simply cannot see how the LPA can now come to a different conclusion about the loss of this important area of open space within the village and the Conservation Area.

## Additional Comments:

At a PC meeting held on Thursday, 8 January 2015, members of the public were offered an opportunity to express their views on the proposal and the following concerns were expressed:

- An apparent disregard by the developer/applicant for the true nature and extent of road safety hazards in the area arising from poor westerly visibility (especially at the junction of Laurel Croft and Main Street when used by big agricultural vehicles and school buses) and the questionable claim about the low volume of traffic and vehicular speed and accidents along Main Street.
- The highways assessment fails to mention the lack of double yellow lines on the southeast side of the road but does mention their presence on the opposite side.
- The comment in the Heritage Statement that *'many other junctions in Embsay have substandard visibility but no accident record and low vehicle speeds through the villages'* which is being used as justification that this junction is therefore also safe and acceptable.
- The reduced number of dwellings in the resubmitted application does not overcome one of the two main reasons for the original refusal of this proposal namely, that the development is on essentially grazing land which will lead to the loss of an important and valued area of open space in the heart of Embsay village and a diminution of the character and appearance of the Conservation Area.
- Little if any access to the retained grazing land should the development proceed.
- The proposed building materials to be used for the walls and roof of the dwellings are not in keeping with the heritage and character of the surrounding area.
- The impact the proposal for the 400 square metre frontage on Main Street to the east of and adjoining the Embsay War Memorial to be made into public open space will have on the dignity and character of the war memorial because of access/accessibility issues.
- The fact that the PC has not been consulted about the proposed public open space adjoining the war memorial and the concerns this raises as to the future responsibility for the upkeep and maintenance of the area.
- The apparent lack of consultation with English Heritage on the impact the proposed development will have on the Conservation Area.
- The negative impact that a proposal for a further 14 new dwellings will have on an already overcrowded local primary school.
- The detrimental affect the proposed development will have on the functioning and appeal of the village hall and the resulting negative impact this could have on its financial viability.

## 6 Consultations

- 6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues in relation to this site. Recommend that a sustainable drainage scheme is submitted for approval in order to prevent the increased risk of flooding, improve water quality, wildlife habitats and the amenity of the surface water drainage system. Finally, EH suggest that the operating times of the construction site are limited in order to reduce the potential for noise nuisance to nearby properties.
- 6.2 **CDC Strategic Housing Officer:** According to the 2011-2016 Strategic Housing Market Assessment (SHMA) the Embsay with Eastby Ward, within which this site falls, has a need for 17 affordable homes to be provided each year. To date no affordable homes have been delivered in this ward.

The Councils affordable housing target is 40% on site affordable housing provision on sites of 11 dwellings or more. The applicant is proposing a scheme for 14 dwellings, 6 of which will be affordable. The homes will be provided in accordance with NPPF definitions and in accordance with the findings of the SHMA 2011. All homes will be transferred to a Registered Provider as advised by Craven District Council on completion, at set transfer values of £950 per m<sup>2</sup> irrespective of affordable tenure.

The proposals accord with the Interim Affordable Housing Position.

**6.3 CDC Sports Development Officer:** The SDO has assessed this revised application in relation to the current saved planning policy SRC2 for the provision of open space on developments over 10 units.

14 units requires the provision of 819m<sup>2</sup> of Open Space under Policy SRC2. As previously the application includes 400m<sup>2</sup> of off-site provision. This space is not fully accessible from the site as it is only accessible from Main St. it does however adjoin the neighbouring war memorial and would add a useable public open space to this feature. The SDO therefore considers that this should be classified as part meeting the requirements of SRC2. The developer has failed to fully satisfy Policy SRC2 in the following areas:

- The current application indicates how this provision would be maintained and managed which is satisfactory.
- There is still a deficiency of provision under SRC2 to an amount of 415m<sup>2</sup>. This should be made up of equipped area for play (48m<sup>2</sup>), informal play area (80m<sup>2</sup>) and youth and adult playing fields (288m<sup>2</sup>). The off-site contribution for this should be £22,000 and offered as a commuted sum by way of a 106 agreement or any other suitable mechanism. The village has a recently refurbished play area but lacks provision for youth football with the village youth and junior football club having to play and train outside the village. With this in mind the SDO would suggest that any commuted sum is allocated for this purpose.

In conclusion, the current application fails to fully satisfy saved Policy SRC2. This can and should be addressed by planning conditions.

**6.4 NYCC Highways:** The Highways Engineer has commented that the Highway consultant has proposed moving the give way line 0.5m forwards, but this is not acceptable if the give way line is "out in the middle of nowhere" i.e. does not connect to kerb line. The Highway consultant has measured vehicle speeds, which reduces length of visibility distance required and also claimed this arrangement will achieve 26m x 2m (approx.) visibility, but this is to a vehicle on the far side of the carriageway. 'Manual for Streets' requires visibility to nearside of a vehicle on nearside of carriageway, in both directions (double yellow lines are not considered permanent and do not preclude all parking and stopping). The design standard for the site is Manual for Streets and the required visibility splay is 30 metres by 2.4 metres. The available visibility is 10 metres by 2 metres. Consequently, NYCC Highways recommends that planning permission is refused.

**6.5 The Environment Agency:** EA standing advice in this case identifies the management of surface water run-off as the main flood risk issue and states that drainage from new development must not increase flood risk either on-site or elsewhere. The advice states that Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

**6.6 Yorkshire Water:** YW has commented that the proposals as currently submitted are unacceptable as the drawings show a combined discharge to a public sewer.



They indicate that surface water should instead be discharged to a watercourse. YW do however comment that if permission is granted conditions should be attached to ensure that the site is drained with separate systems of drainage for foul and surface water and no piped discharge of surface water shall be allowed until a satisfactory outfall has been agreed.

- 6.7 **NYCC Historic Environment Team:** Refer to the Desk Based Assessment prepared by John Buglass Archaeological Services. From the information available it can be seen that there appears to have been very little activity on the proposed site. What evidence there is appears to show some potential for ground reduction along the northern edge of the site, possibly in the early 20th century, in anticipation of building. From the evidence and discussion above it can be seen that there appears to be a low potential for the remains of earlier features to survive on the site. Any potential archaeological remains would probably be limited to medieval agricultural practices.

It is advised that a condition is attached to require a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 6.8 **CDC Arboriculturist:** This is acceptable in principle. They are proposing public open space to the north east of the site which is good but there are TPO trees there so we need detail of the means of construction of hard surfaces, cultivation for grassed surface etc. to ensure that TPO tree roots are not damaged. The line of trees in the adjacent field to the north is protected by the conservation area and is to be retained and a protection fence to BS 5837 is specified and appears to be in the correct location. The specification must state that the fence complies with BS 5837 (2012). This double line of trees is important visually in the conservation area. The proposed houses nearest to the north boundary are outside the fenced area and are therefore suitably located away from the trees.

- 6.9 **English Heritage:** Embsay is significant as a historic settlement, retaining to a large degree its rural setting. The historic core of the village is a conservation area, containing buildings of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries. The land at Laurel Croft is one of several pasture paddocks within and adjacent to the conservation area which carry the surrounding agricultural fields into the heart of the settlement and together impart a predominantly rural appearance to the conservation area and to the setting of the Grade II listed War Memorial on Main Street. EH is concerned that the proposed development would reduce the rural appearance and erode the distinctive character of the conservation area. Furthermore, it would erode the historic pattern of Embsay, characterised by dense development hugging the main historic streets with green spaces behind and between. EH consider that in its present form this proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to sustain and enhance the significance of the conservation area as required by Para.131 of the NPPF. EH also consider the level of harm is not justified as required by paragraph 132 of the NPPF.

In recognition of the need for new housing nationally EH comment that there is potential for a row of terraced houses running north-south along the east side of

Laurel Croft which would echo the historic development along Main Street and Pasture Lane. Their recommendation is that the current application is withdrawn and a less harmful alternative be submitted.

- 6.10 **CDC Conservation Consultant:** The land proposed for a reduced scheme does not form a vital element of the overall Embsay conservation area. It is a 'landlocked' piece of residual agricultural land with a village hall at the Main Street and a straight access road and stone wall to the Laurel Croft frontage, a linear group of sheltered housing units, with a nearby historic building of local importance set within a wooded area. Also at one side now forming the boundary of the current scheme is a double row of trees alongside an old driveway.

The land does not appear to have archaeological significance and it does not form the historic context of a key building in Embsay. If the site was part of a continuous 'open wedge', running from the surrounding agricultural landscape, into the heart of the village a refusal could be supported.

In principle the Conservation Advisor is not convinced that on this land development for residential should be resisted at all attempts.

However, if the site was to be developed the Conservation Advisor believes that the layout and materials should be more sympathetic to the traditional character of Embsay village. For example, the buildings need to reflect the organic groups/clusters of the existing Main Street buildings, with a grouping around a 'community open space' and a less car dominated view when looking across the access road. Also, to be in sympathy with the local character, the materials should be local stonework for walls and natural roof coverings. The layout would need to be designed as an entity without the very obvious phase 2 extension.

The conclusion is that in all conservation areas there are those areas both within the boundary or adjacent that are visually sacrosanct and should never be developed in the future. However, there are other sites which should be allowed given an appropriate layout and design, as well as providing local housing. Conservation areas have to evolve over time as long as their intrinsic architectural and historic interest is retained or enhanced.

- 6.11 **The Yorkshire Dales National Park Authority:** The Heritage Statement does not identify what heritage assets are likely to be affected by the development hereby proposed, for example, Embsay-with-Eastby Conservation Area. The significance of the heritage assets has not been assessed and nor has the applicant assessed the impact of the proposed development on any identifiable heritage assets. Paragraph 128 of the National Planning Policy Framework states;

*'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...'*

The YDNPA's original objection to the previous scheme was based partly on the contribution that the open undeveloped nature of the site makes to the conservation area which is a significant heritage asset partly within the National Park. The planning application was refused on the 26<sup>th</sup> September 2014 partly on the grounds that the development '*would "significantly and demonstrably" harm the*

*Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.'*

It is considered that the revised application does not overcome the YDNPA's previous objections to scheme, so far as they relate to the contribution this open area makes to the conservation area and the National Park. The site, together with the adjoining land (now excluded from the current proposal) forms an important part of the open area within the core of the village, provides a backdrop to the historic core and a buffer between the modern development to the south and the historic core of the conservation area.

It is also considered that the layout, design and materials proposed will not respect the historic pattern of the conservation area, nor will they contribute to local distinctiveness. This layout will produce a uniform and repetitive form of suburban housing in a regimented arrangement around a highly engineered turning head. Parking spaces dominate the frontage of the plots and there is little communal open space or landscaping through the layout. The detailing and materials proposed are untypical for the conservation area (for example, the lack of chimneys, semi-detached buildings, render to upper walls etc.). There are, however, likely to be alternative layouts, design and materials which can overcome these concerns.

In conclusion, it is considered that the benefits of the scheme do not outweigh the substantial harm to the conservation area, and subsequently the negative impact on a heritage asset partly within the National Park. The YDNPA therefore objects to the proposed development.

## 7. Representations

7.1 At the time of compiling this report a total of 40 objections have been received in response to the proposal.

The comments are summarised as follows:

- Development would result in loss of last green space in the historic part of the village.
- Application is a re-submission without much alteration.
- Proposed houses are not in keeping and would dominate the skyline behind the village hall.
- Site is not vacant but in use as grazing land by a local farmer.
- Proposed materials would not be suitable as they would not match other properties in the older part of Embsay and therefore be contrary to checks for EM001 Strategic Housing Land.
- Infrastructure in village cannot cope with increased population.
- School and local nursery cannot accommodate children.
- Affordable units would lower property prices and threaten the high standards that people living in the community maintain and would threaten tourism.
- CDC's 40% affordable units would swamp development and is in excess of Government guidelines, such development should be sited in brownfield sites.

- Junction of Laurel Croft and Main Street does not comply with highway regulations or the NPPF.
- Reduction in numbers does not reduce density, does not improve development and has only been done in order to get planning permission.
- Revised application is just a foot in the door to get the original development built.
- All of the objections raised in response to the previous application still stand.
- The proposed public open space is not required as there is no footpath and the local park is nearby.
- As Local Plan is about to be published surely all planning applications should be deferred until CDC has had time to decide what developments are needed.
- No recent Housing Needs Survey has been done to confirm that additional housing is required in Embsay and large development has been approved on Shires Lane.
- The site is important to the village as undeveloped open space.
- Development would damage the character of the village, the dignity of the war memorial and the conservation area.
- Proposed housing would bring more people into the village from outside.
- Development would lead to increased flooding problems.
- Sewerage works is not adequate to deal with increased outflows.
- Bus services to and from the village are not adequate to serve the proposed development.
- Increased traffic will result in road safety issues particularly with elderly occupiers of Laurel Croft.
- The development has inadequate parking.
- Site is not part of the village plan.
- No heritage/historical assessment of the site has been undertaken.
- No environmental impact study.
- No wildlife survey.
- Loss of views.
- Loss of privacy for neighbouring houses.
- Loss of trees is unacceptable.
- Impact on village hall due to loss of parking space.
- Previous developments in Embsay and empty housing indicate that there is limited demand for such housing.
- Proposals impact on the character and appearance of the Conservation Area.
- There are no employment opportunities in the village. Development would adversely impact on the village economy.

7.2 In addition to the above one letter in support of the application has been received commenting as follows:

- There is a clear and obvious need for additional housing in the local area and Craven District as a whole.

- Development offers an opportunity for those seeking a starter home or smaller family size home and the mix of affordable housing provides a chance for those local residents who are struggling to find and purchase a property.
- Development is not on a grand scale and appears to be sympathetic to the surroundings.
- It is clear that over the decades Embsay has grown to accommodate the ever increasing population growth and needs of the local community. It is only fair and right that people in need of local housing now are offered the same opportunities as those in the past.

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

## 8. Summary of Principal Planning Issues

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

## 9. Analysis

### **The principle of development:**

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the Craven District (Outside the National Park) Local Plan.
- 9.2 Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.3 Saved Local Plan Policy H4 is also supportive in principle of small scale development within the development limits of villages. The policy includes a number of detailed criteria against which development proposals should be assessed. However, it is considered that this policy can now only be given limited weight. As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Hence, where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

- 9.4 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.5 In view of the above it is necessary to consider whether or not the application site is sustainable. No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means*' and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 9.6 In more specific terms the NPPF states at paragraph 55:  
*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'*.
- 9.7 The application site is located within the main settlement and it is considered that it is sustainably located and that the principle of developing the site for housing is therefore not at issue. In coming to this view the positive approach towards sustainable development advocated by the NPPF is noted.
- 9.8 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements. At this moment in time the Council is unable to demonstrate that it can meet this requirement.
- 9.9 The replacement local plan has yet to be finalised and therefore carries very limited if any weight. At the Craven Spatial Planning Sub Committee meeting on 3<sup>rd</sup> June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late 2014. In Embsay the emerging minimum annual figure for development is 3 dwellings per annum to provide for 45 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that there are two preferred housing sites, Ref Nos: EM013 and EM016, both of which are located on Shires Lane. One of these sites has recently been granted outline planning permission for the construction of circa. 34 dwellings (Ref: 26/2014/14518) and there is a current outline application to increase the size of that site and construct circa 45 dwellings (Ref: 26/2014/15244).
- 9.10 The application site at Laurel Croft is not a preferred site that could potentially be brought forward for development in Embsay. It is likely that the remaining preferred site on Shires Lane, if brought forward, would be sufficient to meet the emerging housing land supply target for the village. However, this emerging policy can be given very limited weight and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.11 In summary, it is considered that the proposal is in line with the broad objectives of the NPPF in that it has economic benefits and reflects the general need and demand for housing in the area. The development would potentially be contrary to the spatial vision for the village and District in the emerging Local Plan, but for the reasons outlined above this is of very limited weight given the status of the

emerging spatial vision. In conclusion, having regard to the NPPF, the proposal is considered to be acceptable in principle.

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

**Affordable housing provision:**

- 9.13 Following recent changes to national planning policy guidance the thresholds have been changed for affordable housing contributions and affordable housing cannot now be sought for schemes of 10 dwellings or less for sites below a combined gross floor space of 1000m<sup>2</sup>. However, a lower threshold of 5 units would still apply to designated rural areas. In this case the development would exceed the 10 unit threshold and is therefore liable to affordable contributions and is also in a designated rural area where the lower threshold would also apply.
- 9.14 It is proposed that the development would yield 14 dwellings and to provide 40% affordable units equating to 6 affordable properties. These are proposed to be comprised of:
- 2 x 1 or 2 bed units
  - 2 x 2 bed units.
  - 2 x 3 bed units.

**Officer note:** The exact composition of the affordable units would be subject to agreement with CDC Strategic Housing prior to finalising a Sn106 Planning Agreement and could be subject to changes following an assessment for viability or altered evidence of housing need.

- 9.15 This proposal should therefore provide a number of affordable units on the application site to meet affordable housing needs and this contribution is a material consideration.
- 9.16 It should be noted that other schemes have recently been approved or are proposed in Embsay that if implemented could make a contribution to affordable housing for the Embsay with Eastby Ward. However, this is not a reason to dispense with the requirement for affordable housing on this site as the other schemes ultimately may not be delivered. Should it transpire at a later date that the affordable home requirement for the Ward has been met then it would be possible for the Local Planning Authority to enter into discussions with the developer at a later date with a view to securing a commuted sum in lieu of on-site provision.
- 9.17 It is considered that in terms of the provision of affordable housing there are no objections to the proposed scheme. If permitted, a condition can be used to control the means and level of provision.

**The impact on the character and appearance of the area and heritage assets**

- 9.18 The application site, which is split into two areas, is enclosed by existing development and has two areas that front onto the public highway comprising a gap along the Main Street frontage adjacent to the war memorial and a length of the western boundary that lies adjacent to Laurel Croft. The site is not publicly

accessible and does not have any amenity or direct recreational value beyond its appearance as an unbuilt area of land within the main settlement.

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

**Officer note:** Representations from local residents have made reference to the site being in use as grazing land however none of the site forms part of an agricultural holding for the purposes of this planning analysis.

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

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

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

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

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

- 9.23 The full comments of the Conservation Advisor are set out earlier in the report and are, in summary, that he can see no objections to the principle of the site being developed as, in his opinion, it is not significant within the context of the historic core of the village or the setting of the Conservation Area. He does however raise some concerns regarding the proposed layout and materials.

- 9.24 The comments received by English Heritage (EH) and the YDNPA have been noted, both of whom object to the application, and in this case it is clear that there is no consensus between these consultees and the Council's Conservation Advisor regarding the acceptability of the proposal. In particular there is a divergence of opinion regarding the impact that the proposed development would have on the overall character and significance of the designated conservation area.

- 9.25 In addition to the above it is important to note the previous decision of the Council which was to refuse planning permission based partly on the grounds of the adverse impact that the loss of open space would have on the significance of the heritage asset of the Embsay Conservation Area. This decision is also a material consideration in the determination of the current application.

- 9.26 The main thrust of the argument put forward by EH and the YDNPA (whose comments are set out earlier in this report) is that the development proposals would adversely impact on the conservation area and would also directly impact upon the



character and appearance of the National Park, the boundary of which lies on the opposite side of Main Street immediately to the north of the site.

**Officer note:** EH has expressed the opinion that a revised scheme that was restricted to the Laurel Croft frontage alone would be acceptable in principle and therefore it must be concluded that they do not consider it imperative to retain all of the open space in order to preserve the character of the conservation area.

- 9.27 To summarise, the objections of EH relate primarily to the significance of Embsay as an historic settlement and in particular to the importance of the application site in maintaining the rural character and context of the settlement which they state is:

*‘characterised by dense development hugging the main historic streets with green spaces behind and between’.*

EH also emphasise that the site forms one of several pasture paddocks which run behind the buildings on Main Street:

*‘carrying the surrounding agricultural fields into the heart of Embsay and together helping to impart a predominantly rural appearance to the conservation area’.*

Finally EH state that the land at Laurel Croft

*‘Is important in separating the historic core of Embsay from the modern development on the south-eastern edge of the village’.*

- 9.28 EH consider that, notwithstanding a need for new housing both locally and nationally, the proposals would fail to preserve or enhance the character or appearance of the conservation area as required by Sn72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and moreover, would not comply with the requirement for development to sustain and enhance the significance of the conservation area as required under paragraph 131 of the NPPF.
- 9.29 The YDNPA are critical of the Heritage Statement accompanying the planning application which they consider does not sufficiently identify what heritage assets are likely to be affected by the development or the significance of those assets. For this reason the YDNPA maintain that the Heritage Statement is not compliant with the NPPF requirement for such statements to be proportionate in their scope with the significance of the heritage assets affected. Notwithstanding, the YDNPA state that the revised application does not overcome their original objection. Specifically the YDNPA has reiterated the concerns they raised in relation to the original planning application in which they echo the views of EH regarding the importance of the open space to the conservation area which they consider would, if developed, also have an adverse impact on the National Park.
- 9.30 In addition, the YDNPA is critical of the layout, design and materials of the proposed development which they consider would not respect the historic pattern of the conservation area or contribute to local distinctiveness. Specifically, they refer to what they consider to be a uniform, regimented and repetitive suburban development which would be car dominated and lack communal open space, landscaping and appropriate detailing.
- 9.31 The conclusion of the YDNPA is that the benefits of the scheme do not outweigh the substantial harm to the conservation area and subsequently the development would have a negative impact on a heritage asset (conservation area) that lies partly within the National Park. Accordingly, the YDNPA object to the proposals.
- 9.32 In terms of the officer assessment of the application it is considered that the reduced scale of the development has lessened the overall impact but would still

represent a substantial loss of and diminution of the significance of the open space to the overall character and appearance of the conservation area.

- 9.33 Having regard to the Council's previous decision it is not considered that the revised scheme, which would still result in the loss of half of the existing open space, has successfully overcome the previous reason for refusal. In addition, it is considered that accepting the loss of part of the site would substantially diminish any arguments that might be put forward to resist development of the remaining open space in the future. This which would cumulatively result in the overall loss of the open space and consequently have an adverse impact upon the character of the conservation area. Whilst this latter point has no weight in the determination of the current application which must be considered on its own merits the proposed layout indicates very clearly that there would be an intention to develop the larger site at some later date.
- 9.34 It is not considered that the proposed extension of the war memorial garden would have any implications in relation to the wider conservation area and its overall setting.
- 9.35 In summary, it is considered that the proposal to develop the western part of the site for housing does not comply with the requirements to preserve or enhance the conservation area. It is also considered that the development would have an adverse impact upon the significance of the heritage asset of the Embsay and Eastby Conservation Area. In these respects therefore the development is considered to be contrary to the requirements of Sn 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national planning policy as set out in the NPPF.

#### **Impact on amenity**

- 9.36 In terms of residential amenity the proposed layout would not impact upon any existing dwellings to an unacceptable degree.
- 9.37 Specifically, the proposed plots fronting onto Laurel Croft would be sufficiently distant from the existing development on the opposite side of the road that no outlook, overshadowing or privacy issues would arise.
- 9.38 The plots running along the southern end of the site are orientated such that their rear gardens would adjoin the shared boundary and the proposed housing would have interface distances ranging from 10m to 19m from that boundary. The nearest neighbouring properties would be 2 Laurel Close and 3 Shires Croft both of which are to the south and would not have any outlook issues in relation to the proposed development.
- 9.39 The units proposed to the north-west part of the site would lie adjacent to the rear elevation of the village hall and it is considered that the relationship would be acceptable.
- Officer note:** Some concerns were expressed in response to the previous application that the uses within the village hall would clash with the proposed plots adjacent but it is not considered that the nature of the uses that the village hall would typically be put to would necessarily be incompatible with residential development.
- 9.40 The plans incorporate an area of publicly accessible space adjacent to the memorial garden that also encompasses the protected trees in that area which would be retained and would continue to provide a wider public amenity value and contribution to the street scene. It is not considered that this element of the proposal would raise any amenity issues.

- 9.41 It is considered that overall the proposed design and layout would provide a satisfactory standard of residential amenity and would not give rise to an unacceptable impact on the amenity of neighbouring properties. Accordingly the proposals are considered to be compliant with planning policy in terms of amenity issues.
- Highways issues:**
- 9.42 Saved Local Plan Policies H4 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not:
- Policy H4:
- create conditions prejudicial to highway safety or;
- Policy T2:
- generate traffic in excess of the highway network;
  - create any new or greater use of an access onto a primary, district or local distributor road unless the access is acceptable in terms of design and road safety; and,
  - regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.43 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that planning decisions should ensure that :  
*'safe and secure access to the site can be achieved for all people'*  
and,  
*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*
- 9.44 The weight that can now be attached to Saved Local Plan policies that relate to housing supply (e.g. H4) is now limited. With respect to T2 it is broadly in line with the NPPF policy, although it is acknowledged that the NPPF is arguably more permissive of development and greater weight should be given to the policy within the NPPF. The key policy test is therefore that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.45 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions and pedestrian safety. It is considered that the general arrangement of the proposed housing is acceptable in highway safety terms. However, NYCC Highways has objected to the proposal on the grounds that satisfactory sightlines cannot be achieved at the junction of Laurel Croft with Main Street. Specifically that visibility splays of 2m x 60m cannot be achieved in a westerly direction at the junction and that this would create conditions prejudicial to highway safety. On this basis the NYCC Highways recommend that planning permission should be refused.
- 9.46 A Highways Statement has been submitted with the application which was prepared by HY Consulting on behalf of the applicant. The statement assesses the risks at the junction of Laurel Croft/Main Street to be very low and concludes that the development proposals are acceptable in terms of highway safety for the following reasons:
- Low volumes of traffic associated with existing and proposed uses within the vicinity of Laurel Croft.

- Low speeds of traffic along Main Street.
- Embsay is characterised by restricted visibility and road widths but results in zero personal injury accidents throughout the village.
- Minor mitigation proposals improve the situation for existing users of Laurel Croft.

- 9.47 The 'minor mitigation' referred to by the highways consultant would comprise relocating the 'give way' line at the head of Laurel Croft so that it would project a further 500mm into Main Street and thereby improve visibility to the junction.
- 9.48 The access from Laurel Croft to Main Street forms part of the adopted highway and in effect the objections of NYCC Highways to the proposal on highways safety grounds reflect upon the adequacy of the junction which forms part of that adopted highway. NYCC Highways have commented on the proposed junction modification stating that it is not acceptable if the give way line '*is out in the middle of nowhere*' and does not connect to the kerb line. NYCC Highways are also critical of the highway consultants conclusions that lower road speeds support a reduced visibility splay commenting that the 26m x 2m splay would be to a vehicle on the far side of the carriageway and would therefore not comply with the Manual for Streets which requires visibility to the nearside of a vehicle on the nearside of the carriageway. In any case the splay would still fall short of the standard which would call for a splay of 30m x 2.4m whereas the available visibility is 10m x 2m.
- 9.49 The Highways Authority has maintained its objection to the development of the site at Laurel Croft and it is the case that the development of 14 houses would generate traffic that would all need to use the existing access and would be bound to lead to an increase in the frequency with which the access would be used.
- 9.50 It is considered that the concerns raised by NYCC Highways regarding highway safety are legitimate. Accordingly, the proposals are not considered to be in accordance with the NPPF as safe and suitable access to the site cannot be achieved and the highway safety impact is severe.

**Drainage and flood risk:**

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

**Impact on trees:**

- 9.55 There are protected trees across the frontage of the site adjacent to the war memorial which are to be retained and would remain unaffected by the proposed development.
- 9.56 The well established and distinctive row of trees that run through the middle of the site and line what was formerly a driveway that connected to an access onto Main Street are not subject to a TPO but are protected by virtue of their location within the conservation area and would be unaffected by the proposals.
- 9.57 It is considered that the development is acceptable in terms of the impact on trees.

**Other matters:**

- 9.58 Saved Local Plan Policy SRC2 requires developments for 10 dwellings or more to make a contribution to public open space. The Sports Development Officer has commented that in the absence of sufficient on-site provision an off-site contribution in the form of a commuted sum would need to be provided. It is considered that the policy requirements in respect of open space can be met and that it would be appropriate for this element of the scheme, including the means by which the on-site open space would be maintained, to be covered by a planning condition.
- 9.59 Construction traffic, noise and disturbance to residents have been raised as a concern. These matters typically are issues that would be dealt with under Environmental Health legislation should they arise during the construction phase of development and do not provide grounds to refuse planning permission.
- 9.60 The NYCC Historic Environment Team has not objected and has confirmed that the desk based archaeological investigation submitted with the planning application is acceptable. They have however requested a condition requiring an archaeological watching brief during the construction works.
- 9.61 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is nearby and accessible to residents. With regards to the local school CDC has received no request from the NYCC Education Authority for a financial contribution in respect of this application.
- 9.62 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective opinion which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent by the proposed development.
- 9.63 There are criticisms that there is no ecological report accompanying the planning application as well as claims that there are protected species present on the application site. The site has no identified ecological constraints and it is considered that there is insufficient evidence to indicate that a survey of protected species is necessary in this particular instance. Notwithstanding, should the Council be mindful to grant planning permission and it would be appropriate to attach a condition to require ecological survey work to be undertaken prior to the commencement of development if this is considered to be necessary.

**Conclusion**

- 9.64 The Government advises that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. Paragraph 14 of the NPPF states that where the development

plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

- 9.65 The site is within the village of Embsay which is a settlement with some local facilities and good access to neighbouring Skipton. Residential development in this location is in principle given support by the NPPF and there is a strong presumption in favour of sustainable development. The contribution that the development would make to meeting the districts housing needs is also an important consideration in the assessment of the application.
- 9.66 Permitting the development would however have adverse impacts on highway safety and the Council is being advised that the development proposal is unacceptable for highway safety reasons. Furthermore, the development fails to preserve or enhance the character or appearance of the village conservation area and is harmful to its significance. The NPPF advises that great weight should be given to the preservation of heritage assets and any harm caused should require clear and convincing justification. It is considered that these adverse highway safety and heritage asset impacts significantly and demonstrably outweigh the benefits of permitting the development proposal and therefore refusal of the application is recommended.

## **10. Recommendation**

**That planning permission is refused.**

### Reasons for Refusal

1. The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.
2. S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.

### 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.

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

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

GLUSBURN  
32/2014/15239

VARIATION OF CONDITION NO. 5 OF PREVIOUS PLANNING  
APPLICATION REF: 32/2014/14727 TO ENABLE EXTENDED HOURS OF  
USE OF THE FACILITY BY THE SCHOOL AND LOCAL COMMUNITY

SOUTH CRAVEN SCHOOL, HOLME LANE, CROSS HILLS.

APPLICANT NAME: SOUTH CRAVEN SCHOOL

TARGET DECISION DATE: 19/02/2015

CASE OFFICER: Neville Watson

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**This application is referred to the Planning Committee as it seeks to vary a planning condition that was previously imposed by the Planning Committee.**

1. Site Description

- 1.1 South Craven School and associated grounds and playing fields form a large secondary school complex on the southern edge of the built-up area of Cross Hills, lying to the southeast of the central shopping and business areas on Main Street. The buildings are concentrated in a roughly 'square' area to the north-east end of the site (within the settlement development limits) and are bounded by predominantly residential properties to the west and east, and mixed commercial and residential uses to the north.
- 1.2 The playing fields to the south and south-east lie outside of development limits and abut the open fields that form the narrow gap between Cross Hills and Sutton in Craven. There are no significant changes in level across the site.
- 1.3 The application site comprises an area of tarmac surfaced, outdoor tennis courts that are situated close to the eastern boundary of the site, between the Sports Hall and a group of trees that extend to the school boundary with the Clayton Hall housing estate. (This boundary abuts Smalldrink Lane, a narrow footway which is not a public right of way). The new building will be wider than the present courts, extending into the tree belt by approximately 4 metres.
- 1.4 The site lies outside the flood risk area that lies further to the south

2. Proposal

- 2.1 The application is to vary condition 5 of the planning permission reference 32/2014/14727 for an air dome at the school. The condition imposed by Members is as follows:-
- 5. The facility hereby approved shall be used for sports purposes only Monday - Friday 08.30-21.00 and Saturday Sunday and Bank Holidays 10.00-14.00 and notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 (as amended) or any Order revoking or re-enacting that Order shall not be used for any other use without the formal written approval of the Local Planning Authority.*
- Reason: In the interests of residential amenity.*
- 2.2 This application seeks to vary the above condition to allow the air dome to operate
- Mondays to Fridays 08.30- 22.00
- Saturdays 09.00-17.00
- Sundays and Bank Holidays 10.30-17.00

- 2.3 The application seeks approval of those hours originally sought by the Academy in the application approved last year. They rely on the assessment and recommendation by Officers to the Planning Committee last August.
3. Planning History
- 3.1 Of direct relevance is:  
32/2014/14727 Erection of Air Dome for sports activities on the site of existing tennis courts. Approved 1 September 2014.
- 3.2 Also of relevance is:  
32/2013/13618 Air Dome refused 16.8.2013 for the following reason:-  
*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 development should be restricted. In this case it is recognised that there would be some benefits associated with the proposed development to the school which may weigh in favour of sustainable development. However, the lack of any agreement to wider public community use reduces the social benefits of the scheme. It is also a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The submitted application has failed to provide sufficient information to demonstrate that development would avoid any unacceptable impact on the living conditions of the nearest residents, by reason of disturbance from noise and light pollution, particularly in the evenings. The application would not, therefore, represent sustainable development as the public benefits of the application proposals are not considered to significantly and demonstrably outweigh the potential harm to local amenity.*  
32/2013/13903 Air Dome Withdrawn 9.12.2013
- 3.3 Historically, planning applications for the school have been dealt with by North Yorkshire County Council and there is an extensive planning history relating to various extensions to the main school buildings, the construction of new buildings, additional car parking, boundary fencing, and the retention of various temporary cabins.
- 3.4 More recently the school has transferred to an 'academy', outside of the control of the County Education authority, and as a consequence planning control has fallen to the District Council.
4. Planning Policy Background
- 4.1 NPPF, nPPG
5. Parish/Town Council Comments
- 5.1 Glusburn Parish Council. The PC feel that this application should not be approved until the building has actually being built and is up and running and factual data can be provided by the school.
6. Consultations
- 6.1 **CDC Environmental Protection** advise that the proposed hours of use are in line with the hours of use of the Badminton Hall and if complaints were received in the future Environmental Health has a duty investigate and act against any statutory noise nuisance.



- 6.2 **CDC Contaminated Land** advise no known contamination land implications.
- 6.3 **CDC Sports Development Officer** (SDO) does not object to the variation but notes that the application has not clearly set out the need to extend the hours. The SDO notes that Pro Cricket are a potential partner to ensure the community use of the site which may have specific noise impacts
- 6.4 **Sport England** support the application
7. Representations
- 7.1 Five letters of objection have been received from residents in Clayton Hall Drive. The principal concern is the impact on residential amenity particularly from noise and hours of operation. Reference is also made to the principle of development, the visual impact and the loss of trees and ecological impacts, however these issues are not for consideration in this application as consent has already been granted for Air Dome
8. Summary of Principal Planning Issues
- 8.1 Impact on residential amenity.
9. Analysis
- 9.1 In reaching a decision to restrict hours of opening Member's overriding concern was to support the proposed new facility while protecting the amenity of residents. The NPPF advises Local Planning Authorities to approve applications unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.2 The Officer recommendation to Committee last year was to accept the opening hours proposed by the applicant that was based on an earlier acoustic assessment at the school. The current application includes an acoustic report that identifies background noise levels but simply addresses the provision of an acoustic enclosure to the plant required to keep the dome inflated. Unless and until to Dome is erected and is operational it is not possible to produce empirical evidence about noise from the activities taking place within the dome and any adverse impact the development may have on the amenities of residents. Neither has any evidence been produced to indicate that the Dome is not attractive to community users because of the time restrictions of the use.
- 9.3 In response to these concerns the applicant's agent has suggested a way forward would be to grant planning permission for extended opening times for a trial period for one year. However, if that option was pursued it could result in an adverse impact on the amenities of residents on Clayton Hall Drive for 12 months, even if the impacts were below what may be identified as a statutory nuisance.
- 9.4 Officers have previously considered the information and reached the opinion that the applicants proposed opening hours were acceptable. However, the Planning Committee considered that information and disagreed and imposed reduced opening hours to those sought by the applicant. No new information has been provided by the applicant for consideration by the Planning Committee to justify why there requested longer operating hours are acceptable.
- 9.5 In effect the proposal that is before members for extended opening hours is identical to that which the Planning Committee previously considered and reached a judgement on. There is no new evidence to consider and unless the Planning Committee decides on reflection that it was wrong with its original decision it would be consistent to refuse the application and insist on the more restrictive opening hours that were originally imposed.

9.6 It is therefore concluded that the appropriate way forward is to refuse the application to vary the condition referred to in paragraph 2.1 above. This would still allow the facility to be developed and would still allow the potential to review the operating times in 12 months time. If after this time evidence was produced to show that the concerns of Member's and residents were ill- founded the Committee could consider a further application to extend the opening times.

10. Recommendation

10.1 That the application to vary the opening hours be refused.

Reason

1. In the absence of evidence to satisfy the Local Planning Authority that the extended opening hours would not harm the amenities of local residents it has not been demonstrated that the adverse impacts significantly or demonstrably outweigh the benefits contrary to the advice in the National Planning Policy Framework.

Statement of Positive Engagement: -

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

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

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

**SKIPTON NORTH  
63/2014/15250**

*APPLICATION TO VARY CONDITION NO. 1 OF THE RESERVED MATTERS  
PLANNING CONSENT REFERENCED 63/2014/14688*

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

APPLICANT NAME: R N Wooler & Co & Trustees: Tarn Moor Estate  
TARGET DECISION DATE: 23/02/2015  
CASE OFFICER: Neville Watson

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**This application is referred to Planning Committee as it seeks to vary a condition on an application that was previously determined by the Planning Committee.**

1. Site Description

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

2. Proposal

- 2.1 The reserved matters permission specified a particular drawing (7190/100/ Rev I) as part of condition 1. This application seeks to vary condition 1 of the reserved matters permission to approve a site layout without the provision of a public right of way through the site. This proposal seeks approval of drawing 7190/100/ Rev J. The layout of the site and the house types, including the provision of affordable housing remain as previously approved. The only difference is that the curtilages to the 10 proposed properties that abutted the right of way have been enlarged by the area of land taken up by the right of way.

3. Planning History

- 3.1 63/2000/443. Outline application for residential development. The application was withdrawn on 25 October 2000 and was, therefore, not determined.
- 3.2 63/2013/13748. Outline Application for Residential Development (including means of access). Approved 7 October 2013.
- 3.3 63/2014/14604. Variation of outline condition 10 to allow off-site affordable housing. Refused 1 July 2014
- 3.4 63/2014/14688. Reserved matters application for 45 dwellings Approved 23 September 2014.
- 3.5 63/2014/15162. Application for removal of condition 23 of planning ref. 63/2013/13748 (to allow removal of the condition that requires a contribution to

education provision). This application is presently undetermined and will be referred to Planning Committee at a later date.

4. Planning Policy Background

4.1 NPPF, nPPG.

5. Parish/Town Council Comments

5.1 Skipton Town Council has no objection.

6. Consultations

6.1 **NYCC Highway Authority** has raised no objections, but has advised that they consider it prudent to include a standard informative that “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”.

**Officer note.** The County Council as Highway Authority are currently dealing with an application to stop up the Public Right of Way crossing the site under the Highway Act. The Order has not been confirmed at the time of compiling this report.

6.2 **Ramblers** were consulted on 27 November 2014. No reply has been received.

7. Representations

7.1 No representations have been received.

8. Summary of Principal Planning Issues

8.1 Impact of the proposed layout on the public right of way.

9. Analysis

9.1 As stated above, the County Council as Highway Authority have commenced initial consultation on an application to stop up the Public Right of Way crossing the site under the Highway Act. The Order has not been confirmed at the time of compiling this report.

9.2 The definitive public footpath (ref 05.37/4) running through the site crosses the field from White Hills Lane to the highway boundary with the A65 Skipton northern by-pass. Walkers would then have to cross the three lane highway before climbing the embankment on the northern side of the bypass and joining footpath 05.37/32 which then links into footpath 05.38/7 towards Stirton.

9.3 The County Council have, by a 2014 Creation Agreement, created two footpaths from White Hills Lane to Grassington Road that links into the footpath to Stirton. By using the White Hills Lane flyover to cross the A65, a safer route has been created.

9.4 The footpath leaving the site in its current location would still involve a difficult if not dangerous crossing of the A65. In order to develop the site in the form currently proposed would require the formal approval any stopping up order. However, this does not prevent approval of the current planning application under the Town and Country Planning 1990. In the event that the stopping up order was not confirmed the applicants could not implement the proposal as submitted.

9.5 Setting aside the issue of the stopping up order, it is not considered that a public right of way enhances the development. In addition, approval under the planning legislation does not outweigh or over-ride other legislative requirements in relation to obtaining a stopping up order.

9.6 It is concluded that the scheme accords with the provisions of the development plan and the guidance in the NPPF. The value and safety of the footpath is questionable and any adverse effect in the loss of the footpath is outweighed by the benefits of contributing to the housing requirements including affordable housing.

10. Recommendation

10.1 That the application be approved

Conditions

1. The approved plans comprise drawings:-

- 201 Rev B, 202 Rev B, 203 Rev B, 204 Rev B, 205 Rev B, 206 Rev B, 207 Rev B, 208 Rev B, 209 Rev B, 212 Rev B, 213 Rev B, 214 Rev B, 215 Rev B, 216 Rev B, 217 Rev B, 218 Rev B, 219 Rev B, 220 Rev B, 221 Rev B, and 222 Rev B received by the LPA on 31 July 2014,
- 200 Rev C received by the LPA on 18 August 2014, and
- 100 Rev J received by the LPA on 24 November 2014.

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

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

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

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

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

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

Informatives

1. All conditions specified in the outline planning permission reference 63/2013/13748 approved on 7.10.2013 (or any superseding permission) must be complied with and discharged as appropriate.
2. Whilst this application includes details of onsite informal open space, the Local Planning Authority do not consider that the submission discharges the requirements of condition 10 of the outline planning permission reference 63/2013/13748 (or any superseding permission or condition). In particular insufficient provision is indicated to fully meet the requirements of Saved Policy SRC2, and further information is required to demonstrate how the long term management of the open space areas within the site are to be secured.

3. This permission does not authorise the stopping up or diversion of the public right of way crossing the site. No works are to be undertaken which create any obstruction, either permanent or temporary to the public right of way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County hall Northallerton on 08458 727374 to obtain up to date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposal for altering the route.

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.

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

**GARGRAVE &  
MALHAM  
19/2014/14948 &  
19/2015/14951**

*PROPOSED EXTENSION TO REAR OF DWELLING TO FORM POOL ROOM, GYM, GAMES AND CHANGING ROOM WITH GLAZED LINK TO THE HOUSE; CONSTRUCTION OF A PAVED AREA, RETENTION OF RETAINING WALL AND STEPS AND PLANTING WOODLAND (RE-SUBMISSION OF REFUSED APPLICATION 19/2013/13946)*

*STAINTON COTES MOORBER LANE CONISTON COLD SKIPTON*

APPLICANT NAME: MR GORDON HALTON

TARGET DECISION DATE: 06/10/2014

CASE OFFICER: Neville Watson

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**These applications have been referred to Planning Committee as they relate to development proposals that were previously considered by the Committee.**

**Officer Note:** This is a joint report for both planning permission and listed building consent.

1. Site Description

- 1.1 Stainton Cotes is the main estate house in a small hamlet in open countryside approximately 1.5.km south west of Coniston Cold. To the west of the property is an attached cottage that was historically used as an estate office; a separate farmhouse and a range of former farm buildings that have been converted to residential use. To the east of the property, visually separated by trees is a single dwelling that was formerly a pair of farm workers cottages now known as Stainton Lodge.
- 1.2 Stainton Cotes is a Grade II listed building dating from the 17th century with substantial mature gardens to the south and east of the property. The land to the rear (north) of the property rises steeply above the hamlet and was covered in mature woodland known as Winterley Wood. A significant part of this wood within the applicant's control has been felled. The wood to the west, outside the applicant's control remains.

2. Proposal

- 2.1 Applications have been submitted for full planning permission and listed building consent on land to the north of Stainton Cotes. The proposal is construct ancillary residential accommodation to provide a swimming pool, games room, gym and external patio. The development extends to 28 m x 7 m x 4.5m constructed in natural stone and would be dug in to the hillside with a grass roof. The building would be linked to the house with a frameless glazed "corridor".
- 2.2 The application also seeks to retain the terraced area to the north of the house. The substantial engineering works were carried out following the felling of the woodland. A temporary stop notice was served in August 2013 to ensure that works on the site ceased pending formal consideration of the applicant's aspirations for the site. The proposal is now for the replanting of the terraced area with woodland planting rather than the ornamental garden previously proposed.

3. Planning History

- 3.1 19/2004/4561 Orangery and single storey games room. Approved 14.9.2004
- 3.2 19/2004/4562 Listed building application for the above. Approved 14.9.2004

- 3.3 19/2013/13946 Listed building consent for proposed swimming pool Refused on 11 February 2014 for the following reason:-
- 1. The proposed development by virtue of its scale, massing and form would be an incongruous and inappropriate extension to the listed building. The significance of the heritage asset would be harmed and the proposal would be contrary to the guidance in the NPPF*
- 3.4 19/2013/13947 Proposed swimming pool. Refused on 11 February 2014 for the following reason:-
- 1. The proposal would result in development in the open countryside outside the domestic curtilage of Stainton Cotes. This would be sporadic development for which there is no overriding functional requirement and would moreover be in a form that would have an adverse impact on the countryside and would therefore conflict with Saved Local Plan Policy ENV1. Furthermore the construction of a swimming pool, snooker room and media room/cinema would result in an unsustainable form of development that would not preserve or enhance the natural and built environment and in the absence of any public benefits would not conserve the heritage asset and would therefore conflict with the Core Principles in the National Planning Policy Framework.*
- 3.5 19/2013/13948 Change of use from adjoining field to proposed extended formal garden and landscaping. Refused on 11 February 2014 for the following reasons:-
- 1. The use of the woodland to the north of Stainton Cotes for formal residential garden would result in an unsustainable development that would not preserve or enhance the natural environment and would therefore conflict with the Core Principles in the National Planning Policy Framework. Furthermore the proposal would result in the extension of the domestic curtilage of Stainton Cotes into the surrounding countryside that would be sporadic development for which there is no overriding functional requirement and would moreover be in a form that would have an adverse impact on the amenities of the countryside and would therefore conflict with Saved Local Plan Policy ENV1.*
- 2. The proposed development would introduce formal gardens in an elevated position to the rear of Stainton Cotes which would be harmful to the setting of the listed building by drawing attention to and making a feature of the gardens which drew prominence from the simplicity and rural setting of the woodland . The significance of the heritage asset would be harmed by the proposed inappropriate and unacceptable development within its setting and is contrary to the guidance in the NPPF.*
4. Planning Policy Background
- 4.1 Craven District (Outside the Yorkshire Dales National Park) Local Plan Saved Policies ENV1 “Development in the open countryside” and ENV2 “Requirements for development in the open countryside”.
- 4.2 NPPF, nPPG
5. Parish/Town Council Comments
- 5.1 Coniston Cold Parish Council:- The Parish Council consider the proposals fall well short of the trees illegally felled originally. The choice of trees and the wide spacing of some are obviously to create a woodland garden. Once again “gentrification” of the site. The applicant should be made to replant trees at least 5m high as per original density, with no cultivation of the area in between. Any treatment of the vegetation in the wood should be limited to strimming no more than three times a year.



The Parish Council consider the pool facility should be refused in its entirety. It is quite simply “sporadic development in the open countryside” contrary to saved policies ENV1 and ENV2 and the NPPF. Its approval would have a serious deleterious impact on the ambience of the listed building. Whilst this aspect is no longer covered by planning policies in conjunction with English Heritage, CDC does have a duty to preserve the character of the existing building.

The Parish Council believe if the applicant does wish to have a pool facility on the site, the solution is to excavate deeper and construct the same underground.

**Officer note.** The planting proposals on the terrace have been revised to create a woodland and although not entirely subterranean the pool complex is to be dug in with a grass roof that recreates sloping contours.

6. Consultations

6.1 **CDC Arboriculturist.** The proposed re-planting proposal to the former woodland has been amended on several occasions at the request of CDC. The Council's arboriculturist has now confirmed that the submission as finally amended is satisfactory.

7. Representations

7.1 One letter of representation from a resident of Stainton Cotes expressing concern about the unauthorised works; the felling of trees; the removal of topsoil that has been spread on land adjacent to Stainton Lodge and the construction of terracing. Concern is expressed about the quality of the residual soil and even with replanting the area will be altered. It is also considered that although the building will be largely screened it is very large and the proposed road is unnecessarily large to fill an oil tank.

**Officer note.** The application does not specifically seek permission for the oil tank and access road referred to by the objector.

8. Summary of Principal Planning Issues

8.1 Planning policy and the principle of development.

8.2 The visual impact of the development.

8.3 The impact on the listed building.

9. Analysis

**Planning policy and the principle of development.**

9.1 Saved Local Plan Policy ENV1 seeks to protect the quality and character of the open countryside from being spoilt by sporadic development. It outlines that small scale development appropriate for the scenic qualities of the countryside will only be permitted where it helps to maintain or enhance landscape character.

9.2 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. These dimensions give rise to the need of the planning system to perform a number of roles. As part of the core planning principles there is an environmental role in the need to contribute and protect and enhance the natural, built and historic environment.

9.3 Paragraph 56 of the NPPF sets out that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

- 9.4 Saved Local Plan Policy ENV1 is broadly in accordance with the NPPF in that it seeks to protect the quality and character of the open countryside from being spoilt by sporadic development. However the weight that can be attached to this Local Plan policy is now limited.
- 9.5 Under the NPPF where the development plan is out of date, 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 as a whole. (paragraph 14 of the NPPF refers).
- 9.6 The proposed house extension, causes no unacceptable harm to the openness of the countryside and in principle is considered to be acceptable.
- 9.7 A historic map from 1896 shows the area to the north of Stainton Cotes as woodland demonstrating that the land has been part of the surrounding countryside for over a century. The proposed works now include the re-instatement of the woodland, and not the formation of a landscaped garden to replace it, and therefore this aspect of the development is acceptable in principle.
- 9.8 Finally, the application also proposes the retention of the retaining walls and steps that were created on the site of the former woodland. These developments will now be enclosed by the new proposed planting and in principle by themselves do not cause unacceptable harm to justify seeking their removal.

**The visual impact of the development.**

- 9.9 Saved Local Plan Policy ENV2 requires that rural development is compatible with the character of the area and has no unacceptable impact on the landscape.
- 9.10 The application site is visible from Moorber Lane, even though the proposed development is sited to the rear of the existing dwelling. The elevated land to the north of the property has largely been cleared of the woodland and a series of terraces have been created with substantial retaining walls. Work has stopped on the unauthorised development but the submitted details show the construction of a pool and recreation building (28m x 7m x 4.5m) partially dug in to the hillside. The ridge height of the swimming pool enclosure is 4.5m above the ground level of the existing house which is 2m below the ridge level of Stainton Cotes. It is considered that there would be limited views from Moorber lane.
- 9.11 Although there are formal garden areas to the south and east of the property the surrounding countryside is identified in the Landscape Appraisal (2002) as semi-enclosed lowland characterised by a succession of regular hillocks with steep sides. This medium scale pastoral landscape is also characterised by small pockets of woodland. The proposed swimming pool and recreation area in the form proposed would result in a form of development that would not unacceptably change the character and appearance of the countryside.
- 9.12 It is considered that the proposed built form would not have an unacceptable impact on the landscape. The replacement woodland planting would take time to mature but in its revised form would not appear as domestic garden. It is considered important that the planting should be carried out in the first available planting season and while in the ownership of the applicant should not form part of the domestic curtilage.

**Impact on the Listed Building**

- 9.13 The list description of the Stainton Cotes is as follows:- *House, C17, 1770's and C19. Rubble with stone slate roofs. Two storeys. The main C17 front faces south and is of three bays, the left hand one breaking slightly forward. The bay has a five-light double chamfered stone mullion window on each floor, the ground floor*

one lengthened downwards. In its slight return is a C19 chamfered doorway. Over this is a coat of arms (ermine, in chief a lion rampart). The central bay has an eight light window with king mullion, lengthened downwards, and over it two 3-light windows. To the right are 5 light windows on each floor, the lower lengthened downwards and the upper completely replaced. To the east front is of two bays with tripartite flat –faced mullioned windows. One is inscribed on the sill: Johannes Curren Arm; restituit A.C. 1779. The sill of another records a restoration in the 1960's. In the centre of the first floor is a large shield with the arms of Curren and Wilson. The west front is C19, with large 2 light chamfered windows with hoodmoulds. There are embattled gutters, and dates of 1774 and 1777 on hoppers. Interior not inspected.

- 9.14 In determining applications the NPPF at paragraph 131 advises of the need to consider the desirability of sustaining and enhancing the heritage asset (the listed building). Paragraph 133 advises that where a development will lead to substantial harm to the significance of a designated heritage asset consent should be refused.
- 9.15 There will be only limited visibility of the new building from Moorber Lane and the design is now such, that the development will be largely screened by the existing dwelling and the single storey orangery and games room following the grant of permissions in 2004. The proposals essentially indicate a new structure that is only attached to the main house in a minimal way hence reducing the impact on the architectural and historic interest of the original listed building.
- 9.16 It is concluded that the proposed development would have an acceptable impact on the listed building. It is not considered that the proposal would conflict with the guidance in the NPPF.

## 10. Recommendation

- 10.1 That the planning application be approved
- 10.2 That the listed building application be approved.

## 11. Conditions

### FOR THE PLANNING APPLICATION

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.  
  
REASON: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise drawings 678.01 001 Rev A, 678.01 005 Rev A, 678.01.006 Rev A, 678.01 007 Rev A, 678.01 008 and 678.01.200 Rev B received by the Local Planning Authority on the 11 August 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.  
  
REASON: To specify the permission and for the avoidance of doubt drawing no. 679.01 002 Rev B does not form part of the approved plans.
- 3 The woodland planting shall be carried out in strict accordance with the scheme submitted by JCA Ltd and dated 3 February 2015. The proposed planting shall be implemented in the first available planting season following the grant of permission and the aftercare proposals within the approved scheme shall subsequently be strictly adhered to.

REASON: In the interests of the amenities of the area and the setting of the listed building.

- 4 No development shall commence until details of all the materials to be used on the external elevations 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.

REASON: In the interest of the visual amenity of the area

- 5 No work shall commence on any external walling of the proposed building until such time as a sample panel of walling, of at least 2m<sup>2</sup> area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

- 6 The domestic curtilage of the property shall be restricted to the land identified on the attached curtilage plan and does not extend to the woodland included in the application site edged red on drawing 678.01 001 Rev A

REASON ; The use of the land for domestic purposes would be harmful to the setting of the listed building.

#### Informative

1. For the avoidance of doubt, this permission does not authorise the retention of the oil storage tank or new access road to the woodland. These works were not included in the description of the development proposal and the approved plans do not provide sufficient information on these works for a decision on their merits to be issued.

#### FOR THE LISTED BUILDING APPLICATION.

1. Works to which this consent relates shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The approved plans comprise drawings 678.01 001 Rev A, 678.01 005 Rev A, 678.01.006 Rev A, 678.01 007 Rev A, 678.01 008 and 678.01.200 Rev B received by the Local Planning Authority on the 11 August 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

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

3. No development shall commence until details of all the materials to be used on the external elevations 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.

REASON: In the interest of the visual amenity of the area

4. No work shall commence on any external walling of the proposed building until such time as a sample panel of walling, of at least 2m<sup>2</sup> area, showing the

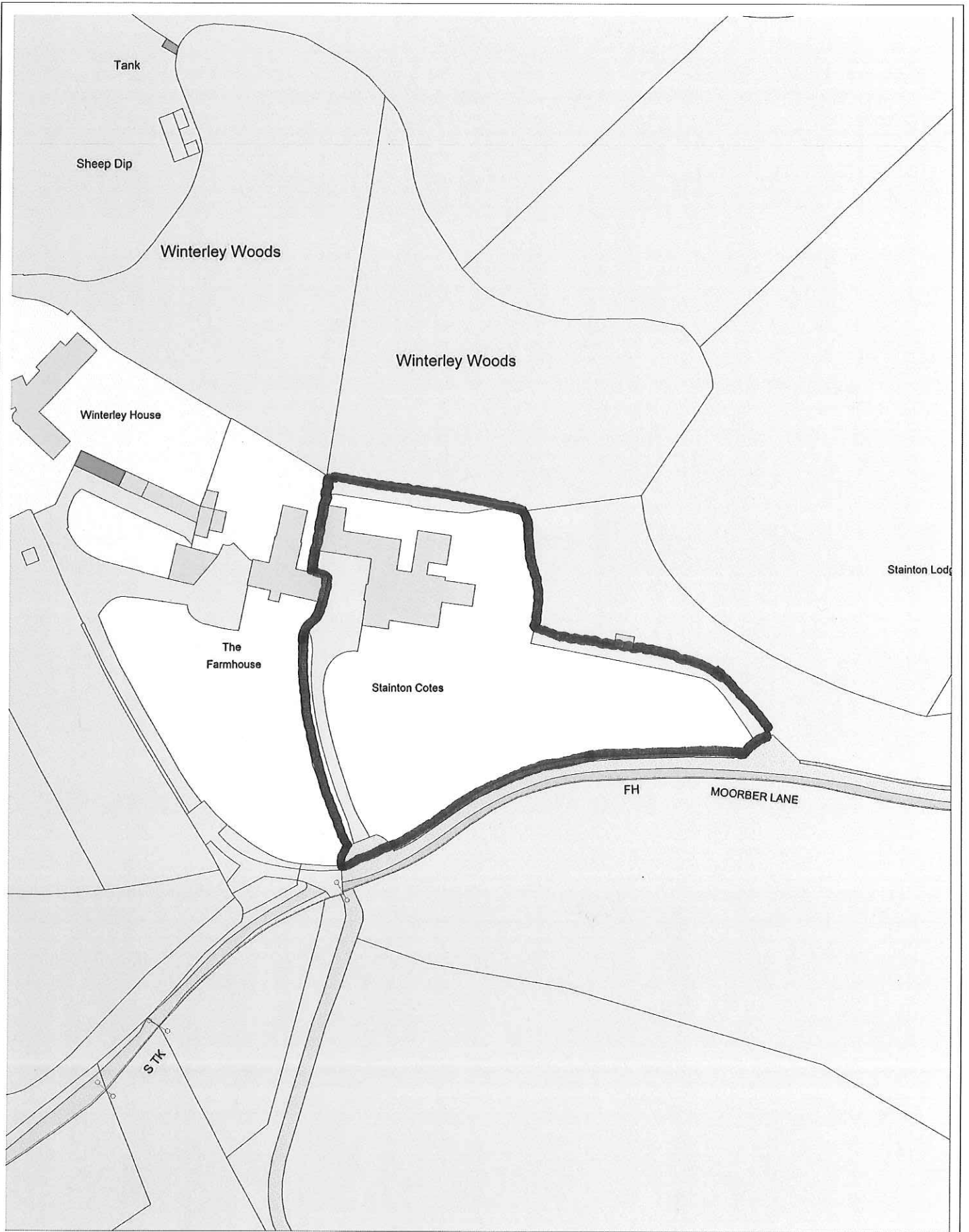
natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

Statement of Positive Engagement: -

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

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



**19/2014/14948 - Curtilage Plan**

Stainton Cotes, Moorber Lane, Coniston Cold, BD23 4EN

SCALE : 1:1250

Based on Ordnance Survey Mapping

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Drawing Issued By: JBN  
5th February 2015

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

*SKIPTON NORTH  
63/2015/15335*

*CHANGE OF USE OF PREMISES FROM SHOP (A1) TO DRINKING  
ESTABLISHMENT (A4)*

*1 VICTORIA SQUARE, SKIPTON.*

APPLICANT NAME: MR DOMINIC EAGLAND

TARGET DECISION DATE: 09/03/2015

CASE OFFICER: Andrea Muscroft

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**This application is being referred to Planning Committee because it has been advertised as a departure from the development plan as required by the Town & Country Planning (Development Management Procedure) Order 2010.**

1. Site Description

- 1.1 The application site is a one and half storey relatively modern building located within Victoria Square just off the High Street of Skipton. To the front is a large timber/glazed frontage leading into commercial floorspace with storage on the mezzanine floor. The premises was last in use as a gift shop.
- 1.2 The application site is within the development limits, Core Retail Area and designated Conservation area of Skipton. In addition, the frontage of the unit falls within 2 Article 4 Directions which restrict:-
- The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.
  - Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors, windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs
- 1.3 The site also lies partially within Flood Zone 2 as identified by the Environment Agency.

2. Proposal

- 2.1 The proposal is seeking permission for change of use of premises from shop (A1) to drinking establishment (A4).
- 2.2 Internal alterations are proposed to utilise the existing layout incorporating male and female toilets, a bar with seating areas at ground floor level and also additional seating area at the first floor level with storage beyond.
- 2.3 The applicants have detailed in their accompanying design and access statement that no physical alterations will be undertaken other than new signage and the external painting of the frontage.
- 2.4 The proposed opening hours for the A4 use would be:-
- Monday – Thursday 12am – 11pm

- Friday - Saturday 12am – 12pm
  - Sunday and Bank Holidays 12am – 10pm
- 2.5 The proposal seeks to employ 2 full time & 4 part time members of staff.
- 2.6 No ventilation is proposed as the proposal would only provide toast & crumpets
- 2.7 There is no dedicated parking associated with the application site, however, the site is in the town centre location which is well served by public car parks and good public transport links.
3. Planning History
- 3.1 None.
4. Planning Policy Background
- 4.1 Saved Policies R3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 Skipton Town Council:- No objection.
6. Consultations
- 6.1 CDC Contaminated Land Team:- No objection.
7. Representations
- 7.1 One letter of objection has been received raising the following issues:-
- Concern that users of the premises would lead to people under the influence moving through Albert Square.
  - Potential impact of delivery vehicles on the residents of Albert Square.
  - Concern that residents using the ginnel between the High Street and Victoria Square would feel intimidated by drinkers.
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Visual impact of the development.
- 8.3 Impact of the development on the amenity of neighbouring properties.
- 8.4 Highway issues.
- 8.5 Flood Risk.
- 8.6 Other issues.
9. Analysis
- 1. Principle of development.**
- 9.1 Within the area defined as Core Retail Area by the 1999 Craven Local Plan, Saved Policy R3 seeks to resist changes of use at ground floor level from retail to other non-retail uses. The purpose of this policy is to protect the retail vitality of town centres and the policy is applicable to this development proposal.
- 9.2 The National Planning Policy Framework states that LPAs should:



“Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centre.”

LPA's should identify the centre of towns as being the heart of their communities and aspire to promote their viability and vitality. The NPPF states that it is important that needs for retail, leisure, office and other main centre uses are met in full and are not compromised by limited site availability. The documents also states that planning should operate to encourage and not act as an impediment to sustainable growth with significant weight placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of the business. In addition, the NPPF states that development should be located where there is access to high quality public transport facilities.

- 9.3 Thus the NPPF recognises the importance of town centres and that proposals should reflect the individuality of the town centre whilst also promoting competitive town centres that provide customer choice.
- 9.4 Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. In this instance, the policy is considered contrary to the NPPF. Furthermore, the policy was not prepared under the aforementioned Act. It has therefore been superseded by up-to-date national planning policy as such the policy carries limited weight resulting in the need to assess the proposal against the NPPF.
- 9.5 This has been confirmed by recent appeal decisions that have concluded that Policy R3 is out of date due to its restriction on all change of use of ground floor level properties in the CRA, which is considered contrary to the objectives of the NPPF which requires policies to be positive and promote competitive town centre environments. Furthermore, the NPPF directs LPA to define the extent of the town centre primary and secondary shopping areas and that the Local Plan should be based on adequate, up-to-date and relevant evidence. However, at the present time the Local Plan does not define primary or secondary frontages, nor has the Council recently undertaken any monitoring of the CRA since 2013, therefore the policy does not comply with the NPPF in this regard.
- 9.6 The application site is located within the town centre of Skipton and therefore it is in a sustainable location near public transport. Notwithstanding that the proposal would result in the loss of a retail unit in the defined CRA, it is recognised that the proposed use would help to broaden the range of facilities available in this location and would help to maintain the town centre vitality and viability and use throughout the day and evening. Moreover, the occupation of the unit will support linked trips to nearby retail units.
- 9.7 In conclusion, it is considered that the development of this site would contribute to the NPPF’s aims of supporting the viability of town centres with sustainable development also consistent with both the Local Plan and the NPPF and is therefore acceptable in principle.

## **2. Visual impact of the development on the surrounding conservation area.**

- 9.8 The NPPF deals with the conservation of the historic environment at Part 12 and in particular requires LPA’s to consider ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’. Further, the NPPF states that when considering the impact of a proposed development ‘great weight should be given to the asset’s conservation’.

9.9 With regard to the impact of the proposal upon the appearance of the designated conservation area, no external alterations are proposed. The glazed shop frontage is to be retained and painted a heritage colour (subject to the Councils agreement), maintaining an attractive frontage. Therefore, the proposal would not have a negative visual impact on the designated conservation area.

### **3. Impact of development on the amenity of neighbouring properties.**

9.10 The NPPF states that planning should always provide a good standard of amenity for all existing and future occupants of land and buildings.

9.11 The application is located in the designated town centre with other commercial and retail premises adjacent and within the surrounding area.

9.12 The nearest residential dwelling is located at No. 3 Victoria Square at first floor level to the west of the site. It is acknowledged that the proposed use could result in an increase in noise disturbance as visitor access and exit the premises especially in the evening. Whilst this would not impact on the commercial/retail premises it is acknowledged that it could impact on the occupiers of No. 3 Victoria Square. However, the proposal is located within a town centre location where it has to be accepted that there is a general increase in noise and activity.

9.13 With regards to residents on Albert Square and along Victoria Street it is considered that the proposal would not result in any noise disturbance due to the separation distance between the application site and these properties.

9.14 The applicant has stated that the site would occasionally have blues/jazz musicians playing acoustic sets finishing at 10pm. However, it is considered that this could be satisfactory controlled through the use of an appropriate condition.

9.15 In conclusion, it is not considered that the proposed change of use would cause any significant additional noise disturbance to have an unacceptable detrimental effect on the occupiers of No. 3 Victoria Square or adjacent properties located in Albert Square or along Victoria Street. The CDC Environmental Health Team have assessed the proposal and have raised no objections based on noise disturbance. If however, any noise nuisance complaint subsequently arises in the future it would be a matter that would need to be addressed through environmental health through a statutory nuisance complaint.

9.16 Turning to other amenity matters, the proposal would not result in any overlooking or loss of privacy to the occupier of No. 3 Victoria Square given its location at first floor level. Similarly, the application site is screened from dwellings located in Albert Square and along Victoria Street due to existing commercial/retails premises as such the proposal would not result in any loss of privacy to the occupiers of these properties. The proposal states that no kitchen area or hot food would be provided at the premises. Therefore, nearby residents would not experience any odour nuisance.

9.17 Therefore, it is not considered that the proposal would not result in any unacceptable adverse impacts on these residents to warrant a refusal.

### **4. Highway Issues.**

9.18 With regard to car parking, there is no dedicated off street parking to serve the unit as the property is within the town centre, like most of the other uses in this location, customers would rely on existing public car parking which is available in the immediate vicinity of the site. On this basis, the scheme is acceptable.

## 5. Flood Risk

9.19 The applicant has submitted a Flood Risk Assessment. However, the proposal would not result in any changes to the existing ground floor levels and therefore it is unlikely that the proposal would increase any flood risk issues.

## 6. Other issues.

9.20 With regards comments received concerning impact of delivery vehicles on residents of Albert Square. The application site is located within a predominantly commercial/retail area and as with other premises in the area; the proposed delivery vehicles would service the premises from the rear with deliveries occurring approximately once a week. It is therefore, not considered that the number of proposed deliveries would be significantly greater than that associated with the current use of the site.

9.21 In addition, vehicles delivering to the site would park adjacent to the site whilst unloading which would take approximately 30 minutes – 40 minutes. Given the space available for the delivery vehicles it is not envisioned that there would be any impediment of vehicles or pedestrians using Albert Terrace/Victoria Square during this period.

9.22 Comments expressed over potential intimidation from drinkers, there is no evidence to support these concerns. Furthermore, it is noted that similar drinking establishments within the adjacent area (The Narrow Boat and the Yorkshire Rose) and the proposed use is acceptable within the town centre.

## 10. Recommendation

10.1 To grant planning permission subject to the following conditions.

### Conditions

1. The change of use hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Plan Number Drawing No 15335/1 & 15335/2 (annotated by the case officer for clarification) received by the Local Planning Authority on the 12<sup>th</sup> & 26<sup>th</sup> January 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.
3. The A4 use hereby approved shall not be open for business on any day of the week outside of:
  - Monday – Thursday 12am – 11pm
  - Friday - Saturday 12am – 12pm
  - Sunday and Bank Holidays 12am – 10pmReason: To ensure that any end user does not have an unacceptable impact on the amenities of others.
4. Prior to the commencement of the external painting of the shop frontage, details concerning the proposed paint finish to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The frontage shall be painted using only the approved finish.

Reason: In the interest of the visual amenity of the conservation area.

5. Other than the sale of bread based snacks for on-site consumption by visitors to the establishment that are cooked using a toaster or grill, no hot food shall be sold from the premises at any time whatsoever.

Reason: To safeguard the amenities of nearby residents.

6. No amplified music shall be produced or played within or outside of the premises.

Reason: To protect the amenities of adjacent residents.

**Informative**

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

**Statement of Positive Engagement:** -

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

- engaged in pre-application discussions

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

**INGLETON & CLAP  
18/2015/15338**

*NEW HIGHWAY ACCESS AND REVISED LAYOUT TO APPROVED APPLICATION 18/2014/14488 (CHANGE OF USE FROM TOURING CARAVANS, CARAVAN STORAGE AND HOLIDAY COTTAGES TO HOLIDAY STATIC CARAVANS AND LODGES)*

*FLYING HORSE SHOE CARAVAN SITE, STATION ROAD, CLAPHAM.*

APPLICANT NAME: MR JOHN MCCARTHY

TARGET DECISION DATE: 02/03/2014

CASE OFFICER: Gemma Kennedy

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**This application has been referred to the Planning Committee as it is an amendment to an application previously approved by Planning Committee (which was a departure from the development plan).**

1. Site Description

- 1.1 The application site comprises land to the north, east and west of the former Flying Horse Shoe Hotel, which is a Grade II Listed building that has recently been converted to flats. The site is located in a small hamlet of properties set near Clapham Station, and is approximately 1.5 km to the south west of the main village of Clapham. Access to the application site is currently gained along a route running to the north and west of the former hotel and adjacent to two rows of cottages. The land was formerly part of the hotel grounds and the caravan site and hotel were once linked. The sites are now in separate ownership. The site has most recently been used as a touring caravan site and for the storage of touring caravans. Planning permission was granted in May 2014 for the change of use of the land from touring caravans, caravan storage and holiday cottages to use for the siting of holiday static caravans and lodges. This planning permission doesn't appear to have been implemented, but is extant (i.e. is valid until 8<sup>th</sup> May 2017).
- 1.2 The application site is outside development limit boundaries identified by the Saved Local Plan, and falls within the Forest of Bowland AONB. There are a number of mature trees on the site, which are protected by a Tree Preservation Order.

2. Proposal

- 2.1 When the previous planning application was approved by Planning Committee, it was with an informative recommended by Member's. The informative on the decision notice reads *"The Planning Committee, whilst supporting the application, consider that there may be a better access available directly onto Station Road (subject to planning permission) and advise that this alternative access should be fully investigated in terms of the impact on highway safety and the impact on trees prior to the commencement of works approved by this application."*
- 2.2 The current application follows this advice, and proposes a new access to be formed off Station Road. This will allow the existing access located at the western end of the site to be used only as an emergency access. Amendments are also proposed to the layout of the site, and whilst the total number of units would remain as approved (27) a further lodge would replace one of the caravans.

3. Planning History

- 3.1 The site has a complex planning history but of particular relevance to this application are the most recent planning applications that set out the lawful use of the site. The

Council is also of the opinion that these permissions, with the exception of planning ref. 18/2014/14488, have been implemented. These most recent permissions are:-

- 18/2010/10930 Permission granted for revised use of land for holiday caravans, caravan storage, camping site, recreation and play area and site wardens caravan (Approved 25<sup>th</sup> October 2010).
- 18/2010/11276 Permission granted for discharge of condition 2 on planning consent 18/2010/10930 requiring the submission of landscaping details (Approved 8<sup>th</sup> February 2011).
- 18/2012/12359 Lawful Development certificate granted for year round occupancy on area C issued (the north western part of the site). (7<sup>th</sup> March 2012).
- 18/2006/6802 Application approved in January 2007 for the construction of 8 no self-contained holiday cottages together with manager's accommodation (on land to the east of the former hotel).
- 18/2009/10122 Application approved for extension of time limit for implementation of approved permission 18/2006/6802. Approved January 2010. (It is understood that this permission has now been implemented (although only to the extent necessary to secure the planning permission) and therefore the permission remains extant).
- 18/2014/14488 - Change of use from touring caravans, caravan storage and holiday cottages to holiday static caravans and lodges. Approved 08/05/2014.

#### 4. Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, ENV9, ENV10 and EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 National Planning Policy Framework (NPPF) and national Planning Practice Guidance (nPPG)

#### 5. Parish/Town Council Comments

- 5.1 Clapham cum Newby Parish Council: "Council supported this application but would like to request that the proposed new entrance should have a gate or a grid to stop farm animals gaining entry to the property." Received 03/02/2015
- 5.2 **Officer's Note:** The new entrance is directly off a classified road where in Officer's opinion livestock wouldn't frequently be found. Ultimately there is no planning justification to require the applicant to install a gate or cattle grid and it is a matter for the applicant.

#### 6. Consultations

- 6.1 **NYCC Highways Authority:** Recommends that conditions are attached to any permission granted. Received 19/01/2015.
- 6.2 **Natural England:** Commented on previous application (no objection). The proposed amendments to the original application relate largely to layout, and are unlikely to have significantly different impacts on the natural environment that the original proposal. Received 21/01/2015.
- 6.3 **CDC Tree Officer:** Whilst a mature Lime tree (number 33) will have to be removed to facilitate the new access, it is mitigated by an extensive planting scheme. The retained mature trees on the site along with the trees on the opposite side of the road will mitigate the loss in views along the road as well as in wider landscape views. On balance, the removal of Lime 33 is therefore tolerable.
- 6.4 **CDC Environmental Protection:** "Through the experience I have in dealing potential light nuisance issues I would not consider the proposed type of lighting would give cause for concern." Received 02/02/2015.

## 7. Representations

7.1 One letter of representation has been received;

- “We think this is a brilliant amendment to the original access planned.”

## 8. Summary of Principal Planning Issues

8.1 Impact of the proposed amendments on; trees; highway safety; the character and appearance of the area and setting of a listed building; and neighbouring privacy and amenity.

## 9. Analysis

### **Principle of development and policy background;**

9.1 The principle of development of the site, for the siting of holiday static caravans and lodges, has already been established (under application 18/2014/14488 in May 2014). The current application does not seek any changes to the use, and the total number of units of holiday accommodation would remain as approved (with one extra lodge, and one less caravan, totalling 27). The wider impacts of the proposed amendments are however subject to consideration by the Local Planning Authority.

9.2 The original application was assessed under Saved Policies ENV1, ENV2 and EMP16, and the National Planning Policy Framework (NPPF). Saved Policies ENV9 and ENV10 are also considered to be of relevance with regards to trees.

### **Character and appearance of area, and setting of a Listed Building;**

9.3 Saved Policy ENV2 states that development acceptable in principle under Saved 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.

9.4 Saved Policy EMP16 requires that sites are well screened by landforms or existing landscaping from key viewpoints and is of a scale of development in context with its surroundings. The site should also be of a high standard of layout, design and landscaping with the caravans and chalets satisfactorily blending into the landscape in terms of their siting, colour and materials. An adequate tree planting scheme should be submitted with any proposal. The planting scheme should include species type, number, size, location and planting densities sufficient for their long term contribution to be assessed.

9.5 The NPPF states that Local Planning Authorities (LPAs) should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping” (paragraphs 17 and 58). Paragraph 64 of the NPPF states 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.” The NPPF also requires that great weight should be given to conserving landscaping and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty (paragraph 115). With regards to Listed Buildings, the NPPF states that in determining planning applications affecting heritage assets LPAs should take account of; “The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation” (paragraph 126).

9.6 The main change to the scheme already approved is the creation of the new access off Station Road, which involves the creation of an 8m wide opening in an existing dry stone wall that forms the south east boundary of the site. At each side of the new opening, the existing stone wall would be repositioned, angled into the site to form

visibility splays in both directions. The creation of the new access is considered to be visually acceptable. Although it will result in the loss of a section of dry stone wall, the development would not be detrimental to the character and appearance of the immediate area, the setting of the Listed Building (which is over 87m to the west of the opening) or to the scenic beauty of the AONB.

- 9.7 The development also proposes demolition of a small part of an existing stone wall approximately 2.5 m in height that divides the northern part of the site from the southern part of the site. This wall is understood to originally be a curtilage structure to the listed former Flying Horseshoe Hotel. In previous planning assessments the Council has taken the view that this wall is a listed curtilage structure. Listed Building Consent would therefore be needed to demolish this small part of the wall. The applicants have been made aware of this and an appropriate informative recommended. The request to remove part of the wall is appreciated as the closure of the access route between the former Flying Horseshoe Hotel and Flying Horseshoe Cottages necessitates an alternative link being created between the northern and southern parts of the application site. The planning application indicates only the minimum works necessary to achieve this link.
- 9.8 The proposal is considered to satisfy the aims and objectives of Saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, and the NPPF, with regards to impacts upon the character and appearance of the area, and the setting of the Listed building.

**Protected trees;**

- 9.9 Saved Local Plan Policy ENV9 sets out that when determining applications to fell or carry out other works to trees subject to Tree Preservation Order the Council will only grant consent if the proposed work is necessary. Saved Local Plan Policy ENV10 states that in considering proposals for development, the Council will seek to safeguard protected trees (amongst other types of trees and woodland) from harm or unjustifiable loss. Where the Council approves the loss of a tree or hedgerow with reference to the criteria at policy ENV9, it will require suitable replacement planting either within the same site or on land within the applicant's control.
- 9.10 Trees on the application site are covered by a Tree Preservation Order. The extant planning approval for the site permitted the removal of four protected trees to accommodate the road layout and siting of the holiday accommodation. The current application proposes the removal of one further tree, a Lime tree, which would make way for the new entrance road off Station Road. The Arboriculturalist's report submitted with the application designates 3 of the trees to be removed as category C (those of a low quality, or young trees) and 1 as category U (in poor condition). The fifth tree to be removed as part of this application is category B, and therefore of moderate quality.
- 9.11 The supporting statement submitted with the application states that the position chosen for the new access road is the only one that provides good visibility in both directions, and that the tree to be removed is the least impressive specimen along the boundary to the south east boundary to the site. The application has been submitted with a scheme of planting proposals which sets out that a number of trees, shrubs, hedges and other planting would be carried out on the site. A total of 22 trees, 3 of which would be lime trees, planted in proximity to the lime tree to be removed. Whilst the loss of the Lime tree is regrettable, it is considered to be beneficial to the development, and replacement planting is proposed as is recommended in Saved Local Plan Policy ENV10.
- 9.12 The amended application also involves the repositioning of a number of caravans and holiday lodges. The new positions do not appear to vary significantly from the original



sittings in terms of their degree of encroachment into root protection zones of protected trees. The Committee report for the original application considered that the location of the units were such that substantial works, that would affect the ability of the protected trees to survive, would not be required.

- 9.13 The proposal is therefore considered to satisfy the requirements of Saved Policies ENV9 and ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

**Neighbouring privacy and amenity;**

- 9.14 Saved Local Plan Policy EMP16 requires that developments do not have an unacceptable impact on the amenity of local residents. The NPPF states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.
- 9.15 The access to the campsite as previously approved passed behind two rows of cottages (known as Flying Horseshoe Cottages). This was considered to be an improvement on the original access, which ran between the residential apartments (at the former Flying Horseshoe Hotel) and the two rows of cottages (Flying Horseshoe Cottages), and therefore in closer proximity to the all three groups of residences. The current application proposes the original access to be completely closed to vehicles, and the previously approved access to be retained, and used as an emergency access only.
- 9.16 The amended access proposed as part of this application would be over 87m from the closest residential property, and would result in an improvement to neighbouring amenity compared to the existing situation, and the approved access.
- 9.17 The application has been submitted with details of proposed lighting for the site. The lighting consists of 0.8m high black bollards, with lighting in the upper section, spread out around the park. A number of lights are located close to the gardens of the northern terrace of cottages, and to the residential flats. However, the lights are low level, with angled down deflectors, and CDC Environmental Protection would not expect lighting of this type to give cause for concern. However, it is noted that should any nuisance occur in the future from lights on the site, this could be investigated as a statutory nuisance by CDC Environmental Protection.
- 9.18 The proposal is considered to comply with the aims and objectives of Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF with regards to neighbouring privacy and amenity.

**Highway safety;**

- 9.19 The proposed access is onto a classified road, which links Clapham Station and the surrounding properties with the A65. The new entrance would provide a more convenient access to the application site, avoiding residential traffic on the narrower track previously approved as the access way. NYCC Highways Authority have been consulted on the application and have raised no objections on highway safety grounds, instead they recommend approval subject to conditions. The proposal is considered to comply with Saved Policies ENV2 and EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan with regards to highway safety.

**Conclusion;**

- 9.20 The principle of development of this site for the siting of holiday static caravans and lodges has already been established, and the planning permission for that proposal is extant (i.e. it can be implemented up until May 2017). The proposed new entrance way would necessitate the removal a mature protected lime tree along the boundary

of the site with Station Road. Whilst the loss of this tree is regrettable, it is necessary to enable the proposals which would improve the original scheme overall. The proposed access will improve the amenity of neighbouring residents by allowing the existing access at the western side of the site to be retained for emergency purposes only, and will provide a more convenient and accessible access to support the tourism business. The proposal is therefore considered to meet the requirements of Saved Policies ENV1, ENV2, ENV9, ENV10 and EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

10. Recommendation

10.1 That the application is approved subject to the following conditions.

Conditions

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

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

2. The approved plans comprise Drawings P6/P/10 (general arrangement, layout), 365-01 (planting proposals) together with the accompanying Landscape Management Plan and Softworks Specification, and the Arboriculturist's report produced by BHA Trees Ltd, that were received by Craven District Council on 5<sup>th</sup> January 2015. The development shall be completed in accordance with the approved plans and other application details except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The Lodges hereby permitted shall be of the Ikon or Contemporary design only as indicated in the planning statement received by Craven District Council in relation to planning application 18/2014/14488 on 20<sup>th</sup> March 2014 and the supplementary details received by Craven District Council on 22<sup>nd</sup> April 2014 (also in relation to planning application 18/2014/14488) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To specify the permission and for the avoidance of doubt as to what is permitted.

4. The approved planting scheme, that includes replacement planting for trees that are to be felled, shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of the amenity of the area.

5. With the exception of the approved warden's caravan (No. 20), the lodges and caravans on the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

6. The owners/operators shall maintain an up-to-date register of all the names of all owners/occupiers of individual caravans and lodges on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason (for conditions 5 & 6): The occupation of the caravans as a main or sole residence would be contrary to national and local planning guidance within the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

7. Prior to the first use of any of the static caravans or lodges hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage and refuse arrangements for the site, and of the gas tank storage area. The development shall then be carried out in accordance with these approved details and retained as such thereafter.

8. The static caravan identified as warden's accommodation (No. 20) shall be used as warden's accommodation only and its' occupation shall be limited to a person solely or mainly employed as a warden in connection with the use of the land as a caravan site.

Reason (for conditions 7 & 8): The permanent residential occupation of the caravan has only been justified in support of the chalet and caravan site and would only meet the requirements of the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan if the occupation was by a site warden.

9. The warden's static caravan (No. 20) approved by this consent shall not be residentially occupied if the managers accommodation approved and implemented under planning approval reference 18/2009/10122 is built and occupied. In such circumstances the warden's static caravan shall be used only as holiday accommodation only in accordance with the requirements of conditions 6 and 7 of this planning permission.

Reason: The site is a relatively small scale development and the provision of 2 worker's units has not been justified and is unlikely to be acceptable in line with the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

10. The lighting shall be installed on the site in accordance with the details submitted to the Local Planning Authority, these are a letter from Colin Holmes dated 10<sup>th</sup> January 2015, an email from Colin Holmes dated 27<sup>th</sup> January 2015 and the associated annotated 'general arrangement, layout plan' drawing number P6/P/10 received by Craven District Council on 5<sup>th</sup> January 2015, and shall be retained as such thereafter.

Reason: In the interests of the amenity of the 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 requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(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 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: In accordance with Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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 splay areas are provided giving clear visibility of 60 metres measured along both channel lines of the major road 'Station Road, Clapham' from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of road safety.

**Informatives;**

1. 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 condition 12 above.
2. An explanation of the terms used in condition 13 above is available from the Highway Authority.
3. The applicant is advised that the Local Planning Authority has previously taken the view that the wall dividing the northern and southern part of the application site is a listed building by virtue of being an original curtilage structure to the former Flying Horseshoe Hotel (now converted to apartments). Listed Building Consent would therefore be needed for the proposed intention to demolish a small part of this wall. This grant of planning permission should not be construed as meaning that an application for Listed Building Consent will be automatically granted. Such an application for Listed Building Consent would assess the impact that these proposed demolition works would have on the architectural and historic interest of the wall.

**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 requested additional information to address the planning issues which have arisen in relation to dealing with this application.