

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 01 July 2013**

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

COWLING  
22/2013/13362

20 KW WIND TURBINE ON 20M MONOPOLE (27M TO TIP OF BLADES)

MARTINS BARN, HARDFIELD FARM, COWLING.

APPLICANT NAME: Mr R Wilkinson

TARGET DECISION DATE: 03/05/2013

CASE OFFICER: Gemma Kennedy

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**This application has been referred to Planning Committee and a site visit requested by Councillor Green, due to local opposition and public interest.**

1. Site Description

- 1.1 The application site is located in open countryside to the west of Cowling village, and to the north of the A6068. The site is 170m to the east of the applicant's property 'Martin's Barn' at Hardfield Farm, and another property at Hardfield Farm that is in separate ownership and is known as 'Hardfield.'

2. Proposal

- 2.1 The erection of a 20kw wind turbine on a 20m monopole, with a height to the tip of the blades of 27m. The application states that the proposed turbine will help the operation of the farm enterprise which is a stock rearing enterprise that requires substantial energy usage, especially in winter months when lighting and heating is required for housed animals.

3. Planning History

- 3.1 22/2012/1212/12524 - Request for screening opinion for 1 No. 50kW wind turbine (36.4m to hub, 46m to tip of blades). Determined EIA not required 10/04/2012.
- 3.2 22/2012/13185 - Screening Opinion for 1 No. 20kw turbine on 20m tower (27m to tip of blades). Determined that EIA not required - 07/01/2013

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 Craven District Landscape Appraisal 2002.
- 4.3 The National Planning Policy Framework.

5. Parish/Town Council Comments

- 5.1 Cowling Parish Council: "Recommendation is to reject this application on the grounds of proximity to other dwellings and to public rights of way. Too close to applicant's own home at 225M. Too close to other dwellings – 171M according to Design and Access statement, and under 300m from Bawsedge; this proximity would detract from the living conditions of inhabitants. Very close proximity to two Rights of Way, around 30M in one case. Local Plan Policy ENV1 states that small scale development will only be permitted where, amongst other things, it is essential for the efficient operation of agriculture. This farm has access to mains, therefore the wind turbine is not a necessity. Guidelines for distances vary, from 2Km in Scotland, New Zealand and Australia, through 1Km in Germany. County Cllr. Mulligan has publicly stated his aim is 2Km. Guidelines exist for minimum distance for dwellings etc. from ice throw – Canada for example has a minimum

distance of 305M – but of far more concern is that of blade failure, where broken blades have travelled in excess of a mile, (Caithness Wind farm Information Centre 2012).” Received 09/04/2013.

## 6. Consultations

- 6.1 The original response from CDC **Environmental Protection** did not take into account the property known as Hardfield (which is not within the applicant’s ownership). Environmental Protection commented: “Having considered this application in relation to the potential for noise nuisance to nearby dwellings. With the exception of the applicants property (approximately 170m distance), the nearest noise sensitive property is approximately 250m away (Beaushaw Well Farm). Due to the distance of this property from the proposed location of the turbine I am satisfied there are no potential Environmental Protection issues that would give cause for concern in this respect.” Received 10/04/2013.
- 6.2 Updated comments from CDC Environmental Protection were supplied to take into account Hardfield: “The Sound Power Level of the turbine is 88.68dB(A) (information supplied by applicant). Noise attenuation over the distance of 160m to Hardfield would be in the region of 55dB(A) resulting in a Sound Pressure Level (i.e. the noise of the turbine at 160m) of 34dB(A). As such I would not consider this would cause a noise nuisance at Hardfield.” Received 19/04/2013.
- 6.3 With regards to shadow flicker CDC Environmental Protection have commented that; “Shadow flicker effects only occur within 10 rotor diameters of a wind turbine. Therefore as the proposed turbine has a rotor diameter of 13.1m (details of the proposed type and model - C&F Green Energy, Model CF20 supplied by the applicants) shadow flicker effects could possibly be felt only up to a distance of 131m from the turbine. As Hardfield, the nearest sensitive premises is approximately 170m distance from the proposed location of the turbine there should be no effects from shadow flicker at that property.”
- 6.4 Joint Radio Company: No objections. Received 02/04/2012.
- 6.5 Natural England: “Advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives. This application is in close proximity to the Stonehead Beck (Gill Beck) and South Pennine Moors Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI’s do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.” Received 15/03/2013
- 6.6 NERL Safeguarding: “No safeguarding objection.” received 18/03/2013.
- 6.7 NYCC Highways Authority: “Does not wish to impose restrictions on the grant of permission.” Received 03/04/2013

## 7. Representations

- 7.1 Five letters of objection to the application from three properties have been received, raising the following points;

- Prominent position on a south facing hill, with clear uninterrupted views from the south east. Very open and therefore highly visible location.
- Position on a 258m high promontory of land in an exposed position between Cowling Hill and Ickornshaw Moor, will have a significant impact on landscape. Site is open and exposed, and so would be clearly visible.
- Landscape and Visual Impact Statement takes no account of viewpoints from foothills of Cowling Hill.
- Colour and movement of turbine would make it stand out.
- No trees in vicinity, and turbine would tower over the nearest telegraph pole at 11m.
- Cumulative impact assessment is misleading – no mention of two approved 46m turbines at Hollins Raikes Farm.
- British Horse Society recommends a minimum separation distance of 200m from bridleways, yet the site is within 150m of Hill End Lane which is popular with horse riders in the area.
- Craven and Pendle's Planning Committees have refused other similar developments in this area due to impact on landscape, and some of these have been upheld on appeal.
- Proximity to a number of well used public rights of way, and Pennine Way is 650 yards to the east.
- Turbine will be overlooked by several properties whose opinions have not been canvassed by the applicants. Level of consultation is very subjective and inconsiderate, as residents who will see the turbine have not been consulted directly.
- Land based wind power is inefficient.
- Already a number of prominent wind turbines in the local area. Proliferation of wind turbines in area is already having a negative impact, and this is set to continue.
- Application site is in the middle of an area where ground nesting birds (lapwing and curlew) visit and breed each year. Also stop off area for geese, owls, skylark. Etc. Bats must also roost in large numbers locally.
- Application takes little notice of cumulative impact of this and other turbines in area on ornithological or landscape issues.
- Recent appeal dismissed against turbine at Hazel Grove Farm, Warley Wise Lane (in Pendle District) – less than 1 miles from this site. (Inspector's comments referred to in letter of objection).
- Find it inconsiderate and unacceptable that I have not been consulted directly on this application as I live less than 0.5K away (High Stone Head Farm)

## 8. Summary of Principal Planning Issues

8.1 The impact of the proposed development on; the character and appearance of the area; the setting of Listed Buildings; neighbouring amenity; highway safety; and on protected species. The contribution of the proposed development towards renewable energy targets.

## 9. Analysis

### 9.1 **Policy Background**

- 9.2 Saved Local Plan Policy ENV1 states that small scale development in the open countryside will only be permitted where it can be demonstrated that it either; 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 economy. Where development is acceptable in principle under Saved Policy ENV1, it must then be considered under Saved Policy ENV2, which sets out, amongst other things, that development should not have an unacceptable impact on the landscape.
- 9.3 At a National level, the National Planning Policy Framework (NPPF) provides guidance against which planning applications should be assessed. With regards to proposals for renewable energy, the NPPF is supportive, indicating (at paragraph 98) that applications should be approved if impacts are (or can be made) acceptable.
- 9.4 With regards to protected species, paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. In addition the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution.
- 9.5 Finally, the Rt Hon Eric Pickles MP made a ministerial statement on 6 June 2013 with respect to 'Local Planning and onshore wind'. The statement is a consideration in the planning process and outlines that new guidance on wind turbines will be produced that sets out: -
- the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.
  - decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases.
  - local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape (i.e. recognise that the impact on predominantly flat landscapes can be as great or greater than as on hilly or mountainous ones).
  - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- 9.6 Principle of development;**
- 9.7 As outlined above national planning guidance is supportive of renewable energy, and by generating 20Kw of energy the turbine would provide a small but nevertheless helpful contribution to cutting greenhouse gas emissions.
- 9.8 Planning policy at the National and Local levels seeks to protect the open countryside from sporadic development that would harm its character and appearance, and enjoyment for future generations, whilst recognising that some development in rural areas is necessary. It is about balancing the benefits of a proposed development against the impacts. The impact of the proposed development in terms of its impact upon the landscape, biodiversity, environment and neighbouring amenity, are all matters that will be addressed in the remainder of this report. Subject to these impacts being (or being made) acceptable, in terms of the principle of development, it is considered that planning policy sets out that there is an overriding need to provide renewable energy and as such the

development should be supported in principle despite the fact that the application does not strictly accord with Saved Local Plan Policy ENV1.

## **9.9 Impact on landscape;**

- 9.10 In Craven's Landscape Appraisal, the area the application site lies within is characterised as 'pasture with wooded gills and woodland.' This landscape is described as rolling pastoral with distinctive pockets of woodland and wooded gills following the topography. The character of the landscape is described as strong, and in terms of sensitivity to change, the area is described as being highly visible from large areas of the surrounding landscape due to a setting confined mainly to valley sides. Forces for change in this landscape include changing in farming practices and built development pressures from surrounding settlements. The character descriptions included in Craven's Landscape Appraisal refer to a wider rather than more site specific area, and whilst parts of this description is suited to the application site (such as the landscape being rolling pastoral) others are not (such as being highly visible due to a setting confined mainly to valley sides). The landscape immediately surrounding the application site is gently undulating pasture, with dry stone walls separating fields into irregular patterns, and country roads running through the area. However, the site is not on a valley side; the application site is on a lower section of land in that, at a height of 243m AOD, the surrounding landscape is mostly higher, but with parts that are lower in level than the site. Whilst the hamlet of Middleton to the north east is lower (225 – 235m AOD), there are various higher points; Stonehead Brow to the north west (300m AOD), Knoll Hill to the north east (258m AOD), Cowling Hill to the North (343m AOD) and Hollin Raikes to the west (300m AOD).
- 9.11 The application has been submitted with a 'Landscape and Visual Impact Assessment'. Wind turbine applications are often submitted with ZTVs (Zone's of Theoretical Visibility) which usually serve to indicate where photomontages are taken from, nevertheless the application has been submitted with 11 photomontages, selected from a variety of viewpoints and distances in the surrounding area. Letters of objection have raised some criticisms of the 'Landscape and Visual Impact Assessment,' such as viewpoints showing the turbine behind a tree, lack of viewpoints from foothills of Cowling Hill, and not mentioning two larger turbines permitted at Appeal, nearby in Pendle. The Planning Officer has taken these various factors into account in assessing this application, but has also carried out site visits, viewing the site from various points in the surrounding area, as well as considering land levels of Ordnance Survey Maps. As such, notwithstanding any shortcomings of the submitted 'Landscape and Visual Assessment, the Planning Officer is satisfied that a decision can be made on the application based on her own site visits, in combination with consideration of objectors comments, and the information submitted with the application.
- 9.12 Wind turbines inevitably have an impact on the landscape; their height, motion and colours making them unlike any other structure in the countryside. The key consideration of this application is whether or not the impact of the proposed 27m (to tip of blades) turbine on the landscape would be so harmful that it would outweigh the benefits of the turbine in providing a renewable form of energy. The location of the application site in an undulating landscape, with higher landforms in the surrounding area, is such that whilst the site will receive close range views from neighbouring properties, highways (including the A6068) and public rights of way, wider views of the site will be more restricted, and therefore intermittent. In the wider landscape the turbine, due to its position towards the lower part of the wider rolling landscape, would not, in the main part, be viewed as an intrusive skyline feature. It is recognised that the turbine would be prominent in localised views

from the immediate area, but the wider impact of the turbine would be limited, with more sporadic views of the turbine achieved when travelling through the landscape. Although on a small hill itself, the application site is on a lower land level than many parts of the surrounding area, and so views would be achieved of the turbine from these higher viewpoints. So for example the turbine would be visible from parts of Cowling Hill to the north, and also from Earl Crag to the East. These viewpoints are more distant, and therefore the turbine would not appear as prominent, furthermore it would be set against the backdrop of the landscape rather than as a skyline feature.

- 9.13 The landscape surrounding Cowling and Lothersdale has been subject to a number of applications for a variety of wind turbines, falling within both Craven District, and the adjoining District of Pendle. As is noted in Section 6 of the submitted 'Landscape and Visual Impact Assessment' three existing wind turbines, ranging between 12m and 20.9m to the tip of the blades, are visible from the application site, the most prominent of these being at 'Th'Oliver Farm' to the north west of the site. The submission has not however mentioned that planning approval has been granted (at Appeal) for two larger turbines (46m to tip of blades) at Hollin Raikes Farm, just over the border into Pendle, to the west of the application site. A turbine has also been recently approved in Craven at Lumb Farm, Park Lane (15m to top of monopole). The proposed turbine at Martins Barn will arguably have a greater impact on the landscape as an addition to a number of turbines already located in the area, rather than as a turbine in isolation. Nevertheless, it is considered that the siting of the turbine in an undulating landscape, where wide ranging views are limited (other than those from higher viewpoints where the turbine would be viewed against the landscape), would prevent there from being an unacceptable cumulative impact.
- 9.14 Paragraph 98 of the NPPF states that applications for renewable energy projects should be approved if the impacts are, or can be made, acceptable. A number of local residents have submitted objections to the application on the grounds of the impact upon the landscape. By introducing a tall vertical element into the pastoral landscape, the proposal will inevitably have an impact on the landscape. However, the Local Planning Authority considers that the limited height of the turbine (which is 19m shorter to the tip of the blades, than turbines at Hollin Raikes Farm, which were described by the Planning Inspector as small scale), along with its position on a relatively low area of land, subject to intermittent wider public views, is such that the impact on the landscape would not be unacceptable. As such, it is considered that the benefits of the wind turbine, in supporting the objectives of the NPPF, and contributing (albeit on a small scale) to renewable energy provision, would outweigh any residual negative impact on the landscape.
- 9.15 **Setting of Listed buildings;**
- 9.16 There are four Listed buildings in the vicinity of the proposed turbine. The closest is 300m to the south west at Lower Bawes Edge. There are three further Listed buildings to the north west between 500m and 660m away; Lower Stone Head Farm, Stone Head Farm and Higher Stone Head Farm. Given the scale, level of elevation and distance of the wind turbine from the Listed buildings at Stone Head, it is considered that the proposed turbine would not have an adverse impact on their setting. Whilst the turbine would be visible from these properties, it would not adversely affect how these properties are viewed in the landscape.
- 9.17 With regards to the closer property, Lower Bawes Edge, the Listing description reads "Farmhouse, probably later C17, altered. Rubble with stone slate roof. The house has been enlarged at the right hand end but has 2 double chamfered stone mullioned windows of 3 and 4 lights, and a door with a deep lintel at the left hand



end. Interior altered. Listed for group value only.” There are a mixture of traditional and more modern buildings on the farmstead, and the front elevation of the farmhouse is oriented towards the south east. The proposed turbine would be located to the north east of the farmhouse, and set on a lower land level. In some views within the landscape the turbine and the farmhouse would be viewed in the context of one another, however it is not considered that the turbine would harm the setting of this listed building due to the distance between them, and the change in land levels. The proposal is therefore considered to accord with Section 12 of the NPPF with regards to its impact on Heritage assets.

#### **9.18 Neighbouring amenity;**

- 9.19 Operating wind turbines generate noise, and therefore an assessment of whether that noise would result in any disturbance to nearby properties is an important consideration in assessing wind turbine applications. CDC Environmental Protection have considered the application and note that the closest properties ‘Hardfield’ (170m) and those at ‘Beaushaw Well Farm’ (250m) would not experience noise nuisance as a result of the proposal based on the noise generation of the turbine, and the distances between the turbine and properties.
- 9.20 In consideration of outlook from neighbouring residential properties, the closest affected property would be Hardfield, which is on a level approximately 8m below that of the turbine, 170m to the west of it. The rear elevation of Hardfield would not directly face the turbine, although it would be visible off centre from windows in the rear of the property. The ‘Landscape and Visual Impact Assessment’ submitted with the application includes a photomontage from the rear of Hardfield, which shows that the upper part of the turbine would be visible from the property. Given that the proposal is for one turbine only, and whilst relatively close is not a turbine of substantial height, it is considered that whilst the occupants of Hardfield would be able to view the turbine, it would not have an unacceptable effect on their outlook that would result in a harmful loss of amenity.
- 9.21 In consideration of shadow flicker, the ‘design and access statement’ submitted with the application sets out a section on shadow flicker, and that a ‘Shadow Flicker Assessment Methodology’ has been followed in assessing the impact of the turbine. This concludes that due to the height of the turbine and the distance to the nearest property (Hardfield, at 170m) there would be no significant affects from shadow flicker. CDC Environmental Protection concur with this view, advising that a turbine of this size and model would cause shadow flicker up to a distance of 131m from the turbine, and therefore would not have an adverse impact upon the nearest property Hardfield.
- 9.22 Finally, a local resident expressed concern that they live less than 0.5km from the site, but didn’t receive an individual letter of consultation. Interested parties do not have to receive a letter from the Local Planning Authority in order to comment on an application, and in this case the objector must have been made aware of the application in order to have commented. For this application the Local Planning Authority erected a site notice, issued a press notice, and sent 16 individual letters to neighbouring residents. The Local Planning Authority has therefore carried out more than the statutory requirements for consultation.

#### **9.23 Biodiversity;**

- 9.24 Natural England has advised that the site is in proximity to the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC, and in close proximity to the Stonehead Beck (Gill Beck) and South Pennine Moors Sites of Special Scientific Interest (SSSI). However, they have concluded that given the nature and scale of this proposal, Natural England is satisfied that providing the proposed development

is carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified.

9.25 Natural England also advise consideration of their guidance note TIN051 'Bats and Onshore Wind Turbines' which advises that to minimise risk to bats, a 50m buffer should be maintained around any feature where a bat may forage (trees, hedges), into which no part of the turbine should encroach. The boundary treatments surrounding the application site are stone walls and fences, and so the development accords with this buffer zone.

9.26 Local residents have advised that ground nesting birds visit and breed in the surrounding area. Whilst an ecological survey has not been submitted with the application, an Environmental Statement sets out that the small scale of this individual turbine would prevent any significant impacts on ornithology in the area, and Officers are satisfied with this conclusion.

**9.27 Highway safety;**

9.28 NYCC Highways Authority has raised no objections to the application on highway safety grounds.

9.29 A representation states that the British Horse Society recommends a minimum separation distance of 200m from bridleways, yet the site is within 150m of Hill End Lane which is popular with horse riders in the area. Hill End Lane is not a bridleway, and there are none in the vicinity. As such, although the Local Planning Authority recognises that horse riders will ride in the area, the Local Planning Authority would not be in a position to refuse the application based on the potential impact on horses when there are no affected bridleways.

9.30 The proposed turbine is 38m to the south of the nearest Public Right of Way. There is no statutory guidance on topple distance, but should the turbine fall, the tip of the blades would be 11m from the position of the public right of way.

10. Recommendation

10.1 Approval

Conditions

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

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

2. The development hereby permitted shall not be carried out other than wholly in accordance with Drawing 'Site plan for wind turbines at Martins Barn Farm, scale 1:2500' and drawing by C&F Green-Energy entitled 'Overall dimensions for CF20 turbine' received by Craven District Council on the 5<sup>th</sup> March 2013.

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

4. In the event of the wind turbine hereby approved ceasing to produce electricity the turbine, base and any ancillary equipment shall be permanently removed from the site within 3 months of the date it ceases to produce electricity.

Reason: To safeguard the landscape setting of the site and the general character and amenities of the area should the environmental benefits of the development cease to be available, in accordance with Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

5. No development shall take place until details of the colour finish of the turbine mast and equipment hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area and to accord with Saved Local Plan Policy ENV2, and the National Planning Policy Framework.

Reasons for approval

The details of the siting and design of the wind turbine are satisfactory and, having regard to the wider environmental benefits of the installation towards renewable energy, it is not considered that the development would significantly harm the character and appearance of the local landscape or wider area. It is considered that the proposal would not be detrimental to the amenities of nearby residents by way of noise, shadow flicker or outlook. The turbine is also considered acceptable in terms of local biodiversity and highway safety. The proposal is therefore considered to accord with Policies ENV1 and 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. In particular the Council has engaged in pre-application discussions.

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

GARGRAVE &  
MALHAM

**30/2013/13415**

*PROPOSED CONSTRUCTION OF 3 NO. FAMILY DWELLINGS WITH  
ASSOCIATED CAR PARKING SPACES*

*GARAGE SITE OFF SMITHY CROFT ROAD, GARGRAVE.*

APPLICANT NAME: Telford Construction

TARGET DECISION DATE: 21/05/2013

CASE OFFICER: Jack Sykes

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**Councillor Sutcliffe has asked that the application be referred to Planning Committee due to the level of public interest and a site visit undertaken.**

1. Site Description

- 1.1 The application site is located within the development limits of Gargrave but outside of the conservation area.
- 1.2 The site is located to the north west of the Smithy Croft Road cul-de-sac. Further to the north is the Leeds-Liverpool canal with its associated tow path and embankment. To the west of the site is the Craven Lawn Tennis Club. The club has a vehicular access through the site which runs from Smithy Croft Road to the north west corner of the application site. A public footpath runs directly along the eastern boundary of the site from which a pedestrian access into the tennis club has been formed with a gate in the fence.
- 1.3 The site contains 12 garages in two separate blocks, six of which are sited on the northern boundary of the site and a further six on the western boundary. The turning/access area between the garages is not formalised and not to an adoptable standard. The garage blocks are flat roof single storey buildings.
- 1.4 The houses on Smithy Croft Road are two storey terraced dwellings with front and rear garden areas. The principle elevation of the dwellings on Smithy Croft Road face onto an area of public open space that is central to the cul-de-sac.
- 1.5 A tree preservation order is attached to the group of trees along the south east border of the site and beyond the site to the south.

2. Proposal

- 2.1 Permission is sought for the construction of 3 no dwellings with associated car parking spaces.
- 2.2 Officer's Note: Planning permission 30/2012/12791 granting outline consent for 2 dwellings remains extant however this application seeks full approval for 3 units on the site.

3. Planning History

- 3.1 30/2012/12791 (25/9/12) Permission granted for renewal of planning permission reference 30/2009/9872 – Construction of 2 no dwellings with associate car parking
- 3.2 30/2009/9872 (22/9/09) Outline Permission granted for construction of 2 dwellings with associated car parking. Outline consent was granted for the access and layout of the site.

4. Planning Policy Background

- 4.1 National Planning Policy Framework
- 4.2 Saved Policy H3 of the Local Plan
5. Parish Council Comments
- 5.1 Gargrave Parish Council object to the proposed development and make the following comments:-
- 5.2 They consider that the 3 storey properties are not in keeping with the local area and have a detrimental effect on visual amenity.
- 5.3 They also consider that some of the information on boundaries and boundary walls questionable and worthy of further investigation.
6. Consultations
- 6.1 Craven District Council's **Environmental Health** has recommended that should permission be granted for the development conditions should be attached to any consent regarding the use of a SUDs system for drainage and also regarding the safe disposal of any asbestos on the site.
- 6.2 The **Highways Authority** consider that there is a traffic generation trade off and have stated that should permission be granted for the development conditions should be attached regarding the private access/verge crossings and the retention of parking spaces. The Highways Authority has also requested informatives regarding the Public Right of Way and identifying that a separate license would be required from them to carry out works in the adopted highway.
- 6.3 The **Canal and River Trust** has recommended that should permission be granted for the development an informative be attached to any consent advising the applicant to contact the trust to ensure that the necessary consents are obtained.
- 6.4 The Council's **Tree Officer / Arboriculturist** has no objections to the proposed development provided that the tree protection measures outlined on the submitted plans are adhered to from the onset and throughout the development.
- 6.5 **Yorkshire Water** has made the following comments:-
- Should permission be granted a condition should be attached in order to protect the local environment and YW infrastructure
  - YW records indicate the presence of a water main to the front of the site that may affect the layout of the site. It is recommended that no obstruction encroaches within 3m on either side of the mains.
  - A water supply can be provided under the terms of the Water Industry Act, 1991.
  - Development of the site should take place with separate systems for foul and surface water drainage.
  - Foul water may discharge to the public foul water sewers recorded nearby at 15/17 Smithy Croft Road.
  - Curtilage surface water may discharge to the public surface water sewer recorded in Smithy Croft Road.
  - No land drainage should be connected/discharged to the public sewer.
  - Off site sewerage may be required – this may be provided by the developer and considered for adoption by means of a sewer adoption agreement.
  - YW has no objection in principle to the proposed separate systems of drainage on site and off site, the amount of domestic foul water to be discharged to the

public sewer, the proposed amount of surface water to be discharged to the public sewer and the proposed points of discharge of foul and surface water to the respective foul sewers.

- The developer should note that the site drainage details have not been approved for the purposes of adoption or diversion and the applicant should contact YW should they wish this to happen.

## 7. Representations

7.1 6 letters of objection have been received raising the following points:-

### Traffic

- 7.2 The garages have not been fully used for several years and the development would cause a considerable increase in traffic into the site and on adjacent streets. The applicant has also approached the tennis club with a view to buying more of their land for development which would compound the issue further.
- 7.3 Extra traffic and the volume of extra parking would have an impact on the emergency services and bin wagons.
- 7.4 If the properties have more than 2 cars where will they park?
- 7.5 Concerns that the development would unacceptably obstruct a right of access through the site. The fence even with removable sections may infringe on this right of way and there is limited detail as to the construction of this fence. The rationale for the fence is also considered to be questionable.
- 7.6 The planning application states that no diversions of rights of way would be required however the proposal would involve the altering of the respondent's right of access
- 7.7 The drawings show a tree root protection fence that infringes on the right of access and the respondent would like confirmation that this is a temporary measure and no such fencing will exist on completion of the works
- 7.8 The only car parking associated with the club is the area of grassland adjacent to the courts and on busy occasions cars occasionally have to reverse out of the gates. The cars likely to be associated with the development has increased from 4 to 6. The club consider that the amount and layout of the development will lead to problems of access to the tennis club and could lead to damage of vehicles to users of the site
- 7.9 Users of the parking spaces associated with plot 3 will have a complicated turning and reversing manoeuvre that would conflict with movements to and from the club. The conflict between cars accessing the site and using the tennis club could lead to amenity problems and safety issues with pedestrians.
- 7.10 There is only one visitor space provided and parking of cars within the turning head would exacerbate problems for local residents.
- 7.11 Club acknowledge that the Highways Authority have not objected to the proposal but consider that the parking layout would not result in a good standard of amenity for existing or future occupants of the surrounding area. The club consider that the development would not contribute positively to making the surrounding area better and as such would not meet the requirements of the NPPF.

### Design

- 7.12 Application ignores that the site borders Meadowcroft which consists of 9 bungalows making a development of 3 storey buildings on an already raised level totally out of character.

- 7.13 The tennis club also consider that the 3 dwellings would be an overdevelopment of the site which has given the retention of green space a low priority.
- 7.14 The tennis club request that if consent is granted a dwarf wall should be built around the properties to clearly delineate domestic areas and prevent parking in such a way that blocks access to the tennis club.
- 7.15 The site is located adjacent to the boundary of the Gargrave conservation area and is particularly prominent as it is seen from the canal towpath and the public footpath running through the site.
- 7.16 In terms of design the development only includes window heads and cills not stone surrounds that are found in the local vernacular and nearby properties.
- 7.17 Development only includes a dwarf stone wall to the east elevation which is viewed from the conservation area. Render is a characteristic of 20<sup>th</sup> century development surrounding some of the site but this is not characteristic of Gargrave or the wider area.
- 7.18 Development includes quoin stones to the east elevation but not to the west.
- 7.19 Regard should be had to both views into and out of conservation areas and the development due to its poor use of materials and design detailing would impact adversely on views both into and out of the Conservation Area.
- 7.20 The club have submitted examples of dwellings in the area that they consider show good design in the area with stone walls, sawn stone window surrounds and quoin stones.

Other issues

- 7.21 Application form states that the application is for 3x 3 bedroom properties but the plans are for 3x four bedroomed properties.
- 7.22 The arboricultural survey makes no mention of the fact that some of the trees on the site are subject of tree preservation orders.
- 7.23 The respondent questions whether the dwellings will be for open market sale or be for rental.
- 7.24 No objections to the new dwellings but have great concerns regarding the asbestos roofs on this site and the adjacent sites.
- 7.25 Any demolition of the garages should be subject to the appropriate asbestos regulations to ensure the protection of neighbouring residents and users of the nearby public rights of way.
- 7.26 Concerns that the existing drains would not have the capacity to accommodate the extra load provided by the new dwellings.

8. Summary of Principle Planning Issues

- 8.1 Principle of the development.
- 8.2 Visual impact of the proposed development.
- 8.3 Impact of the development on the amenities of neighbouring properties.
- 8.4 Highway access and rights of way.
- 8.5 Tree works.

9. Analysis

**Principle of the development**

- 9.1 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should also approve development proposals that accord with the development plan without delay.
- 9.2 Saved Policy H3 (Residential development within the development limits of Skipton, and the named local service centres) directs that development will be permitted for the redevelopment of land within the development limits of named local services centres, one of which is Gargrave provided a number of further criteria are met.
- 9.3 The application site is situated within the development limits of Gargrave and the predominant surrounding land use is residential. It is considered that the proposed land use would be compatible with those uses surrounding it. Development of the housing for residential use is therefore considered to be acceptable under the guidance of Saved Policy H3 and a form of sustainable development and as such acceptable in principle under the National Planning Policy Framework.
- 9.4 Finally, outline permission for 2 dwellings has previously been granted on this site and the permission remains extant. Given the prevalence of the same planning policies it is considered that the residential development of the land remains acceptable in principle.

#### **Visual impact of the proposed development**

- 9.5 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.” Saved Policy H3 also requires that residential developments do not damage the character of existing residential areas.
- 9.6 The application site is adjacent to the boundary of Gargrave Conservation Area and as such would be visible from certain points within this designated area. When determining applications that may potentially affect heritage assets the NPPF states that LPAs should take account of:-
- 9.7 “The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 9.8 The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- 9.9 The desirability of new development making a positive contribution to local character and distinctiveness.”
- 9.10 Within the surrounding area there are a mixture of single and two storey properties with the proposed dwellings considered to be most closely related to the two storey properties on Smithy Croft. The proposed dwellings would be of 2 ½ stories with the properties slightly taller than a standard 2 storey property and providing accommodation within the roofspace. . It is considered that the proposed dwellings height would not be incompatible with that of the adjacent properties and therefore it is considered that the scale and proportion of the dwellings would be acceptable.
- 9.11 In terms of materials the proposed buildings would be constructed of grey concrete tiled roof, render walls with stone quoin detailing and dwarf wall to the eastern elevation. Stone heads and cills are proposed to the window openings and the windows and doors are to be constructed from white uPVC. The proposed development would be most closely related to Smithy Croft Road with access to the site garnered through this adjacent residential site and the properties in close



physical proximity. These properties have, predominantly, rendered walls with some stone quoins and a mixture of roofing and window materials. The properties which the development would face also have stone heads and cills to the windows. It is acknowledged that the site would be visible from within the Conservation Area however the materials to the proposed development are not considered to have a detrimental impact on this designated area given the presence of such materials in the adjacent housing area. It is therefore considered that the development would be constructed of appropriate materials to the area.

9.12 In terms of design the development would represent a short terrace like those found on Smithy Croft Road. The dwellings would be of a simple design with sufficient detailing in terms of use of materials and provision of porches to maintain visual interest and to break up the appearance of the dwellings. Vertically proportioned windows would be utilised throughout the terrace giving some uniformity throughout the units. Boundary detailing would be a mixture of close timber boarding to the west and south with a post and rail fence forming part of the eastern boundary. These boundary treatments are considered appropriate with the lack of boundary detailing to the fronts of the properties creating an open feel to the development. Further landscaping is proposed to remove trees and create car parking spaces close to the canal however this is not considered to be to the detriment of the character and appearance of the area. Each property would have a small private amenity space that is considered sufficient to allow for children's play, bin storage and drying of clothes in accordance with this requirement of Appendix F of the Local Plan.

9.13 Although adjacent to the conservation area the proposed development is not considered to have harmful impact on this designated area or its setting for the reasons outlined above.

9.14 The proposed development is therefore considered to be of a scale, proportion, design and materials that would not have a significant detrimental impact on the character or appearance of the surrounding area meeting this requirement of the NPPF and Saved Policy H3 of the Local Plan.

#### **Impact of the development on the amenities of neighbouring properties**

9.15 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy H3 also states that residential development would only be acceptable where it does not damage the amenity of existing residential areas.

9.16 Neighbouring properties are only located in close proximity to the south east of the site along Smithy Croft Road. Given the position of the row of terraces in relation to the existing terrace it is not considered that the development would result in a significant increase in overshadowing.

9.17 In terms of overlooking, plots 1 and 2 would broadly face the side elevation of 17 Smithy Croft Road. Policy no3 of Appendix F in the local plan states that except in special circumstances extensions would not be acceptable where they include windows to habitable rooms with an unrestricted view within 21m of any habitable room windows on neighbouring residential properties. Whilst this policy refers to extensions it is considered that the broad principles of this should be applicable in this instance. The 2 storey element of no17 would lie approximately 22.6m from the front of plot 1 a sufficient distance to maintain privacy. A single storey extension on No17 would be closer to the new dwellings however would be overlooked to some extent by the existing access and public footpath and it is not considered that the new dwellings would be to the significant detriment of the privacy of this part of the dwelling.

- 9.18 The front of plot 1 lies closer to No15 Smithy Road at a distance of around 9.2m however the windows do not look directly towards each other. Furthermore the closest window to plot 1 would be to a non-habitable room (landing) with the applicant suggesting obscured glazing to this window. Windows to the southern elevation are also to landing areas and as such would not be considered to be habitable rooms by Appendix F and as such would not cause overlooking of amenity spaces to the south. It is therefore considered that the proposal would not result in any unacceptable overlooking of neighbouring properties.
- 9.19 In terms of obstruction of windows it is considered that Plot 1 is set at sufficient distance from No 15 to not have a significant detrimental impact on the windows to this property which is built close to its western boundary.
- 9.20 Some respondents have suggested that the road layout and parking provision will have a detrimental impact on the amenities of neighbouring properties. The development provides 2 car parking spaces per dwelling with an additional visitor space and in a sustainable location where there is easy access to the facilities and transport links of Gargrave it is considered that there would be ample parking provision for the development. Outline consent has been granted for 2 dwellings on the site and it is not considered that the extra dwelling and associated increase in parking provision would cause a detrimental impact on the amenities of neighbouring properties.
- 9.21 The proposed development is therefore not considered to result in any unacceptable detrimental impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policy H3 of the Local Plan.

Highway access and rights of way

- 9.22 Saved Policy H3 states that residential development within the development limits of local service centres, such as Gargrave, would only be acceptable where it does not create conditions prejudicial to highway safety.
- 9.23 The proposed development would utilise the same access as per the previously approved outline application for two dwellings and also the current use of the site for garages. The site has 12 garages on the site and it is not considered that the 3 dwellings would create an increase in traffic flow compared to that potentially caused by 12 garages. The Highways Authority considers that this would involve a traffic trade-off between the garages and dwellings and raise no objections to the proposed scheme.
- 9.24 A public footpath runs to the south east side of the development site however would not be altered by the proposal. The Highways Authority has recommended an informative to protect this PROW during construction and it is considered that the proposal would not have a detrimental impact on this footpath.
- 9.25 It is also acknowledged that there are rights of access through this site towards the west and the tennis club and to the east towards land behind Smithy Croft. From the submitted plans and representations made it appears that these accesses may be altered somewhat however this is a private matter that falls outside of the scope of the planning system. The tennis club have raised concerns about the site's road layout in terms of their access however no concerns were raised by the Highways Authority with regard to manoeuvrability. It is therefore considered a private matter between the tennis club and the land owner to ensure that the right of access meets the legal requirements and one that falls outside of the scope of the planning system. Similarly any issues with regard to the right of access through the site to the east are noted but considered to be outside of the remit of the planning system.

9.26 It is therefore considered that the proposed development would be acceptable in terms of its highways access and would not create conditions prejudicial to highway safety meeting this requirement of Saved Policy H3.

Other issues

9.27 A respondent has raised concerns regarding possible asbestos on the site. This has also been identified by the Council's Environmental Health Department as a possible concern and an informative is attached to mitigate against any possible health issues.

9.28 Responses have also raised concerns regarding the drainage of the site however Yorkshire Water have raised no concerns in principle to the development of the site and as such it is considered that the drainage of the site proposed would be acceptable. It should be noted also that given the extant planning permission for the development of 2 houses on the site the only consideration with regards to the current proposal is the potential impact of an additional dwelling. Sufficiently detailed plans have also been submitted in regard of drainage for Yorkshire Water to be happy with the proposal and to not warrant any conditions in this respect.

9.29 The Council's tree officer has no objections to the removal of the trees outlined on the plans or the tree protection measures proposed. The trees subject to a TPO lie along the south east boundary with the proposed dwellings all lying outside of the root protection areas. Some of the communal courtyard area falls within the root protection zone of T2 however some hardstanding already exists in this location with the area used for access to the garages on site, the tennis club and other areas. No digging is proposed in this area and it is considered that this element of the proposal would not be to the substantial detriment of T2's health. Trees along the embankment to the north of the site are not considered to be of a quality worthy of protecting with the scheme looking to remove a number of trees in this area and carry out replacement planting. Tree root protection fencing would be in place around the large mature trees to be retained on the site and this is considered to be an appropriate method to preserve these important specimens.

9.30 Responses have questioned whether the properties will be for sale or let. These details have not been supplied by the applicant however matters of tenure are not material to the planning application.

10. **Recommendation**

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

Summary of conditions

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

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

2. The development hereby permitted shall not be carried out other than wholly in accordance with Drawings MTC 4:01 Rev A MTC 4:02 rev A and MTC 4:03 received by Craven District Council on the 25<sup>th</sup> March 2013.

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

3. No occupation or use of the dwelling (identified as Plot 1) shall take place until the first floor window on the eastern elevation above the porch has been fitted with obscure glazing (minimum Level 5 obscurity). The development shall be maintained with such obscure glazing at all times thereafter.

REASON: To safeguard the residential amenities of the occupiers of adjoining property.

4. Notwithstanding the details indicated on the approved plans and supporting documents, no works to the external finishes of any of the properties or the stone wall around the parking areas of Plot 3 shall commence until details of all the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

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

5. The proposed development shall be carried out wholly in accordance with the tree protection details shown on plan MTC 4:03 and Figure 3 received by Craven District Council on the 25<sup>th</sup> March 2013.

REASON: To ensure that the proposed development does not have an adverse impact on trees within the application site.

6. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the water mains, which enter the site.

REASON: In order to allow sufficient access for maintenance and repair work at all times

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the 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.

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

REASON: To ensure the proposed development does not have an adverse impact on highway safety within the vicinity.

8. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on MTC 4:03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

REASON: In accordance with Saved Policy H3 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

9. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be developed using separate foul and surface water drainage systems and surface shall discharge to a sustainable drainage system (SuDS).

REASON: In accordance with Saved Policy H3 and to ensure satisfactory drainage.

10. No development shall commence until a scheme indicating the type and distribution of all new trees to be provided within the site has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented within 12 months of the date from when development on site first commenced (including site clearance). Any tree which is removed becomes seriously damaged, seriously diseased or dies within 5 years of planting must be replaced by a tree of the same species and be of a similar size to that originally planted.

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

#### Informatives

1. The applicant should be aware that private rights of access exist across the site and it is the applicant's responsibility to ensure that the development does not affect these legal rights.
2. 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.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 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 proposals for altering the route.
4. The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.
5. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0845 120 84 82, fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRC publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.
6. Regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. garage roof material. The applicant should ensure removal of any such material is carried out by a suitably competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site. Confirmation of the method

of disposal of asbestos material should be submitted to the Environmental Protection Dept of Craven District Council for approval and any subsequent works carried out in accordance with those approved details.

Reasons for approval

The proposed residential development of the site is considered to be acceptable in principle and would not have a significant adverse impact on the amenities of neighbouring properties. Furthermore the development would be of an acceptable scale, proportion design and materials to not have an adverse impact on the character or appearance of the surrounding area. The proposed development would therefore meet the requirements of the National Planning Policy Framework and Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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.