

PLANNING COMMITTEE MEETING AGENDA

Monday 11th May, 2015

CONTENTS

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
<i>EMBSAY W EASTBY 26/2014/15224</i>	<i>OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO PROVIDE EXTENSION TO PREVIOUSLY CONSENTED HOUSING SITE (26/2014/14518). LAND OFF SHIRES LANE, EMBSAY. APPLICANT NAME: N & P HARGREAVES & RN WOOLER & CO LTD TARGET DECISION DATE: 13/02/2015 CASE OFFICER: Mark Moore</i>	<i>3 – 25</i>
<i>PENYGHENT 31/2014/15285</i>	<i>RESERVED MATTERS APPLICATION FOR THE DEVELOPMENT OF 7 HOUSES FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR OUTLINE APPLICATION 31/2013/13807. LAND AT RAINES ROAD, GIGGLESWICK. APPLICANT NAME: MR MIKE SMITH TARGET DECISION DATE: 02/02/2015 CASE OFFICER: Neville Watson</i>	<i>26 – 35</i>
<i>SKIPTON EAST 63/2015/15536</i>	<i>CONSTRUCTION OF 3 NO DWELLINGS. CHINTHURST, 1 OTLEY ROAD, SKIPTON . APPLICANT NAME: MR PHILIP SMITH TARGET DECISION DATE: 05/05/2015 CASE OFFICER: Gemma Kennedy</i>	<i>36 – 42</i>
<i>WEST CRAVEN 25/2015/15526</i>	<i>CONSTRUCTION OF STABLES AND HAY STORE ON CONCRETE BASE. ACRES BARN, CLOGGER LANE, ELSLACK. APPLICANT NAME: MRS JULIA MULLIGAN TARGET DECISION DATE: 07/05/2015 CASE OFFICER: Gemma Kennedy</i>	<i>43 – 46</i>

GLUSBURN
32/2015/15507

**ERECTION OF TWO DWELLINGS AND TWO DOUBLE
GARAGES**

47 – 53

**LAND ADJACENT TO LINGAH FARM, BAXTER WOOD,
GLUSBURN.**

**APPLICANT NAME: MR E HARRISON
TARGET DECISION DATE: 27/04/2015
CASE OFFICER: Andrea Muscroft**

INGLETON & CLAP
45/2015/15578

**ERECTION OF 3 NO HOARDING SIGNS TO ENTRANCE
OF INGLETON INDUSTRIAL ESTATE.**

54 – 56

**INGLETON INDUSTRIAL ESTATE, NEW ROAD,
INGLETON.**

**APPLICANT NAME: CRAVEN DISTRICT COUNCIL –
ECONOMIC DEVELOPMENT
TARGET DECISION DATE: 14/05/2015
CASE OFFICER: Natasha Szuszkó**

INGLETON & CLAP
45/2015/15579

**APPLICATION TO VARY CONDITION 2 & 16 OF
PREVIOUS PLANNING APPLICATION 45/2014/14334,
AMENDED PARKING LAYOUT.**

57 - 63

LAND OFF BURNMOOR CRESCENT, INGLETON.

**APPLICANT NAME: MUIR HOUSING ASSOCIATION
TARGET DECISION DATE: 18/05/2015
CASE OFFICER: Natasha Szuszkó**

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

EMBSAY W EASTBY
26/2014/15224

*OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT TO PROVIDE
EXTENSION TO PREVIOUSLY CONSENTED HOUSING SITE
(26/2014/14518).*

LAND OFF SHIRES LANE, EMBSAY.

APPLICANT NAME: N & P HARGREAVES & RN WOOLER & CO LTD
TARGET DECISION DATE: 13/02/2015
CASE OFFICER: Mark Moore

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

1. Site Description

- 1.1 The application site comprises approximately 0.5ha area of undeveloped grassland located on the southern side of Shires Lane in Embsay. The site immediately adjoins a 0.98ha area of land fronting onto Shires Lane that has previously been granted planning permission for a residential development under planning Ref: 26/2014/14518.
- 1.2 The site forms part of a large open area of rough pasture that falls in level from north to south. In addition to the field to the north that now benefits from outline planning permission, the site is bounded by an open field to the south. To the east are allotment gardens and further open land to the west is a football pitch.
- 1.3 In terms of the wider landscape setting the site forms part of a larger patchwork of fields that are situated to the south and east of the main settlement of Embsay. To the south the field pattern is truncated by the Embsay Steam Railway line whilst Skipton quarry is located further south on the opposite side of the railway line.
- 1.4 The site is outside of Development Limits and the boundary of the Embsay Conservation Area runs part way along Shires Lane on the opposite side of the road to the north. The site is therefore located in the open countryside as defined in the Adopted Local Plan.
- 1.5 The wider landscape within which the application site is located is characterised as an '*Intermediate landscape of pasture with wooded gill and woodland*' in the Craven District Landscape Appraisal

2. Proposal

- 2.1 This is an outline planning application in which all matters are reserved other than the principle of development.
- 2.2 It is proposed that the site would form an extension to the larger site that was granted outline planning permission under planning permission Ref: 26/2014/14518. The extant approval was for 34 dwellings (subject to approval of reserved matters) and it is anticipated the current proposal to extend the site could net an additional 11 - 12 dwellings.
- 2.3 Although the details of the proposed development are reserved the applicant's agents have discussed the layout at some length with the case officer and the Council's conservation advisor. As a result of this an illustrative plan has been submitted which shows both the extant site and proposed extended area. The plan, which is indicative and not for consideration as part of this application, shows

development set back from Shires Lane and flowing into the extended site. The housing layout includes footpath links and areas of open space and indicates clusters of properties as opposed to a standard estate layout, shared surface courtyards and juxtaposed orientation of houses to create a visually interesting arrangement. It is proposed to provide an area of public open space at the southern end of the site adjacent to the football pitch. This would include landscaping and seating and would partially screen the southern end of the development from long range views southwards.

2.4 The mix of housing on the site, which is a reserved matter, would reflect local housing need and include a 40% provision for affordable housing to a specification agreed with CDC Strategic Housing Officers. This would equate to 40% affordable housing provision across both application sites.

2.5 The proposed access would be via the approved access for the larger site which would open onto Shires Lane and would incorporate visibility splays to NYCC Highways specifications. It is proposed to provide a parking barn/courtyard area within the site to accommodate some of the parking requirements for the extended application site.

3. Planning History

3.1 26/2014/14518: Outline application for residential development (circa thirty four dwellings). Approved July 2014.

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: -

ENV1: Development in Open Countryside.

ENV2: Requirements for Development in Open Countryside.

T2: Road Hierarchy.

4.2 In March 2012 the Council adopted an 'Interim Affordable Housing Policy that requires a 40% provision, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is considered to be in accordance with the NPPF). Although recent changes to national planning policies have revised the thresholds for affordable housing contributions this site is unaffected by those changes.

4.3 **National Planning Policy Framework**

4.4 **National Planning Policy Guidance**

5. Parish/Town Council Comments

5.1 **Embsay with Eastby Parish Council:** The District Council will be aware from earlier Parish Council responses to various planning applications that this Council has adopted a formal 'Position Statement' with regard to proposed new development within the Parish.

5.2 From this Statement you will be aware that this Council is not opposed to additional housing within the Parish *per se*; the view of the Parish Council 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.

- 5.3 In this instance, the Parish Council acknowledges that outline planning permission has already been granted for residential development to the north of this application site. Nonetheless, this Council has some serious reservations about this new proposal. Not the least of these is that this is a completely new proposal about which there has been neither consultation nor community engagement. This application site was not included within or considered as part of the 2013 Community Engagement Event nor is it included within the CDC Consultation Draft Documentation; it is not one of CDC's preferred sites.
- 5.4 The Parish Council acknowledges that this application must be determined on its own merits. Nonetheless, they have considerable concerns about the ongoing intentions of the applicant. The site context plan leaves a further area of land to the south of this site which may well be the subject of yet another application for new housing. The Parish Council wishes to put their concerns about this and the piecemeal manner in which the wider site is being considered on record at this point in time.
- 5.5 With regard to the specifics of this application the Parish Council makes the following points:-
- Despite the application documentation providing a site layout for twelve new dwellings, it is noted that all matters are reserved for future approval. In essence, this is a simple outline application for residential development. It is strongly suggested that CDC should require that the applicants make their intentions clear and that they should be required to seek approval of the access and site layout at this stage. Without these details, CDC is being asked to approve the residential use of this site; nothing more, nothing less.
 - Whatever the eventual layout the application proposes further encroachment of the urban form of the village into what is currently open countryside, which forms part of the essential rural setting of Embsay.
 - The information (within the Planning and Design and Access Statement) about the applicant company and its business interests in Keighley is utterly irrelevant to the assessment of the proposal.
 - The above Statement puts forward an advocacy case that is predicated to a large extent on the fact that approval of this application (along with the already approved outline scheme) will provide the forty five new dwellings envisaged by CDC. It is readily apparent that approval of this application will not prevent further applications coming forward and that this argument is disingenuous at best. The simple fact is that it is *not* a case of this site or others.
 - This Statement also makes a number of assumptions without any evidence to corroborate them. For example, paragraph 4.12 2 where it is stated that 'it is understood that the extension of the previously consented site is more favourable to Embsay Cricket Club than the potential location of new development at both sides of the cricket field'. This option is actually CDC's preferred solution and that which has the most support within the village community. In any case, such sweeping assertions cannot simply be accepted without any evidence.

- There has been no consultation whatsoever with the Parish Council about the proposed new football pitch and the provision of the existing field to the west of the new housing 'to the village'. Equally, there has been no debate with the Parish Council about the future maintenance of these areas. Notwithstanding these concerns, it is considered that these elements should be included with the 'red line' of the application site and be considered fully as part and parcel of this proposal for further new housing.

Additional Comments:

5.6 At the Parish Council meeting held on Thursday, 11 December 2014, members of the public were offered an opportunity to express their views on outline planning application 26/2014/15224. The Parish Council would like to draw attention to the following concerns that were expressed:-

- The addition of further housing will exacerbate an already serious road safety hazard at the crossing of Shires Lane and East Lane intersection, near the village shop. This is a major school walking route and it is therefore strongly suggested that the developer provide assurances that due concern will be addressed by the creation of an appropriate footpath and that any such proposal should be the subject of consultation with local residents and the Parish Council.
- The extension is not within one of CDC's two preferred local housing sites.
- The proposed additional football fields are located within a poorly drained flood plain which regularly floods.
- The increased and inappropriate density of housing since the original application and an altered and, therefore, questionable layout from that proposed in the original outline planning application which represents a further encroachment of the urban form of the village into what is currently open countryside.
- A presumption by the developer that this application for 12 additional houses (in addition to the previously proposed 32 dwellings on this site) will provide all of the 45 new dwellings envisaged by Craven District Council.

6. Consultations

- 6.1 **CDC Environmental Health:** Advise that there are no contaminated land issues in relation to this site. Also recommend that a sustainable drainage scheme is submitted for approval in order to prevent the increased risk of flooding, improve water quality, wildlife habitats and the amenity of the surface water drainage system. Finally, EH suggest that the operating times of the construction site are limited in order to reduce the potential for noise nuisance to nearby properties.
- 6.2 **CDC Strategic Housing Officer:** According to the 2011-2016 Strategic Housing Market Assessment (SHMA) the Embsay with Eastby Ward, 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 applicants planning and design and access statement confirms that the application will meet the 40% affordable housing requirement. The size, mix, tenure, siting and phasing of the affordable housing will be controlled by condition.

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 m² irrespective of affordable tenure.

Proposals accord with the Interim Affordable Housing Position.

- 6.3 **CDC Sports Development Officer:** The previously consented housing site had a section of land to the south side of the senior football pitch for the development of a junior football pitch. This was requested by the SDO due to his assessment of current demand in the village for open space and the impact of the development on existing provision.

The new site is adjacent to a well organised and managed Cricket Club, adjacent to an allotment site, adjacent to a poor quality senior football pitch and a short walk away from a newly refurbished play and recreation ground. It is the opinion of the SDO that the existing play provision and cricket provision is adequate to cater for the impact of the development. However, there is a significant deficiency in quality and quantity of other sports pitches to cater for the demand, especially football.

Based upon this, the SDO recommends that the full requirements of both the previously consented housing and this new extension under saved policy SRC2 should be for the creation of new junior football pitches and improvements to the senior pitch.

For the full development of 45 houses policy SRC2 requires the provision of 2633m². In order to fully meet the policy the development can either fully develop the proposed pitch or make a financial contribution towards the costs of the provision. The developer has the following options:

1. Allocate land for a 9 v 9 junior pitch at 4000m² and make a financial contribution of either £40,400 for the 33 units or £63,100 for the 45 unit full scheme.
2. Allocate all of the residual land to the south of the site (ca 18,000) for the future provision of 12,500m² of playing field provision with no financial contribution.

The SDO recommends that if this extension of site application is approved, then planning officers should set an identical condition for open space as the original application: 26/2014/14518.

- 6.4 **Sport England:** The proposed residential development is not considered to be prejudicial to the use of the adjacent cricket or football pitches. Sport England welcomes the proposed junior football pitch and has requested that further details of its design and timescale for its implementation are conditioned for reserved matters approval.
- 6.5 **NYCC Highways:** Recommend that planning permission is granted subject to various standard conditions relating to construction of roads/footways, provision of visibility splays/turning areas and management of construction traffic.

Officer note: NYCC Highways has commented that the conditions attached to the extant planning permission for the adjoining site should be attached to this proposal.

- 6.6 **English Heritage:** Note that consent has previously been granted for the site immediately to the north of the present application site, bordering on Shires Lane, the north side of which is the boundary of Embsay's conservation area. English Heritage was not consulted on this application.

The present application site would be visible from the Embsay and Bolton Abbey Steam Railway which is frequented by tourists. In making its decision on the current application we recommend that your Council is mindful of views from the railway and ensures that if consent is granted, appropriate landscaping assists the absorption of the development into its context within the Special Landscape Area.

If your Council is minded to grant consent EH recommend that the proposals '*aspire to a quality of design and execution which may be valued now and in the future.*' (Conservation Principles page 9 para 14c).

EH urge CDC to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of CDC's specialist conservation advice.

- 6.7 **CDC Conservation Advisor:** Following the outline consent in July 2014 for the residential development of the land to the south of Shires lane the current proposal is for a southerly extension linking into the suggested road layout.

The consented site lies closest to the Conservation Area with the buffer of trees along the road helping to set back the housing scheme.

In response to the original illustrative layout the conservation advisor commented that suggestion with its southern extension is a logical extension of the consented site, although it will be more prominent from the railway area. It really needs to be 'once and for all' scheme, rather than being part of a future phasing into the remaining open countryside. To make it more acceptable and less likely to be extended further the road/housing layout should be less 'suburban estate' and more of a rural cluster of dwellings. Perhaps a loose group around an open space/landscaped area? The 'extension scheme' needs an identity to make it justifiable rather than more of the same.

In summary the Conservation Advisor considers that the proposal was acceptable in principle but would have preferred to have seen a proper rounding-off of the site.

Officer note: Further discussions have taken place between the case officer, the applicant's agents and the conservation advisor and further illustrative layouts have been proposed. The most recent has been viewed by the conservation advisor who has responded verbally and commented that the scheme was better, more organic and more interesting although he remarked that the illustrative plan indicated properties with hipped roofs which were unlikely to be appropriate.

The main purpose of the illustrative layout is to demonstrate that the extension to the site that currently has planning permission is capable of being developed in an appropriate manner and that it would have some design merit and not just read as a 'bolt-on' site. The conservation advisor has indicated that in his opinion the development of the additional land would enable a better layout to be provided than might be possible with the smaller site and that there is justification in design terms to allow the site to be developed.

- 6.8 **The Environment Agency:** As stated on the previously consented site the applicant should discharge surface water into soakaways if possible. Otherwise

surface water run-off rates must be restricted to a maximum of 5 litres/second (greenfield rates).

7 Representations

7.1 A total of 27 representations from local residents have been received which register objections. Those objections are summarised as follows:

Principle of development

- Site is not part of the village plan or a preferred site for development.
- Smaller developments spread around the village would be preferable.
- Future of village needs to be planned in its entirety and not by piecemeal development.
- The site is located outside of development limits.
- The proposal would not be sustainable development.
- The National Park has not identified any need for housing in Embsay.

Visual Impact / Impact on Heritage & Landscape

- Development would detract from the character of the village, the conservation area and would urbanise it.
- Development would be detrimental to the environment and landscape.
- Bungalows would be better in the valley.
- Site is a Special Landscape Area and an Official Environmentally Protected Area.
- The proposed layout is inappropriate and properties should be set back from the road frontage.

Highway Safety

- Shires Lane is used by traffic other than local vehicles and is congested at times.
- Junction/crossing by the paper shop is dangerous.
- Footpath within site would emerge onto Shires Lane where there is no footpath. Increased foot traffic would therefore be a problem.
- Site is located on an official cycle route and a designated HGV route and there would be conflict from increased traffic.

Infrastructure

- Infrastructure in village cannot cope with increased population.
- School does not have the capacity to accommodate more pupils.
- Development would lead to increased flooding problems.
- Sewerage works is not adequate to deal with increased outflows.
- There are no employment opportunities or adequate facilities in the village.

Amenity considerations

- Loss of views and amenity of local residents..
- Loss of privacy for neighbouring houses.
- Construction of development would give rise to dust and noise and consequent disturbance to residents.

Other Matters

- Development would adversely impact on tourism in the village and at the steam railway.
- Bus services to and from the village are not adequate to serve the proposed development.
- Development would create precedent for further development of adjoining sites.
- Housing near to allotments would not be practical.
- There are affordable houses in the village and in Skipton and therefore the need does not exist. Previous developments in Embsay indicate that there is limited demand for such housing.
- There are plenty of houses for sale in the village.
- Maintenance of proposed open space would add further cost to Council.
- Development would result in loss of grazing land.
- Whole of village should have same restrictions on development as the parts within the National Park.
- Low-cost housing to the south of the site would be affected by stray footballs and would be better omitted.
- Developers are pushing a number of sites, in total over 120 houses.
- Application details are imprecise.

7.2 In addition to the above a letter has been submitted by a planning consultant on behalf of the owners of land located to the east of the application site (identified as EM013 in the Craven Local Plan –Preferred Sites for Consultation Document 2014). The landowners object to the proposal for the following (summarised) reasons:

- It is quite clear from the number of houses assigned to Embsay in the draft plan that the two preferred and locally consulted on sites can accommodate the published requirement. The logic of the plan making process to date clearly suggests that the current application should be refused.
- The site would be visible from the railway which is a tourist and heritage asset and the visual impacts are sufficiently detrimental to warrant rejection of the application.

7.3 There are 2 letters of support that comment as follows:

- Affordable housing is much needed and this development supports this.
- Proposed development would give locals a more extensive choice in terms of housing than has previously been available.
- The provision of a 9 a side football field in addition to betterment of existing recreation grounds would ensure that football and cricket continue for a number of years to come.
- Proposed sports provision would represent a major improvement for the parents and children and place sport back into the heart of the village community.

- Location of the site within close proximity of the quarry, the railway line and other housing makes it a far more suitable site than other areas surrounding the village which should remain natural and untouched.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan and whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.
- 8.2 Affordable housing provision.
- 8.3 Open space provision.
- 8.4 The effect of residential development on the character and appearance of the area.
- 8.5 The impact of development on the local highway network, traffic movement, and vehicle and pedestrian traffic safety.
- 8.6 The impact of development on drainage and flood risk.
- 8.7 Residential amenity issues.

9. Analysis

Planning policy and the principle of development:

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. 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 Embsay, 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. In the absence of an adopted Local Plan or formally adopted land allocations, the LPA does not have an NPPF compliant 5 year housing supply. The November HPS is 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 3rd June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (outside of the Yorkshire Dales National Park) in late 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 the application site which it is now proposed to extend was one of two preferred housing sites, Ref Nos: EM013 and EM016, the former being a site located further east along Shires Lane at the opposite side of the cricket ground.
- 9.10 The application site is therefore not a preferred site to be brought forward for development in Embsay. 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 0.5 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 application site is located at the southern end of a larger site that has extant (outline) planning permission for residential development. The site is located on the southern side of Shires Lane outside of the Development Limits for Embsay. The Development Limits follow tightly the established pattern of development clustered for the most part around the northern side of the main roads of East Lane and Shires Lane and terminating at the southern edge of Main Street to the north of the settlement. In common with the site that has extant planning permission the extended site would not represent 'rounding off' of the settlement or a form of infill but would see a continuation southwards of the development site that fronts along the southern edge of Shires Lane. The site would project further into the open countryside but would nevertheless be within close proximity to the existing Development Limits and cannot therefore be considered to be 'isolated' or an unsustainable location.
- 9.14 The outline proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and would 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.
- 9.15 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.
- 9.16 In conclusion, the application site is not located within the recognised development limits of Embsay, as defined in the 1999 Local Plan, but as part of an extended site that already has planning permission 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.

Affordable housing provision:

- 9.17 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. Very recently a number of new / amended paragraphs have been inserted into the PPG 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 m2. In this case the affordable housing requirements would be assessed across both this and the larger application site which would yield a total of approximately 48 dwellings. Affordable housing provision is therefore still required and 40% provision would equate to approximately 19 affordable units. The applicant's agent has completed an Affordable Housing Pro-Forma and confirms that it is the applicant's intention to provide 40% on-site affordable housing units in line with the Council's affordable housing policy.
- Officer note:** The pro-forma has not been signed by the Council's Affordable Housing Officer although they have provided a consultation response which is supportive of the proposal. This response is detailed at paragraph 5.2 above.
- 9.18 This proposal should provide affordable units on the application site to meet affordable housing needs and this contribution is a material consideration. Should it transpire at a later date that the affordable home requirement for the Ward has been met then it would be possible for the Local Planning Authority to enter into discussions with the developer at a later date, possibly at reserved matters stage, with a view to securing a commuted sum in lieu of on-site provision if necessary.
- 9.19 It is considered that in terms of the provision of affordable housing there are no grounds to object to the proposed scheme. If permitted, a condition can be used to control the means and level of provision as part of subsequent applications for reserved matters.
- Open Space:
- 9.20 The proposals, in conjunction with the larger site which has outline approval, indicate that areas of public open space will be provided throughout. The extended area subject to this application includes an additional area of open space at its southernmost point.
- 9.21 The Council's SDO has commented on the planning application and referred to the extant planning approval for the larger site that included a section of land to the south side of the existing senior football pitch for the development of a junior football pitch. Given the presence of the nearby cricket club, allotments, senior football pitch and proximity of a newly refurbished play and recreation ground the SDO has commented that existing recreation, play and cricket provision in the area is adequate but has identified a deficiency in the quality and quantity of football provision, in particular for juniors. With this in mind the SDO recommends that the full requirements under Saved Policy SRC2 of both the previous permission and the new extension should be for the creation of new junior football pitches and improvements to the senior pitch.
- 9.22 The application is made in outline only, with all matters reserved. The proposed layouts are provided for illustrative purposes only. It is therefore proposed to replicate the planning condition attached to the larger site under the extant planning permission. This would require a scheme of open space provision to meet the Local Plan Policy SRC2 requirements to be agreed prior to the commencement of any development that may be approved under a subsequent approval of reserved matters.

The impact on the character and appearance of the area:

- 9.23 The site on which the development is proposed is a sloping field that lies adjacent to existing development that runs partially along the southern side of Shires Lane and is adjacent to the edge of the Conservation Area.
- 9.24 The Embsay with Eastby conservation area was designated in June 1986 and the land south of Shires Lane was referred to in a Conservation Area Assessment produced in October 1997 which identified the large area of undeveloped frontage as *'a particularly valuable feature important to the character of the village'*. Notwithstanding, the land was not incorporated within the Conservation Area despite being under consideration when the original designation took place and therefore its value must be assessed on its wider landscape value and proximity to the Conservation Area rather than being a heritage asset in its own right.
- 9.25 In terms of the historic environment the NPPF sets out the broad policy requirement that the significance of any heritage asset that may be affected by development should be identified, in this case the nearby Embsay with Eastby conservation area, and that development should not result in any adverse impact upon that significance. Whilst the open spaces surrounding the village centre certainly contribute to its overall character it is debateable whether development in the location proposed would result in an adverse impact that would affect the significance of the conservation area to an unacceptable degree.
- 9.26 More specifically, this application is an extension of the larger site which has already been considered acceptable in terms of the impact on the conservation area and is located at the furthest point of that site relative to the boundary of that particular heritage asset. It is considered that there will be no loss of significance of the heritage asset as result of the proposal and that it is therefore acceptable in respect of this issue.
- 9.27 Whilst the emerging preferred sites for consultation are of very limited weight it is the case that the site for which this application seeks an extension to is presently under consideration for potential allocation as a housing site in the emerging Local Plan. This provides some indication that the potential impact is considered to be limited and less intrusive than other sites that have been under consideration as part of the SHLAA process and are within the Development Limits of the village.
- 9.28 In this case the site is a further extension of the site located on the edge of the settlement and, although only indicative plans are submitted at this time and therefore there is no detailed layout for consideration, it is possible for a development to be provided that would have an acceptable visual impact.
- 9.29 Overall, it is considered that the proposal to develop the site for housing is acceptable and, based on the illustrative layout that has been submitted, could be designed in a way that would be compatible with the character of the area as required under Saved Local Plan Policy ENV2 and the broader policies set out in the NPPF.

Highways issues:

- 9.30 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:
- 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*
- 9.31 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do

not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.32 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions, lack of footways and pedestrian safety. NYCC Highways has indicated that it recommends conditional approval of the planning application and in the absence of any technical highway constraints the proposals would accord with NPPF advice and saved Local Plan Policy T2 and would therefore be acceptable in terms of highway safety issues.
- 9.33 A number of objections to the proposed development relate to congestion and road safety issues arising from the volume of traffic parking on Shires Lane and in particular the on-street parking generated by cricket and football matches. In planning terms such congestion would not occur at a frequency that would provide justification to refuse planning permission on the grounds of highways safety. It is also the case that congestion due to parked vehicles on the road does not in itself mean that the road is impassable provided vehicles are not parked illegally and causing an obstruction. In that event the problem would be an infringement of traffic regulations and do not constitute sufficient grounds to refuse planning permission.
- 9.34 At the request of NYCC Highways the applicants have agreed to provide a footpath link that would connect the site to a crossing point adjacent to 5 East Lane as part of the extant planning permission. The extended application site is well linked to the larger site and it is not considered that the increased site size or number of dwellings would have a sufficient impact in terms of highway safety to warrant refusal of planning permission.

Drainage and flood risk:

- 9.35 The site is not identified as being within a flood plain or an area of flood risk.
- 9.36 The applicant's agent has referred to the Flood Risk Assessment that was submitted with the application for the larger site which indicated that no flooding issues would result from that development. It is not considered that the extended site would raise any flooding issues over and above that of the extant planning permission that would warrant this matter forming the basis of a refusal of planning permission.
- 9.37 The previously submitted FRA stated that surface water would be disposed of to a watercourse lying approximately 200m to the southeast of the site at a green field run-off rate of 5 litres per second per hectare. It was also envisaged that a suitable surface water drainage scheme could be provided based on Sustainable Urban Drainage principles. Additionally, no specific objections to the proposal were made by the Council's Environmental Health team or the EA with respect to surface water drainage. YW's comments with respect to surface water drainage were that the sewerage network does not have the capacity to accommodate surface water drainage and therefore discharge of this water to a nearby watercourse would seem to be an appropriate way forward. It is therefore considered that, as with the approved site, a suitable drainage scheme could be agreed and secured by condition.
- 9.38 With regards to foul water the FRA states that a separate foul water system should be provided discharging either to the combined sewer on the site or in Shires Lane adjacent to the site. Yorkshire Water had previously indicated that there are combined sewers in the vicinity that could accept the discharge, although they have not responded directly to this application. Notwithstanding, If approved it is

proposed to attach an appropriate condition to ensure a suitable means of drainage is agreed with the relevant authorities prior to development taking place.

Impact on amenity:

- 9.39 There are specific requirements under both Saved Local Plan Policies and the NPPF that new development should not adversely impact upon the amenity of any neighbouring property either through a significant loss of outlook, daylight or arising from a loss of privacy.
- 9.40 In this case the proposed housing layout is a reserved matter but it is clear that any subsequent development of the site could lie sufficiently distant from and be orientated such that there would be no significant loss of amenity to any of the existing neighbouring houses.
- 9.41 In terms of outlook, whilst there are concerns regarding the design and layout and the impact on the character of the area these issues do not impact on the amenity of the residents of neighbouring properties sufficiently to constitute grounds for refusal of planning permission.

Other matters:

- 9.42 Objections to the proposal state that the land is of agricultural value. The land is not identified as being of sufficient agricultural quality to justify its retention for that purpose and this matter therefore is not a reason to refuse the application.
- 9.43 Construction traffic, noise and disturbance to residents have been raised as a concern. Typically noise and disturbance 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.
- 9.44 Concerns have been raised over the lack of infrastructure in the village to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. Whilst it is acknowledged that the facilities in the village are limited it is not an entirely isolated community and has access to a wide range of services and facilities in Skipton which is nearby and accessible to residents. With regards to the local school CDC has received no request from the NYCC Education Authority for a financial contribution.
- 9.45 Other objections comment on the impact to tourism in the locality. In planning terms this is a very subjective viewpoint which would be difficult to justify as grounds to refuse planning permission. The view of officer's is that tourism is not likely to be affected to any significant extent.
- 9.46 Objections have also been raised on the grounds that the development is a further intrusion into the open countryside and would set a precedent that would lead to development of the land further to the south of the application site. Notwithstanding that it is necessary to consider each application on its own merits and a good part of the land to the south is located within Flood Zones 2 and 3. In such locations residential development proposals would need to pass both sequential testing and the exceptions test as set out in the EA advice and national planning policy guidance. In this case it is considered unlikely that those tests could be met.
- 9.47 The applicant's agent has stated that his clients would be willing to enter into a Sn106 agreement to ensure legal protection in perpetuity of both the land to the south of the proposed development and the adjacent football pitch and this has been put forward as a benefit of allowing this application. For the reasons set out in the above paragraph it is considered that such an agreement is not necessary in respect of the undeveloped land to the south. In the case of the existing adjacent football pitch this would need to be assessed against the SRC2 policy

requirements, the national planning policies and the policies of Sports England which are already protective of existing sports facilities and it is therefore considered that a legal agreement is not necessary to ensure the continued protection of the football pitch.

- 9.48 Finally, objections have been made on the grounds of incompatible land uses being within close proximity of each other. Specifically, the proposed housing is seen to be inappropriate in close proximity to the cricket field and allotment gardens. It is not uncommon to find such uses in close proximity and it is not considered that such uses are mutually exclusive, and that therefore there would be no basis for a refusal of planning permission over this issue.

10. Recommendation

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

Conditions

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

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

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

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

2. An application for the approval of the reserved matters shall be made to the local planning authority before 2 July 2016.
3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason (for 2 & 3): Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years. Furthermore the time period to submit an application for reserved matters has been limited to ensure that this outline permission does not remain valid after the expiry of Planning Ref. 26/2014/14518.

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

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

5. Prior to the commencement of any development on site a scheme of phasing of the construction of the application site and that of the adjoining site for which outline planning permission has been granted under Planning Application Ref: 26/2014/14518 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the agreed scheme of phasing.

Reason: The application has been considered on the basis that the proposal forms an extension to the site for which outline planning permission has previously been granted. The Local Planning Authority would not support the development of the application site in isolation and therefore requires confirmation of phasing of the two development sites in order to ensure the comprehensive development of both the application site and the larger development site to which this application relates. It is essential to ensure this information is provided prior to the commencement of development to ensure development does not proceed on this site in isolation.

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

8. Prior to the commencement of development details of a surface water drainage scheme, which unless otherwise demonstrated as not being reasonably practicable is based on Sustainable urban Drainage Principles (SuDS), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall comprise: -

- Full technical details of the proposed surface water drainage solution.
- Details of the organisation responsible for the SuDS (unless demonstrated that SuDS is not practicable)
- Arrangements for how SuDS will be maintained in perpetuity (unless demonstrated that SuDS is not practicable).

The development shall be implemented strictly in accordance with the approved scheme and retained in accordance with its provisions thereafter.

Reason: Such details are required prior to the commencement of works to ensure satisfactory drainage and that SuDS are used where reasonably practicable.

Informative: Full details of the information required to meet the terms of condition 6 can be found on the website of the Lead Local Flood Authority (North Yorkshire County Council). <http://www.northyorks.gov.uk/article/25991/Flooding-anddrainage>

9. No development shall take place until details of the proposed means of foul drainage, including details of any off-site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: Such details are required prior to the commencement of works to ensure the proposed drainage solution is satisfactory.

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

The scheme shall include:

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

Reason: Such details are required prior to the commencement of works to ensure the development makes provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

11. No development shall take place until either:
- (i) Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance.
 - (ii) Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

Reason: Such details are required prior to the commencement of works to ensure the development makes adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

Informative:

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

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

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

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

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

Reason: In the interests of highway safety.

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

- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
- (iv) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Informative:

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

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

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

Informative:

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

Reason: In the interests of highway safety.

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

Reason: In the interests of road safety.

18. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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

The required highway improvements shall include:

- a. Provision of tactile paving

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

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

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

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

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

21. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

Informative:

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

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

22. During construction works there shall be no:

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

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

23. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals

have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

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

Informatives

1. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
3. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30 September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

Statement of Positive Engagement: -

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

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

PENYGHENT
31/2014/15285

*RESERVED MATTERS APPLICATION FOR THE DEVELOPMENT OF 7
HOUSES FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR
OUTLINE APPLICATION 31/2013/13807*

LAND AT RAINES ROAD, GIGGLESWICK.

APPLICANT NAME: MR MIKE SMITH
TARGET DECISION DATE: 02/02/2015
CASE OFFICER: Neville Watson

This application has been referred to Planning Committee as a Departure from the Development Plan.

1. Site Description

- 1.1 The application site comprises a roughly rectangular shaped plot of grassland pasture some 0.4 hectares in area situated on the western edge of the present built-up area of Giggleswick, between Raines Road to the south and Brackenber Lane to the north. The site is predominantly grassland, part of a larger field that extends into open countryside to the west (towards the Settle by-pass).
- 1.2 The surrounding area to the north and east is residential in land use character (the north east boundary is formed by a detached house 'The Harbour' which lies between the junctions of Raines Road and Brackenber Lane); but to the west and south the surroundings are rural. The application site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999), however, the site is part of a larger area included in the Strategic Housing Land Availability Assessment (SHLAA) (Ref. SG072) that forms part of the current local plan preparation process.
- 1.3 Levels rise across the site in a southeast to northwest direction; there are two small groups of semi-mature trees, one to the northeast and one to south east boundaries of the site.
- 1.4 The site falls outside any flood risk area; i.e. is within Zone 1 (minimum risk).

2. Proposal

- 2.1 This is a reserved matters application seeking approval of the appearance, landscaping, layout and scale of the proposed development. Access to the site from Raines Road was approved at the outline stage.
- 2.2 The submitted details show 4no. four bedroomed houses of three different designs and three affordable dwellings (1no. three bed and 2no. two bed) The dwellings would be constructed in natural stone with natural slate roofs. Minor revisions have been submitted to reflect local vernacular architecture.
- 2.3 The submitted details include a landscaping scheme that retains existing trees, save for a small goat willow and rowan. Six new trees are proposed along with a new boundary hedge along the western boundary of the site.

3. Planning History

- 3.1 31/2013/13627: Development of 7 dwelling houses (outline application). Withdrawn 1 August 2013.

- 3.2 31/2013/13807 Outline permission for 7 dwellings. Approved 27 September 2013. During the consideration of this current reserved matters submission (Ref. 31/2014/15285) it has been established that the outline planning permission (31/2013/13807) was advertised as a departure, but was not referred to Planning Committee for determination (in accordance with usual practice). The application was instead placed on '7 day notice' and subsequently determined under delegated powers.
4. Planning Policy Background
- 4.1 National Planning Policy Framework (NPPF)
- 4.2 National Planning Practice Guidance (nPPG)
- 4.3 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; ENV10 'Protection of Trees & Woodland'; T2 'Road Hierarchy', and; SRC2 'Provision of recreation space in new housing developments'.
- 4.4 However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". While the Local Plan (LP) Policies are broadly in line with the Framework they were adopted in 1999 and were not prepared under the aforementioned Act. Consequently, they are superseded by the more recently published (and therefore more up-to-date) national planning policy, and as the LP carries limited weight the application needs to be principally assessed against the National Planning Policy Framework.
5. Parish/Town Council Comments
- 5.1 Giggleswick PC
- Appearance. The dwellings are made to look like farm buildings but should blend in more with local architecture; the slit windows are too small and vertical timber boarding is not part of the local vernacular and the stainless steel flues should be replaced with stone stacks.
- Officer note:** The narrow windows give the proposed dwellings a robust feel by providing substantial areas of masonry; the timber boarding has been removed and the stainless steel flues have been replaced by matt black flues. Although the dwellings are clearly residential they draw on agricultural buildings for inspiration and stone chimney stacks are uncommon features on agricultural buildings.
- Landscaping the PC comment on the provision of terraced areas, hedging and pedestrian access from the mini-roundabout
- Officer note:** It is proposed to provide flat patio areas to the dwellings and where necessary small retaining walls would be constructed. The western boundary of the site is now proposed to be defined by a dry stone wall that is typical of the area. The Highway Authority recommend that pedestrian footway is provided along Raines Road.
- Layout. The PC consider that plot 6 should be rotated to match unit 4.
- Officer note:** The proposed layout is considered to be satisfactory and amendments in this respect are not considered to be necessary.

6. Consultations

- 6.1 **CDC Strategic Housing** advise that there is a shortfall of affordable housing in Giggleswick. The provision of affordable housing on site is acceptable. Alternatively commuted sums would also be acceptable but this would require a variation of the affordable housing condition on the outline permission.
- 6.2 **CDC Environmental Protection Officer** has advised that there are no contaminated land issues. Advice is also provided on the provision of Sustainable Drainage Systems (covered by a condition of the outline permission).
- 6.3 **CDC Arboricultural Officer** advises that the loss of the trees referred to in paragraph 2.3 above is unfortunate but the replacement planting in mitigation is acceptable. The planting schedule is acceptable. Specific guidance on planting has been passed to the agent for information.
- 6.4 **NYCC Highways:** Has raised no objections subject to conditions.

7. Representations

- 7.1 Representations have been received from ten local residents. The residents repeat their concerns about the principle of development on site but also raise the following specific issues:-

- Concern about inadequate publicity for the application.
Officer Note: Representations raising this concern were received immediately following neighbour notification on 9 December 2014, but before the site notice and press notice publicity took place. Both the Press & Site Notice publicity allowed for the relevant statutory time period to make comment.
- Concern about site levels.
Officer Note: The application proposes no significant changes in levels. This concern is based on illustrative information submitted with the outline application that indicated that site levels would be significantly reduced across the Brackenber Lane frontage with the construction of a retaining wall such that the eaves height of the proposed dwellings would be at road level. However, this illustrative scheme is not the scheme that has been proposed at reserved matters stage.
- Potential for further development in the field to the west of the application site. The layout should be amended to prevent access to the west.
Officer Note: An application for development in the field to the west of the current site, ref. 31/2014/14217 was refused. The current submission shows an access road described as farmers access to the field to the west. This access does not authorise the acceptability of the site to the west for residential purposes.
- Drainage and flooding.
Officer Note: The outline planning permission requires the submission of further details in respect of foul and surface water drainage and that surface water drainage shall be based on Sustainable Drainage Systems.
- Concern about water pipe crossing the site.
Officer Note: If a water pipe crosses the site it will be a matter for the developer to address and if necessary divert the pipe.
- Condition of boundary wall on Brackenber Lane which is prone to collapse.

Officer Note: This concern is based on local knowledge, but it is envisaged that the developer would make good and carry out repairs given that the wall would form the residential boundary to the properties.

- Design of units 5 & 6 and the use of vertical boarding.

Officer Note: The design of these properties has been subject to negotiated amendment and the vertical boarding has been omitted.

- Lack of street lighting and footpath.

Officer Note: Street lighting is to be found on the mini roundabout junction and there is no footpath on Raines Road. However, the Highway Authority recommend that a footpath be provided by condition within the highway verge.

- Loss of view.

Officer Note: Rights to a view are not material providing the amenity of neighbours is protected.

- No provision for bat boxes.

Officer Note: These were indicated on the illustrative layout plan, but there absence is not a reason to refuse the reserved matters.

- Inappropriate western boundary treatment.

Officer Note: It was originally proposed to plant a hedge on the western boundary. This has now been amended to a dry stone wall.

8. Summary of Principal Planning Issues

- 8.1 The principle and means of access has been approved by the outline planning permission. The outline permission has also established the requirement to provide affordable housing, and due to the number of dwellings proposed a contribution to open space provision is not necessary. Therefore the only issues for consideration are the reserved matters; appearance, landscaping, layout and scale.

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

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

9. Analysis

Appearance

- 9.1 The NPPF in Section 7 provides guidance on and stresses the importance of good design. The proposed development is for 7 dwellings with a mix of two, three and four bedroomed properties. There is a common architectural theme with all properties constructed in stone with natural slate roofs and timber doors and windows. Where appropriate sawn stone heads, cills and jambs are proposed. Design amendments have been submitted deleting elements, particularly the timber panelling and the stainless steel flues have been replaced with metal flues painted matt black. The materials and details are now considered to be typical of the vernacular architecture of the area.
- 9.2 It is not considered necessary to dictate decoration or lighting. The lighting of the site would be dictated by any adoption agreement of the road by the Highway Authority. The colour and texture of the development referred to in the nPPG can be appropriately addressed by condition requiring the approval of materials.
- 9.3 In summary it is considered that the design, detail and appearance of the proposed development is acceptable.

Landscaping

- 9.4 The revised submitted plans now show the provision of a dry stone wall to the western boundary of the site. The other boundaries to the site on Raines Road and Brackenber Lane are already defined by dry stone walls and this detailing is considered to be entirely appropriate for the area. Internally within the site the individual curtilages would be defined by timber fencing.
- 9.5 The existing trees on the site are to be retained save for a goat willow and a rowan tree. The provision of a further six trees on the site would mitigate the loss of those trees. The applicant has been given specific guidance on shrub planting but it is not considered necessary to dictate specific planting within the curtilages of the proposed dwellings.
- 9.6 Due to the topography of the site it is proposed to provide flat areas of garden to the rear of plots 4, 5 and 6 that back on to Brackenber Lane. These terraces would be created using low retaining walls the specific detaining of which can be appropriately be dealt with by condition.
- 9.7 Save for the provision of terracing referred to above it is not considered necessary to control gardens which are considered to provide acceptable amenity space for the proposed residents of the development and has no adverse impact on the amenity of neighbours.
- 9.8 On this relatively small site there is no provision of other amenity features such as public open space.

Layout

- 9.9 The layout of the site is largely dictated by the access from Raines Road. The submitted details show a "Y" shaped cul-de-sac with the access located centrally along the Raines Road site frontage. The proposed affordable houses are located on the right hand side of the access facing south west. A single detached property is located to the left hand side of the access with three dwellings backing on to Brackenber Lane
- 9.10 Criticisms have been made about the proposed layout, but the concerns appear to relate to a desire to "close the development to prevent any access to the land to the west. The submitted details does show access the access road to the boundary of the site. However, this serves the garaging to plots 6 and 7. Any

proposal for further development would be judged on its own merits and approval of this layout does not pre-judge any other development.

9.11 The submitted plans show the properties some 25 m. from the dwellings on Brackenber Lane which provides more than adequate amenity distances. The orientation of the dwellings on the Raines Road frontage provides adequate amenity space.

9.12 It is concluded that the layout of the proposed development is acceptable and accords with the guidance in the nPPG.

Scale

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

Conclusion

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

9.15 Taking into account the outline planning permission on the site and having regard to the advice in paragraph 14 of the NPPF it is not considered that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and there are no policies in the Framework that indicate that the development should be restricted.

10. Recommendation

10.1 That the application be approved.

Conditions

1. The approved plans comprise:-

- Drawings 178/66/109; 178/66/108 Rev A; 178/66/106 Rev A; 178/66/104; 178/66/102; 178/66/100 Rev A and Rosetta drawing 2502/2 received on 4 December 2014, and
- Drawings SK/20 Rev B; 178/66/105 Rev A; 178/66/103 Rev A and 178/66/101 Rev C received on 13 March 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

2. Prior to the first construction of the external walls and roof, precise details of the materials, colour and finish of all external materials (walls and roof including boundary walls) shall be 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the

depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

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.

4. 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.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 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.
 - (vi) Provision of tactile paving in accordance with the current Government guidance.

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

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

6. 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 north-easterly and 120 metres south-westerly measured along both channel lines of the major road Raines 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 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

7. 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 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 purpose at all times.

Reason: 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.

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

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. A footway of minimum width 1.2 metres to link to the existing footway at the mini roundabout

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

9. 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 8:

A footway of minimum width 1.2 metres to link to the existing footway at the mini roundabout.

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

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

- (i) have been constructed in accordance with the submitted drawing no. 208/1
- (iii) 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.

11. 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.

12. 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.

13. Prior to the commencement of development details of proposed ground levels, proposed floor levels of the dwellings, garages, drives, parking areas, and terraces to units 4-6 inclusive shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed strictly in accordance with the approved plans.

Reason: The information is required as a pre-commencement condition to ensure that the works are carried out at suitable levels in relation to adjoining properties and in the interests of the character of the area.

Informative.

All conditions specified in the outline planning permission reference 31/2013/13807 approved on 20 September 2013 must be complied with and discharged as appropriate

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

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

SKIPTON EAST
63/2015/15536

CONSTRUCTION OF 3 NO DWELLINGS.

CHINTHURST, 1 OTLEY ROAD, SKIPTON.

APPLICANT NAME: MR PHILIP SMITH

TARGET DECISION DATE: 05/05/2015

CASE OFFICER: Gemma Kennedy

This application has been brought to Planning Committee at the request of Councillor Harbron due to the planning history and past public interest.

1. Site Description

- 1.1 Chinthurst is a substantial late Victorian semi-detached house (the adjoining property is to the rear, so Chinthurst appears as a detached dwelling from Otley Road) operating as a Bed and Breakfast business. The property is set back from Otley Road, on the eastern edge of Skipton town centre, and is located in a mixed, mostly residential, area. To the east is a sales and repairs garage 'Peter Watsons' which recently received planning approval for the replacement of a building at the northern end of the workshops with a new MOT bay (application 63/2014/15082). To the west is 'St Andrew's House' a Grade II Listed building described as an 'early Victorian villa' currently occupied as offices. Attached to the rear of Chinthurst is a property in separate ownership, 'Chinthurst Cottage', and to the west of this property is 'Chinthurst Bungalow.'
- 1.2 The property lies within Skipton Conservation area. A group of three trees to the east of the access road within the site are subject to a Tree Preservation Order.

2 Proposal

- 2.1 The proposal is for the construction of a terrace of three dwellings in the front garden of Chinthurst, running at right angles to Otley Road. The proposed 3 bedroom dwellings would be faced in natural stone, with blue slates to the roof, and white uPVC window frames. The terrace of dwellings would be stepped down over the plot, with the lowest plot adjacent to Otley Road.
- 2.2 Each property would have two parking spaces to the front, which will necessitate the removal of the 3 TPO protected trees. The drive to the front, which would also continue to serve Chinthurst, Chinthurst Cottage and Chinthurst Bungalow, would be widened, as would the entrance to the site.

3 Planning History

- 3.1 The site has been subject to a number of previous applications including proposals for a dwelling on this land that have been resisted by the Council.
- 3.2 63/2005/5508 - Erection of stone clad two bedroom dwelling with associated parking within part of garden. Withdrawn 08/08/2005.
- 3.3 63/2005/5704 - Erection of stone clad two bedroom dwelling with associated car parking within part of garden. (Re-submission of application 63/2005/5508). Refused 20/10/2005 for the following reason;
- 3.4 *"Chinthurst' is an attractive vernacular building situated in pleasant grounds and, along with the adjacent St Andrew's House (a Grade II listed building), makes a positive contribution to the special character and appearance of this part of the*

Skipton Conservation Area. The District Planning Authority considers that the siting and design form of the proposed dwelling would harm the setting of the main building. Furthermore the proposed development would fail to preserve or enhance the character or appearance of the designated Skipton Conservation Area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and would conflict with Policies H3, BE7 and BE11 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.”

- 3.5 APP/C2708/A/05/1195611 – Appeal against refusal of 63/2005/5704. Dismissed and permission refused on 08/06/2006.
- 3.6 63/2006/6639 – Change of use from private dwelling to Bed and Breakfast. Approved 09/10/2006.
- 3.7 63/2008/9217 - Single storey ground floor conservatory extension, reception area, one new guestroom with en-suite and ground floor wc. Refused 27/01/2009.
- 3.8 63/2009/9654 - Single storey extension incorporating guest room, office and WC. Approved 15/06/2009.

4 Planning Policy Background

- 4.1 Saved Local Plan Policies H3 and ENV10.
- 4.2 The National Planning Policy Framework (NPPF)
- 4.3 Planning Practice Guidance

5 Parish/Town Council Comments

- 5.1 Skipton Town Council: “The Planning Committee recommend refusal. They believe that this development would spoil the street scene on the approach to Skipton. They are concerned that no provision has been made to replace the trees to be felled.” Received 27/03/2015.

6 Consultations

- 6.1 **NYCC Highways Authority:** Recommend approval subject to conditions. Received 20/03/2015.
- 6.2 **CDC Tree Officer:** “The scheme shows that three TPO trees will be removed (T4 to T6) to facilitate the development and the arboricultural report states that two trees should be removed (T1 and T6, both Holly) due to their condition. No replanting is proposed to mitigate the loss of T4 to T6. I also note that the development proposes to widen the access which may have a detrimental impact on the trees to the west of the access. I cannot support this application due to the loss of TPO trees and lack of replanting in mitigation.” Received 23/04/2015.

7 Representations

- 7.1 Three letters of objection have been received raising the following points;
 - Garden was originally designed to complement the house, and is an intrinsic part of it. Proposal would leave the house without a garden, and wouldn't be in keeping with Conservation area.
 - Proposed houses would be gabled to the highway; not in keeping with the local street scene.
 - Proposed houses not sympathetic with Chinthurst.
 - Various concerns regarding highway safety; stone walls and parked cars along Otley Road hinder visibility, increased car parking will affect traffic flows along Otley Road, driveway is not very wide

- Will adversely affect amenities of Chinthurst Cottage and Chinthurst Bungalow by increasing traffic flows and disrupting access.
- Proposal to remove established trees would detract from approach to Skipton. No proposal to compensate for loss of trees.
- Request that if planning permission is granted, any consent is made conditional on the retention of the main house in its current form to prevent any future development of the house. *

***Officer's Note:** It is not within the remit of this application to restrict the future use of Chinthurst. Chinthurst falls outside the application site boundaries and any future applications that may be submitted to the Council for this property would be considered on their own merits.

8 Summary of Principal Planning Issues

- 8.1 The principle of development; the impact on the character and appearance of the Conservation area, setting of a Listed building, and on the street scene; neighbouring privacy and amenity; highway safety; impact upon trees.

9 Analysis

Policy background;

- 9.1 Saved Local Plan Policy H3 permits residential development that involves (amongst other things) infilling or small scale development of underused land within the development limits of Skipton, subject to certain criteria being met.
- 9.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); 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 the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.3 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the 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". As such, 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 Saved Local Plan Policy H3 is considered to be generally in accordance with the NPPF, as both policies are supportive of new residential development in sustainable locations.
- 9.5 Paragraph 49 of the NPPF sets out that planning applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At this time, the Council is unable to demonstrate a five-year supply of housing, and as such the Saved Local Plan Policies relating to housing supply (H1 and H2) are out of date and carry no weight in the decision making process.

- 9.6 With regards to Heritage Assets, paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty of local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.7 One of the core principles of the NPPF is for planning to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contributions to the quality of life of this and future generations.
- 9.8 Paragraph 131 of the NPPF sets out that in determining planning applications, local planning authorities 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; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.9 Paragraph 132 of the NPPF goes on to state 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 9.10 Paragraph 133 of the NPPF states that where a proposed development will lead to "substantial harm" to or total loss of significance of a designated 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 development leads to "less than substantial harm" to the significance of a heritage asset paragraph 134 explains that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Principle of development;

- 9.11 The application site is within the development limits of Skipton, in a built up area which mostly consists of residential properties. The site is within walking distance of Skipton Town Centre, its associated shops and services, public transport links and employment. The site is therefore in a sustainable location, and could be occupied without reliance upon a car. The principle of development in this location is therefore considered to accord with Saved Local Plan Policy H3 and the NPPF.

Visual considerations including the impact on Heritage Assets;

- 9.12 Where development is acceptable in principle, Saved Local Plan Policy H3 requires that development will not result in the loss of or damage to spaces identified as important to the settlement character; will not have an adverse effect on areas or buildings of historic or architectural interest, or areas of nature conservation value or archaeological importance and will not damage the character and amenity of existing residential areas.
- 9.13 The street scene along this part of Otley Road consists of a mixture of property types and styles, with some contributing to the character of the Conservation area more than others. The Conservation area extends from Skipton Town Centre, including the application site and its neighbour to the east 'St. Andrew's House,' but omitting two pairs of semi-detached properties further to the east.
- 9.14 'Chinthurst' is considered to make a significant contribution to this part of Skipton Conservation area. With its scale, Victorian architecture, and elevated position facing Otley Road the property is viewed as an imposing and important property. The front

garden to the property, where the proposed houses would be sited, provides Chinthurst with an appropriate setting; the landscape buffer the garden provides between Chinthurst and Otley Road reinforces the formal and imposing appearance of the property. Also, as the Planning Inspector pointed out in the appeal decision in 2006 for the previous application on this site, the front garden provides an attractive break within the road frontage, which is fairly built up at this point, in addition to performing a crucial role in providing an appropriate setting for Chinthurst. By building on the front garden of Chinthurst the important setting of this property, and contribution it makes to the character and appearance of the Conservation area, would be lost.

- 9.15 Not only would the development of the front garden of Chinthurst be harmful to the Conservation area, but so too would the appearance of the proposed dwellings. Whilst there are some examples of terraced properties being set at right angles to Otley Road further along to the east, in the main part properties front Otley Road. The introduction of a terrace of dwellings facing west, with their gabled elevations facing Otley Road, would be at odds with the existing character of this part of the street scene and Conservation area. The dwellings have a basic design, which fails to pay any attention to the architecture of surrounding properties; for example there are no chimneys proposed, the windows in the west elevation have a horizontal emphasis at odds with the windows in the adjacent Victorian properties, and the roof pitch is too shallow.
- 9.16 In consideration of the setting of the adjacent Listed building, St. Andrew's House, the Planning Inspector considered (in the appeal decision in 2006) that the setting of St. Andrew's House is significantly dependent on the appearance of Chinthurst and its grounds. The similarities between the two properties in terms of their scale, elevated positions, and set back behind grounds from Otley Road, and the fact that they differ in character from most of the surrounding buildings, are such that they tend to be seen together when viewed from Otley Road. It is therefore considered that the proposal would also harm the setting of St Andrew's House.
- 9.17 It is considered that the proposal would lead to substantial harm (as set out in paragraph 133 of the NPPF) to two heritage assets; Skipton Conservation area, and the setting of Grade II Listed St. Andrew's House. The proposal would also fail to meet the requirements of Saved Local Plan Policy H3, as it would result in the loss of a space identified as important to the settlement character, would have an adverse effect on areas and buildings of historic interest, and would damage the character and amenity of the existing residential area.

Impact on trees;

- 9.18 Saved Local Plan Policy ENV10 states that in considering proposals for development, the Council will seek to safeguard trees protected by a preservation order or trees within a Conservation area, from harm or unjustifiable loss. Where the Council approves the loss of a tree, it will require suitable replacement planting either within the same site or on land within the applicant's control.
- 9.19 There are a number of trees on or adjacent to the application site which are afforded protection by their location within Skipton Conservation area. Additional protection, in the form of a Tree Protection Order (TPO) is afforded to 3 trees located directly to the right of the access road to Chinthurst. The application proposes to remove these trees, and no details of a suitable replacement planting scheme, as required by Saved Local Plan Policy ENV10, has been provided. The trees to be removed, along with those running alongside the left of the access drive line the driveway in an attractive manner, and provide some dimension to the lawned frontage of Chinthurst. The Council's Tree Officer objects to the application due to the loss of TPO protected trees, and the lack of mitigating planting.

- 9.20 The trees contribute to the setting of Chinthurst, and Skipton Conservation area, and their loss would be harmful to the character and appearance of the area.

Neighbouring privacy and amenity;

- 9.21 There are no residential properties to the east, south or west of the application site; the only property that may be affected by the proposal in terms of privacy and amenity is Chinthurst. Although a business, Chinthurst is also a residence for the owners of the property. The north elevation of the closest of the three properties (plot 3) would be set 12 metres to the front of Chinthurst. With only non-habitable room windows in the northern elevation there would be no loss of neighbouring privacy. Due to the sloping nature of the site, the ground floor level of plot 3 would be almost 4 metres lower than that of Chinthurst. Whilst the proposal would alter the outlook from the front of Chinthurst, it would not result in a loss of sunlight or daylight for the occupiers of the property.
- 9.22 A letter of representation raises concerns that the proposal would affect the amenities of the occupiers of Chinthurst Cottage and Chinthurst Bungalow by increasing flows of traffic and disrupting access. These properties would not be directly affected by passing traffic due to their position to the north of the site. They may be affected by an increase of traffic at the junction and along the access road, but as highway improvements are proposed and there are no objections from NYCC Highways on safety grounds (see paragraph 9.29 below) a refusal of planning permission could not be justified on these grounds.
- 9.23 The proposal is therefore considered to be acceptable in terms of neighbouring privacy and amenity.

Highway Safety;

- 9.24 Saved Local Plan Policy H3 requires that new residential development will not create conditions prejudicial to highway safety. The application proposes to widen the existing access off Otley Road by almost 3 metres to improve visibility and access/egress arrangements. The driveway would also be widened by 0.8 metres. NYCC Highways Authority has been consulted on the application, and has raised no objections on highway safety grounds.

Conclusion;

- 9.25 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:
- 9.26 • 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
- 9.27 • specific policies in this Framework indicate development should be restricted.'
- 9.28 Whilst Saved Local Plan Policy H3 is considered to carry weight in the decision making process as it is consistent with the aims and objectives of the NPPF, it is out of date having been adopted in 1999. Therefore the policy within Paragraph 14 of the NPPF is applicable. The development should therefore be permitted unless the adverse impacts of doing so would outweigh the benefits.
- 9.29 In addition to the test at Paragraph 14, consideration also needs to be given to Paragraph 134 of the NPPF that explains that the harm caused to heritage assets by the development proposal should be weighed against its public benefits.
- 9.30 The benefits of the development principally relate to meeting the NPPF's objectives of delivering the homes that the country needs. The adverse impacts relate to the development within the open frontage of Chinthurst, which is located within Skipton

Conservation area, and adjacent to a Grade II Listed Building. It is considered that the proposal would be detrimental to the character and appearance of the street scene along Otley Road, in particular the character and appearance of the Conservation area, and the setting of Grade II Listed St. Andrew's House. The proposal fails to meet one of the core principles of the NPPF, that is to '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*'

- 9.31 Furthermore the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development to preserve or enhance the character or appearance of Conservation Areas. The development does not meet this requirement.
- 9.32 Officer's therefore consider that the harm to the character and appearance of the street scene along Otley Road, and the heritage assets (Skipton Conservation area and St. Andrew's House' outweigh the public benefits and that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.

10 Recommendation

10.1 Refuse.

11 Reason for refusal

1. 'Chinthurst' is an attractive vernacular building situated in pleasant grounds and, along with the adjacent St Andrew's House (a Grade II listed building), makes a positive contribution to the special character and appearance of this part of the Skipton Conservation Area. The front garden to 'Chinthurst' provides an attractive break within the road frontage on Otley Road, and also an appropriate setting for 'Chinthurst.' The Local Planning Authority considers that proposed dwellings fail to complement the character and appearance of the street scene in terms of the design and situation. Furthermore, the development of the front garden of Chinthurst would harm the setting of the main building, and that of Grade II Listed 'St. Andrew's House.' The proposal would also result in the loss of trees subject to a Tree Preservation Order, which would further harm the character and appearance of this part of Skipton Conservation area.

The proposal therefore fails to accord with the aims and objectives of the National Planning Policy Framework, in particular paragraphs 14, 133 and 134 of the Framework, and Saved Policies Paragraphs H3 and ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. The proposal would also fail to preserve or enhance the character or appearance of Skipton Conservation area, and the setting of St. Andrew's House, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Statement of Positive Engagement: -

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

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

*WEST CRAVEN
25/2015/15526*

CONSTRUCTION OF STABLES AND HAY STORE ON CONCRETE BASE.

ACRES BARN, CLOGGER LANE, ELSLACK.

APPLICANT NAME: MRS JULIA MULLIGAN

TARGET DECISION DATE: 07/05/2015

CASE OFFICER: Gemma Kennedy

Note: This application has been submitted by a relative of a Member of Craven District Council. Under the terms of the Code of Conduct for Members/Officers, such applications fall to be determined by the Planning Committee.

Monitoring Officer: In accordance with Paragraph 4 of the Members' and Officers' Code of Practice for Dealing with Planning Matters, I can confirm that this application has been processed normally.

1. Site Description

- 1.1 The application site is located on the southern edge of a field adjoining the garden of Acres Barn, approximately 39 metres to the south of this property. Acres Barn is a detached barn conversion, approved in 2008 for residential and business use, located in a central position within the small village of Elslack. Clogger Lane runs alongside the western edge of the field.

2. Proposal

- 2.1 Planning permission is sought for a detached stable block, consisting of two stables and a hay store, for private use by the applicant. Measuring 12.3 metres by 3.8 metres the building would cover a footprint of 47 square metres and would be constructed from dark brown ship lap timber cladding.

3. Planning History

- 3.1 25/2003/3859 - Conversion of building to employment generating use with ancillary living accommodation. Approved March 2004.
- 3.2 25/2007/8021 – Conversion of existing barn to provide living accommodation and business space for two businesses. Approved 07/02/2008.

4 Planning Policy Background

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

5 Parish/Town Council Comments

- 5.1 None received

6 Consultations

- 6.1 **NYCC Highways Authority:** Recommends approval subject to a condition requiring the stables to remain in private use for the applicant, and not for commercial purposes. Received 18/03/2015.

- 6.2 **CDC Environmental Protection:** “Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern.” Received 16/03/2015.

7 Representations

- 7.1 None received

8 Summary of Principal Planning Issues

- 8.1 The principle of development; the impact upon on the character and appearance of the open countryside; neighbouring amenity; and highway safety.

9 Analysis

Policy background;

- 9.1 Saved Local Plan Policy ENV1 permits small scale development appropriate to the countryside where it clearly benefits the rural economy; helps to maintain landscape character; is essential for the efficient operation of agricultural or forestry; or is essential to the needs of the rural community. Development considered to be acceptable under Saved Policy ENV1 also needs to accord with Saved Policy ENV2 which requires that development is compatible with the character of the surrounding area (in terms of views, materials, scale) and that rural access roads can accommodate any increase in traffic.
- 9.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); 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 the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.3 One of the core principles of the NPPF is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The national Planning Practice Guidance, at Paragraph 02 of ‘Health and wellbeing’ sets out that in respect of health one of the issues that could be considered is how *“development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do.”*

Principle of development;

- 9.4 In consideration of Saved Local Plan Policy ENV1 the proposal is for small scale development, and would be appropriate to the countryside as it would support a rural recreation. The proposal does not meet the criteria set out within Saved Policy ENV1 in terms benefiting the rural economy, community or operation of agricultural or forestry, however, stables for horses are typically found within the open countryside due to the very nature of their use. Furthermore, in this instance the applicant resides in a property adjacent to the site for the stables. This would allow the applicant to care for and exercise her horse(s) without undertaking car journeys, resulting in a sustainable form of development with regards to vehicular movements.
- 9.5 The proposal is also considered to comply with the Planning Practice Guidance, as with regards to health and wellbeing the proposal would allow the applicant to gain easy access to the ‘physical activity’ of horse riding.

Visual impact;

- 9.6 The proposed stables would be constructed from timber; a typical material for this type of development, and the proposed building is considered to be of an acceptable design and scale. The timber cladding would be dark brown, and the roof would be 'onduline' (corrugated style) roofing in black – these colours are considered to be acceptable. The stables would be in a slightly elevated position to the south of Acres Barn, due to the natural incline of the land. However, they would be viewed in the context of this property, rather than being located in an isolated open countryside position. The location of the stables adjacent to a boundary wall, and the presence of mature trees in the vicinity, would also help the structure to assimilate into its surroundings more effectively. The proposal is considered to comply with Saved Local Plan Policy ENV2 which requires that the design and materials take account of the immediate impact and public views of the development, and that the development is compatible with the character of the surrounding area. The proposal also complies with the NPPF, as it recognises the intrinsic character and beauty of the countryside.

Neighbouring amenity;

- 9.7 The nature of their use is such that stables can generate noise and odour nuisance. In this case the stables are small, and would only accommodate two horses. The closest property is the applicant's property, Acres Barn at 39 metres away. CDC Environmental Protection has been consulted on the application and has raised no objections on environmental protection grounds. The proposal is therefore considered to be acceptable in terms of neighbouring amenity.

Highways;

- 9.8 NYCC Highways Authority have been consulted on the proposal and have raised no objections subject to the use of the stables remaining private rather than commercial, as a commercial use would increase traffic to the site. The Local Planning Authority supports such a planning condition, as in addition to highways it would also ensure the development remains sustainable rather than resulting in additional journeys.

Conclusion;

- 9.9 Although Saved Local Plan Policies ENV1 and ENV2 have some weight in the decision making process, they are out of date as they were adopted in 1999. As such, paragraph 14 of the NPPF, which states that planning 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 NPPF as a whole, is applicable.
- 9.10 In this instance the benefits are to the applicant, providing an accessible and convenient location for her horse(s) to be kept. The impacts are mostly those on the character and appearance of the open countryside, but these have been assessed as acceptable rather than adverse. As such there are no adverse impacts that would significantly and demonstrably outweigh the benefits, and so paragraph 14 directs that planning permission should be granted.

10 Recommendation

- 10.1 Approve

11 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 22/15/1, 22/15/LP and 22/15/BP received by Craven District Council on 13th March 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 terms of the permission and for the avoidance of doubt.

3. The stables hereby permitted shall be used for private equestrian purposes only by the occupants of Acres Barn, Clogger Lane, Elslack, and shall not be used for commercial business purposes.

Reason: In the interest of highway safety and to ensure the development is sustainable, to accord with Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and 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.

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

GLUSBURN
32/2015/15507

ERECTION OF TWO DWELLINGS AND TWO DOUBLE GARAGES.

LAND ADJACENT TO LINGAH FARM, BAXTER WOOD, GLUSBURN

APPLICANT NAME: MR E HARRISON

TARGET DECISION DATE: 27/04/2015

CASE OFFICER: Andrea Muscroft

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 2015.

1. Site Description

- 1.1 The application site relates to a parcel of land on a north facing slope between Lingah Farm and Lingcroft House. The site is located at the far western end of Baxter Wood a residential estate within the village of Glusburn.
- 1.2 Access to the site is via a shared track that leads to a number of properties.
- 1.3 The land is currently used partially for the housing of hens enclosed behind wire fencing and also for the storage of building materials/equipment and vehicles.
- 1.4 The site whilst located adjacent to residential development is outside of the development limits identified by the Local Plan and is therefore classed as open countryside. Additionally the site falls within a location that is designated as Green Wedge.

2. Proposal

- 2.1 The proposal seeks planning permission for the construction of two detached dwellings with detached double garages.
- 2.2 The proposal has been supported by the following documents:-
- Design and Access Statement.
 - Landscape and Visual Impact Assessment.
 - Highway Report.
- 2.3 The dwellings would provide at ground floor level kitchen/dining area, utility, living room and sunroom with the first floor providing 4no. Bedrooms (one with En-suite and dressing room) and a family bathroom.
- 2.4 The proposal would also provide 2no. Double detached garages.
- 2.5 The buildings would be constructed from natural stone under a reproduction stone slate roof. Windows would be double glazed wood effect PVC frames with doors of timber construction.

3. Planning History

- 3.1 None relevance to this proposal.

4. Planning Policy Background

- 4.1 The National Planning Policy – NPPF.
- 4.2 Planning Practice Guidance – PPG.

- 4.3 Saved Policy ENV1, ENV2, BE3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Glusburn Parish Council: - No comments received at the time of compiling this report.
6. Consultations
 - 6.1 **CDC Environmental Health (Contamination Land):** - No known contaminated land implications regarding this site.
 - 6.2 **CDC Environmental Health (Environmental Protection):** - No potential Environmental Protection issues that would give cause for concern.
 - 6.3 **NYCC Highways Authority:** -Following the provision of a turning head as part of the proposal the authority does not object subject to a condition restricting the conversion of garages to habitable accommodation.
 - 6.4 **Yorkshire Water:-** No comments received at the time of compiling this report.
7. Representations
 - 7.1 The application has been publicised by letters sent directly to neighbours, by a site notice, and by a press notice. No representations have been received at the time of compiling this report.
8. Summary of Principal Planning Issues
 - 8.1 Principle of development.
 - 8.2 Visual impact of development & impact on the Green Wedge.
 - 8.3 Impact of development on neighbouring properties in terms of loss of privacy or amenity.
 - 8.4 Highway Issues.
 - 8.5 Affordable housing.
9. Analysis

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 Glusburn 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 should be assessed against the new Framework.
- 9.6 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.
- 9.7 The erection of new dwellings in an open countryside location without specific justification (such as dwellings for agricultural workers) would not accord with Saved Local Plan Policy ENV1. However, the NPPF’s presumption in favour of sustainable development, and the absence of 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 now be given to Saved Policy ENV1 with respect to this development proposal and the policy within it is superseded by the NPPF.
- 9.8 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 Glusburn. The application site is located to the west of Baxter Wood a well-established residential area. Although the site is within land designated as open countryside, it does lie adjacent to the fabric of the built up area with further dwellings to the west and east, and public park to the south of the site. The settlement has facilities and is considered to be a sustainable location for residential development. The proposals show that the site is suitable for residential use. 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.
- 9.9 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.

- 9.10 In conclusion, the application site is not located within the recognised development limits of Glusburn, as defined in the 1999 Local Plan, but is located immediately adjacent to it. 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.

Visual impact of development on the character of the surrounding area and the Green Wedge

- 9.11 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.
- 9.12 The site comprises an area of rising land to the west of Baxter Wood and as such the site forms a prominent landform, with distant views from the north looking south. However, this view would be seen as part of a hill, forming part of a residential area.
- 9.13 The proposal seeks to construct 2no. Four bedroom detached dwellings within detached double garages. To the east of the site is Baxter Wood a large residential area comprising of a mixture of differing styles and ages set within constricted sites giving the area a cramped appearance. In contrast development outside of the establish development limits and around the site (e.g. Ling Croft, Lingah Farm, Dairy Cottage and Lower Lingah Barn and Upper Lingah Barn Farm) is more spaced out.
- 9.14 The proposed layout and design of the development has been designed to reduce the developments visual impact, allowing for open spaces between the existing and proposed dwellings. The proposed development would however have the effect of visibly encroaching into the green space between the existing dwellings. Such an outcome is arguably contrary to Saved Policy ENV2 which seeks to maintain or enhance the character and appearance of the local landscape. However, this impact needs to be balanced against the benefits of housing provision.
- 9.15 In summary, it is acknowledged that the buildings would be in an exposed and prominent position on the hillside, however, this development would reflect the existing prominent development along Baxter Wood and thus would be viewed as a continuation form of built development. Furthermore, the use of traditional stone would help blend the dwelling into the surrounding character and appearance of the adjacent dwellings thus reducing any visual harm.
- 9.16 The site is also designated as Green Wedge and policy BE3 is of relevance. The purpose of the 'green wedge' is to maintain and reinforce the individual character of settlements and to prevent their physical coalescence by restricting developments that might compromise the gap between them.
- 9.17 In this case, the application site forms only a very small part of the Green Wedge. The development does not erode or compromise the gaps between existing settlements and would just result in the infill of an existing small gap. The development would not harm the purpose of the Green Wedge. In summary, it is not considered that the proposal would be contrary to the aims and objectives of Saved Local Plan policy BE3 and the guidance in the NPPF is not considered to change that position.

- 9.18 Overall, it is considered that whilst the dwellings would be located in a prominent location the proposed dwellings would not significantly harm the character and appearance of the open countryside or erode the purpose of the Green Wedge. Consequently, the proposal is not considered to conflict with Saved Policy ENV2 or BE3 and the aims and objectives of the NPPF.

Impact of development on the amenity of neighbouring properties.

- 9.19 The nearest dwellings affected by the proposal would be Ling Croft located to the east and Lingah Farm to the west. Given the separation distances the proposed dwelling would not appear overtly dominate or overbearing when viewed from the habitable rooms of adjacent dwellings. It is acknowledged that the proposed dwelling to the west of Ling Croft would result in some overshadowing of secondary windows. However, given the separation distance and that the overshadowing would be limited to later afternoon it is not considered significant to warrant a refusal.
- 9.20 In terms of privacy, it is acknowledged that the proposed dwellings would result in a more intensive use of the land due to the construction of the dwellings, than currently experienced and that the proposal would see the introduction of windows to the northern elevation and patio doors to the rear elevation. However, these window/door openings would face across towards agricultural land and would not look across into any habitable windows or rear amenity space and as such would not result in any loss of privacy to the occupiers of these properties.

Highway Issues.

- 9.21 Saved Policy T2 is permissive of development provided that the proposal is appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.22 The application site would utilise an existing access onto Baxter Wood that currently services five residential dwellings. The proposal would provide four parking spaces for the use of the future residents of the dwellings thus the proposal would meet the requirements of Saved Policy T2 in that the proposal would not create on street parking. NYCC Highways have been consulted following the inclusion of a turning head have not raised any objection to the proposal. The Highway Authority has recommended a condition requiring the garages not to be converted to habitable accommodation, but this requirement is not considered to be necessary to make the development acceptable and therefore the condition should not be attached,
- 9.23 To the north of the proposed dwellings there is a public footpath. On the basis of the information provided it seems that the development will not obstruct this. An appropriate informative is recommended to help ensure that its route is protected.
- 9.24 It is therefore considered that the proposal would provide adequate off-street parking and would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 which seeks to ensure appropriate off street parking provision and highway safety and the aims and objectives of the NPPF.

Affordable Housing.

- 9.25 The application site and development proposed is below the threshold for affordable housing provision.

Conclusion

- 9.26 In officers opinion the adverse impacts of allowing the development are minimal. The benefits far outweigh the harm and therefore having regard to the advice within Paragraph 14 of the NPPF the development should be permitted.

10. Recommendation

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

11. 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 Drawing No R/1634/1, DL62/001, DL62/002 & DL62/003 received by the Local Planning Authority on 2nd March 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 terms of the permission and for the avoidance of doubt

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

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

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

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

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

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

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

8. Prior to the commencement of development details of proposed ground levels, proposed floor levels of the dwellings, garages, drives, and parking areas within the

development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed strictly in accordance with the approved plans.

Reason: The information is required as a pre-commencement condition to ensure that the works are carried out at suitable levels in relation to adjoining properties and in the interests of the character of the area.

Informatives

1. 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. In particular the Council has: -

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

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

*INGLETON & CLAP
45/2015/15578*

*ERECTION OF 3 NO HOARDING SIGNS TO ENTRANCE OF INGLETON
INDUSTRIAL ESTATE.*

INGLETON INDUSTRIAL ESTATE, NEW ROAD, INGLETON.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL - ECONOMIC
DEVELOPMENT

TARGET DECISION DATE: 14/05/2015

CASE OFFICER: Natasha Szusko

The application is referred to Planning Committee as Craven District Council is the applicant.

1. Site Description

1.1 The application site is an established industrial estate located off the A65 route that runs through the village of Ingleton. The site is made up of a number of units all of which offer a variety of services.

1.2 The site is identified as an Industrial Area within the Council's 1999 Local Plan.

2 Proposal

2.1 The proposal seeks advertisement consent for 3 no. signs. Two of the signs will display the text 'Welcome to Ingleton Industrial Estate' and are proposed to be sited either side of the access road into the estate. The third sign is proposed further into the estate and displays the names of individual businesses on the estate and their location.

2.2 The signage will be powder coated aluminium with cut vinyl applied graphics and non-illuminated.

3 Planning History

3.1 There is extensive planning history associated with the site referring to individual units, however, there is no specific planning history associated with the proposed locations of the advertisements.

4 Planning Policy Background

4.1 National Planning Policy Framework (2012)

5 Parish/Town Council Comments

5.1 Ingleton Parish Council – No objections – Received 10th April 2015.

6 Consultations

6.1 North Yorkshire County Council Highway Authority – Comments received 2nd April 2015. Recommendation that footway width of 1.5 metres shall be maintained and visibility at junction A65 shall not be reduced.

7 Representations

7.1 No third party representations received at the time of compiling this report.

8 Summary of Principal Planning Issues

8.1 Visual impact of the proposed signage upon the general amenities of the surrounding area.

8.2 Highway Safety.

9 Analysis

9.1 Paragraph 67 of the National Planning Policy Framework states that 'Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.

Visual impact of the proposed signage upon the general amenities of the surrounding area.

9.2 The A65 is an arterial route running through the village of Ingleton. In this location the road splits the village with the south eastern side of the road mainly being characterised business premises, including the Ingleton Industrial Estate.

9.3 As regards the visual impact of the proposed signs, those flanking the entrance are pole mounted signs measuring 3m x 640mm, they will be raised from ground level by 200mm. These will be seen against the existing boundary wall to the Industrial Estate. The identification/tenant sign will be set on the south east side of the main access into the estate. This sign will also be pole mounted and will be 2.5m x 1.5m and will have an overall height of 2.5m, the signage will be on the edge of the highway within the estate next to a grassed area. This sign will include the layout of the estate and a list of the businesses that occupy each unit.

9.4 The proposed signage is not considered to be visually intrusive within the street scene; in responding to the requirements of the National Planning Policy Framework it is considered that the signage is 'effective and simple in concept and operation'.

9.5 Officer Note: It was noted that there is other signage in place at the entrance to the Industrial Estate; however, the signage currently in situ is not subject to this assessment.

9.6 Highway Safety

9.7 The County Highway Authority has raised no objections to the proposal; however, they have requested that the footway width of 1.5m shall remain. Based upon the proposals submitted it is considered that this can be achieved and that the footway will not be obstructed by the display of the signage proposed.

10 Recommendation

10.1 To grant advertisement consent subject to conditions.

11 Conditions

1. The consent hereby granted is valid for only 5 years

All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority

3. Where any advertisement is required under these Regulations to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority

4. No advertisement is to be displayed without the permission of the owner of the site or any other such person with an interest in the site entitled to grant planning permission
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military)

Reason for 1 - 5: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in accordance with advice contained within PPG 19 'Outdoor Advertisement Control'

6. The approved plans comprise '1947/CDC/Site Sign' '1947/CDC/Left and Right Entrance Signs' Received by Craven District Council on the 19th March 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 terms of the permission and for the avoidance of doubt.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

**INGLETON & CLAP
45/2015/15579**

**APPLICATION TO VARY CONDITION 2 & 16 OF PREVIOUS PLANNING
APPLICATION 45/2014/14334, AMENDED PARKING LAYOUT.**

LAND OFF BURNMOOR CRESCENT, INGLETON.

APPLICANT NAME: MUIR HOUSING ASSOCIATION

TARGET DECISION DATE: 18/05/2015

CASE OFFICER: Natasha Szuszkó

This application has been referred to Planning Committee as the previous approval 45/2014/14789 was determined at Committee in accordance with the Council's Scheme of Delegation.

1. Site Description

- 1.1 The application site is a former garage site close to the centre of Ingleton. There are no public rights of way through the site although there are existing private access routes across it.
- 1.2 The Craven Heifer public house lies immediately to the north west of the site with the residential Burnmoor Crescent to the east and south. Burnmoor Crescent is a residential street made up of predominantly semi-detached properties. The garden space to the south of the application site is attached to St. Mary's Vicarage.
- 1.3 The application site is located within the development limits of Ingleton and is immediately adjacent to the Conservation Area.

2. Proposal

- 2.1 The application seeks to vary Condition 2 & 16 of 45/2014/14789. The purpose of altering these conditions is to allow an alternative parking scheme to be provided for the development.
- 2.2 Condition 2 of that approval states; *'The approved plans comprise drawings 100 rev C, 101 and 200 Rev A received by the Local Planning Authority on the 11th February 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.'*
- 2.3 The reason for imposing the original condition is as follows; *'To specify the permission and for the avoidance of doubt.'*
- 2.4 Condition 16 of that approval states *'No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number: (i) have been constructed in accordance with the submitted drawing (Reference Drawing No. 7307/100 (rev C) (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.'*
- 2.5 The reason for imposing the original condition is as follows; *'In accordance with policy T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.'*

3. Planning History

- 3.1 5/45/543 – Erection of single domestic garage on Council garage plot at Burnmoor Crescent – Approved 6.09.1993
- 3.2 5/45/582 – Erection of single domestic garage – Approved 4.12.1995
- 3.3 45/2009/9845 – Planning Permission refused in 2009 for the construction of 4 dwellings and associated car parking for the following reason:-

‘The proposed redevelopment of the site would result in the loss of a valuable amenity which in turn would lead to displacement of vehicles resulting in on street parking to the detriment of vehicular movement in the vicinity of the site and in particular in Burnmoor Crescent. As such the proposed development would not accord with the requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.’
- 3.4 45/2014/14334 – Demolition of 16 no. existing garages and the erection of 6 no. new dwellings for affordable rent with associated parking– Approved 11.03.2014
- 3.5 45/2014/14765 – Application to discharge conditions 4, 6, 7, 8, 10, 11, 13, 14 and 17 of previous approval 45/2014/14334. Part approved 12th August 2014.
- 3.6 45/2014/14789 - Variation of Condition 9 of Previous Planning Application Ref: 45/2014/14334 for the Demolition Of 16 No. Existing Garages and the Erection of 6 No. New Dwellings For Affordable Rent With Associated Parking – Approved 28th August 2014.
- 3.7 45/2015/15500 - Discharge of conditions 4,5,7,12 & 15 to previous planning application 45/2014/14334 – Approved 8th April 2015.
- 3.8 45/2015/15501 - Non material amendment to 45/2014/14334 to allow an alternative parking arrangement – Refused 18th March 2015.

Officer Note: Officers refused this non-material amendment application as it was considered that the changed parking arrangements may be something that members of the public or other interested parties may wish to comment on. The non material amendment application was therefore refused and the Local Planning Authority advised that this application be made under Section 73 to vary the conditions of the previous approval (45/2014/14789).

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012)

5. Parish/Town Council Comments

- 5.1 No comments have been received at the time of compiling this report.

6. Consultations

- 6.1 **North Yorkshire County Council Highways Authority** – Recommended a condition regarding the retention of parking spaces should the application be approved – Received 13th April 2015.

7. Representations

- 7.1 No third party representations have been received at the time of compiling this report.

8. Summary of Principal Planning Issues

- 8.1 Principle of Development.
- 8.2 Impact of the proposal upon the development and the amenities of neighbouring properties.

9. Analysis

Principle of Development

- 9.1 The principle of the development has already been assessed and approved under application reference 45/2014/14334. It is not considered that the request to vary condition no's. 2 and 16 will have any significant impact upon the principle of development.

Impact of the proposal upon the development and the amenities of neighbouring properties.

- 9.2 One of the core principles contained within the National Planning Policy Framework (paragraph 17) requires planning decisions to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.
- 9.3 The main assessment in the case of this proposal is the potential impact that the revised parking layout will have upon existing and future residents of Burnmoor Crescent. The proposal will not see a reduction in car parking spaces to those previously approved; however, the layout requires amending in order to retain the positions of the existing telegraph poles.
- 9.4 Three spaces are proposed behind the properties identified as plots 4 & 6 with two spaces to the east of the site, the sixth space is to be designated as a permanent space identified as No. 3 and will be located to the south east corner behind an existing property (No.13) Burnmoor Crescent.
- 9.5 No third party representations have been received regarding the amended layout. The property that the proposal would have the potential to impact upon is No.13 Burnmoor Crescent. The parking space is somewhat nearer to the rear of the property than it had been on the previous approval. However, the parking space is allocated as a permanent space to Plot No.3, therefore the level of movement is likely to be less than that had it been designated as a visitor space.
- 9.6 The level of amenity space within the parking area is altered to accommodate the reconfiguration of spaces, however, the alterations are not considered to lead to a significant loss in the landscaped area. The houses also benefit from their own private garden areas; therefore it is unlikely that the landscaped areas around the parking spaces would be used for recreation by the residents.

Conclusions

- 9.7 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan making and decision taking. In terms of decision making, this key paragraph within the Framework goes on to state '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 the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'
- 9.8 The application proposal to vary conditions 2 and 16 are considered to be acceptable in principle complying with the aims and objectives of the NPPF and those contained within paragraph 14 for the reasons outlined throughout this report. The proposal is also considered acceptable in terms of design, neighbour amenity and highway safety.

10. Recommendation

- 10.1 That condition 2 and 16 can be varied.

- 10.2 **Officer Note:** Condition 2 of the earlier permission will now become Condition 1. As development at the site has commenced a time limit condition is no longer required. As a result, Condition 16 of the earlier permission will now become Condition 15.

Conditions

1. The approved plans comprise drawings 100 Rev D received by the Local Planning Authority on the 18th March 2015 and Drawings 101 and 200 Rev A received by the Local Planning Authority on the 11th February 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. The window to the kitchen/living/dining area of flat 4 in the first floor northern elevation of the development hereby approved shall be obscured to level 5 and be non-opening. Once in place the glazing shall be retained as such thereafter.

Reason: To protect the amenity of the occupants of the nearby residential properties and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

3. The development shall be completed in accordance with the scheme for the provision of 100% affordable housing submitted and approved under discharge of conditions application 45/2015/15500 in order to meet the requirements of Condition 4 of planning permission 45/2014/14334.

Reason: The application has been assessed as wholly for affordable housing and therefore the development needs to make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

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

Reason: To secure proper drainage.

5. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 6 of planning permission 45/2014/14334 which refers to details of the proposed surface water drainage arrangements, which where possible should be based on Sustainable Drainage (SuDS) principles. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented. Or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority prior to their first use.

Reason: To secure proper drainage and to prevent flooding.

6. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2015/15500 in order to meet the requirements of Condition 7 of planning permission 45/2014/14334 which refers to details of the means of foul water drainage/disposal. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development.

7. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 8 of planning permission 45/2014/14334 which refers to building materials on the site details of all new materials to be used in the external surfaces of the buildings, including proposed external walling and roofing materials, the colour, texture and finish of the render, and the design and colour of all window frames, doors, rainwater goods, and the details of hard surfaced areas. Or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority prior to their first use. Development shall subsequently be carried out in accordance with approved details.

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

8. All external faces of windows and doors shall be set into reveals of not less than 70mm from the external face of the walls.

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

9. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 10 of planning permission 45/2014/14334 which refers to details of proposed ground levels, proposed floor levels of any dwellings, paths, drives, and parking areas, and the height of any retaining walls or boundary fencing within the development. The development shall thereafter be completed strictly in accordance with the approved plans. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use.

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

10. The walling materials shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 11 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use.

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.

11. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2015/15500 in order to meet the requirements of Condition 12 of planning permission 45/2014/14334 which refers to details of the landscaping of the site including wherever possible the retention of existing trees and hedges. The approved scheme 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 similar size to that originally planted.

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

12. The scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme or immediately adjacent to the site shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 13 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

Reason: To prevent damage to trees/hedges during construction works.

13. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. The Remediation Strategy shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 14 of planning permission 45/2014/14334. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

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

14. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2015/15500 in order to meet the requirements of condition 15 of planning application 45/2014/14334 which refers to Highway matters.

Reason: In the interest of highway safety.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 16:

(i) have been constructed in accordance with the submitted drawing (Reference Drawing No. 7307/100 (rev D))

(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: In accordance with policy T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

16. The following shall be completed in accordance with the details approved under discharge of condition application 45/2014/14765 to meet the requirements of Condition 17 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use. There shall be 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.

And no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the above has been laid out. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with policy T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. The applicant is 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.
2. No construction works should be carried out on the site outside of 7:30 am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday.
3. Adequate security must be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials.

Security of plant equipment and security of any fuel storage should be demonstrated.

There should be a dedicated secure area in which contractors can park their vehicles, which may have a significant value of tools stored in them when the contractor is working on site. Theft from such vehicles in these circumstances is not uncommon and should be addressed.

The name of the contractor and signage with an emergency contact telephone no. should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances.

4. There should be no access or egress by any vehicles between the highway and the application site until precautions have been taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. These facilities should include the provision of wheel washing facilities where necessary. 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 throughout the implementation of the development.

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.