

PLANNING COMMITTEE MEETING AGENDA

Monday 29 July 2013

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

*SUTTON
66/2013/13537*

*OUTLINE APPLICATION FOR CONSTRUCTION OF 10 NO. DWELLINGS
AND CONSTRUCTION OF NEW HIGHWAY ACCESS.*

LITTLE CROFT, WEST LANE, SUTTON.

APPLICANT NAME: MRS A WEATHERALL

TARGET DECISION DATE: 12/08/2013

CASE OFFICER: Roger France

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

1. Site Description

- 1.1 The application site comprises a triangular shaped plot of land some 0.53 hectares in area situated on the southern edge of the present built-up area of Sutton, on the west side of West Lane. The site is predominantly grassland but includes the applicant's existing bungalow and associated garden (excluded from the site area given above).
- 1.2 The surrounding area to the northwest and east is residential in character; to the south is open countryside. The site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999).
- 1.3 The eastern boundary is formed by West Lane and has a mixed hedgerow frontage, the western boundary is delineated by a narrow metalled track that forms a junction with a West Lane at the northern apex of the site and serves a number of dwellings further to the southwest at Slubbing Hill Farm (and is a public right of way). The southern boundary abuts a tree plantation and levels rise steeply away from the site to the south; the site itself has a gentle fall in levels from west to northeast. In addition to the trees and hedges along the West Lane boundary there is a further group of larger mature trees at the northern tip of the site. These trees are protected by a Tree Preservation Order.
- 1.4 The main existing feature within the site is a bungalow and attached curtilage, which is accessed from the adjacent track to the west; there is no other current vehicle access to the site.
- 1.5 The site falls outside a Flood risk area; i.e. Zone 1 (minimum risk).

2. Proposal

- 2.1 The application seeks outline planning permission for a residential development of 10 dwellings (in addition to the retention the existing dwelling). The details to be considered for approval in the application are the means of access to the site; the layout; and the scale of development, the other matters, i.e. appearance and landscaping are reserved for further consideration and approval.
- 2.2 The proposed means of the access to the new housing is proposed as a new junction off West Lane some 55 metres to the south of the existing access to Slubbing Hill Farm (the existing bungalow will retain its existing access of the track). The submitted housing layout, as amended, is for 10 dwellings (7 two-storey houses and 3 bungalows). These form a mix of 6 detached three and four bed units and 4 semi-detached houses & bungalows (one, two & three bed). The design details of the dwellings are reserved for further approval.

- 2.3 The application proposes that 40% of the dwellings (4 units) will be affordable.
- 2.4 The Planning application is supported by a Design & Access Statement.
- 2.5 Landscaping details are reserved for further approval but the proposed layout retains the protected trees and most of the West Lane hedgerow, the exception being a 15 metre strip removed to permit the construction of the new access and required visibility spays. The design layout allows for tree protection fencing to be erected during construction to safeguard the root protection zone.
- 2.6 Revised layout plans have been submitted to make minor revisions to the layout to take account of the highway authority's comments and alter the type of affordable accommodation.

3. Planning History

- 3.1 5/66/49: Residential development. Refused May 1992.
- 3.2 66/2001/1465: Construction of 2 detached dwellings. Refused October 2001
- 3.3 66/2002/2058: Detached dwelling. Refused June 2002.
- 3.4 NB. The above applications were refused on similar grounds; i.e. that the site lies outside the development limits of Sutton and was not a site which has been allocated for residential development under Policy H2 of the Adopted [1999] Craven Local Plan and the proposed development fails to meet the requirements of Local Plan Policy ENV1.
- 3.5 Householder applications for minor alterations to Little Croft have been excluded from the planning history as they are of no particular relevance to this proposal.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework.
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies which relate to residential development and have been 'saved' (under the Planning & Compulsory Purchase Act 2004) include Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; ENV10 'Protection of Trees & Woodland'; and T2 'Road Hierarchy'. 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".
- 4.3 While the LP Policies are broadly in line with the Framework they were not prepared under the aforementioned Act and are now superseded by the more recently published (and therefore more up-to-date) national planning policy; consequently the local plan carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.
- 4.4 Finally, in March 2012 the Council's 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 held to be in accordance with the NPPF).

5. Parish/Town Council Comments

- 5.1 Sutton Parish Council: Object to the application on the following grounds: -
 - (a) The application is outside the development limits and has previously been refused.

- (b) The drainage system is inadequate on West Lane. Residents have experienced flooding and during heavy rainfall, sewage seepage into their gardens. The sewers and drains are already at capacity and cannot cope.
- (c) West Lane is used as a 'rat run' and very narrow in places. Traffic is a serious problem down West Lane and the High Street which is already congested with constant parked cars and One Way traffic and no pavement (High Street), dangerous to people on foot. The extra vehicles this development will bring will exacerbate the problem on an already dangerous road.
- (d) Affordable Housing: Sutton has had its fair share of affordable housing with the Greenroyd Mill development and Woodturners with houses to sell and flats still and constantly to rent.

6. **Consultations**

- 6.1 **NYCC Highways:** The County Council has indicated that the highway authority has no objection to the development on highway safety grounds, subject to conditions concerned with offsite works and technical matters concerning the specifications for the access to the site.
- 6.2 **NYCC Archaeology:** The County Archaeologist's observations are: "The proposed development lies in an area of archaeological interest. Evidence from aerial photography, plotted as part of the English Heritage National Mapping Programme, shows that earthworks of a Medieval trackway and later post medieval trackways existed within the application area on photographs taken in 1989. The Medieval trackway was a substantial feature consisting of a central linear ditch bounded by two parallel banks, forming a hollow way measuring approximately 13 metres across. There is potential, therefore for development associated with this application to disturb and/or destroy archaeological remains dating to the Medieval and later periods. I would advise, therefore, that a suitable scheme of archaeological recording should be undertaken over this site/area in response to the proposed development. This is in order to ensure that a detailed record is made of any deposits that will be disturbed. This advice is in accordance with the National Planning Policy Framework."
- 6.3 **NYCC Education Authority:** No comments received.
- 6.4 **Environment Agency:** The Environment Agency has commented that the application falls outside the scope of issues the Environment Agency wish to be consulted on. The Environment Agency does however produce 'standing advice' and this essentially encourages the use of sustainable drainage systems (SuDS) to manage surface water run-off.
- 6.5 **Yorkshire Water:** No objection, but recommend several planning conditions to ensure site is properly drained, including the discharge of surface water.
- 6.6 **CDC Strategic Housing:** "The SHMA 2011 identifies a shortfall of 15 affordable homes in the Sutton in Craven ward by 2016. Locally, the shortfall is primarily in smaller homes for newly forming households, including first time buyers and is split 75% affordable rented housing to 25% affordable sale. This need for smaller homes has been compounded by the effects of Welfare Reform. Now failure to downsize for those residents on housing benefit to homes that 'fit' their household size, means average cuts to their income of £14 per week for one bedroom spare and £25 per week for two. Smaller homes will allow those tenants who are currently occupying larger family homes to downsize, freeing up these homes for others. The Council no longer operates a waiting list but is part of North Yorkshire Homechoice, an on line system that invites bids from those in housing need at the point vacancies arise. Monitoring of activity over the last 12 months identifies that 183 households have

registered for social housing vacancies in Sutton, 87% of which have required 1 or 2 bed homes. Almost a quarter of all households registered for Sutton are aged under 38. Whilst not all applicants will have the requisite local connection, the data provides a useful indication of need and priorities for new affordable housing development in Sutton.

Affordable housing proposals have been redesigned in consultation with Housing and Planning officers to create 2 no. 2 bed bungalows, 1 no 2 bed house and 1 no 3 bed house. All dwellings are of a good size and will meet Design Quality Standards. Eligibility criteria will prioritise those with a connection to Sutton in Craven, with one dwelling being offered on an affordable sale basis.

Proposals are for 40% affordable housing. They meet the requirements of the Council's Interim Affordable Housing Position, will help address a locally identified need and are supported by Strategic Housing."

6.7 **CDC Environmental Health** (Environmental Protection): Regard should be had for the incorporation of a sustainable drainage system (SUDS) provision as detailed in the NPPF.

6.8 **CDC Tree Officer**: No objections in principle.

"The majority of the trees on site are proposed for retention with the only removals in order to facilitate a new access. There is an area containing 5 trees in the Northern corner of the site which are protected by TPO no. 5 1969. No other trees on site are currently protected. A site visit was undertaken on 24th June 2013 to assess the potential for protecting the remaining trees which form a barrier to West Lane at the East of the site and comprise a row of mainly Ash and Sycamore and very few Oak with an undergrowth of Hawthorn and Ivy. Larger species of trees range from young to semi mature becoming more sparse towards North of site, being denser and more mature towards the south. Some dead stems and a few good specimens were noted but the majority were multi stemmed Sycamore. Minor deadwood was noted in some of the Ash. All the trees are growing close to the wall and are likely to outgrow their location before they reach maturity. As a result the trees do not meet the requirements to be protected by TPO and shouldn't, in my opinion, be considered a restriction to the development potential of the site.

The stem diameter of the protected trees to the North of the site was measured on those nearest the proposed development and it is recommended that a minimum distance of 7.5m is kept between any development works and these trees. The 12m clearance proposed would be much better as the majority of the tree roots are likely to be within the site due to the tarmaced surfaces to the other sides of the trees."

7. **Representations**

7.1 The planning application has resulted in 17 letters of representation, all in objection.

7.2 The objections are wide ranging and are summarised as follows; -

- West Lane and the roads leading to the site through the village are narrow roads, with high levels of on-street parking and also through traffic, making them unsuitable for the additional traffic that will be generated. It has also been commented that the roads are not gritted or treated with snow ploughs in the winter.
- The new junction onto West Lane will be dangerous to vehicles and pedestrians due to poor visibility and the absence of a pavement. It has also been suggested that if the application is to be approved an access from the north western side (alongside Little Croft) should be used instead.

- There is an existing surface water drainage problem in West Lane with regular run-off higher up West Lane flooding down past the site (freezing causing additional hazards in winter). Development will increase flood risk.
- Development will lead to an added burden on local services that are already inadequate i.e. schools, doctors, and infrastructure such sewage systems and electricity supply. Concerns have also been raised that the development will add to parking problems at the local train station.
- The construction of the houses will damage protected trees and harm wildlife.
- Approximately 1/3 of the land is marshy and is important to flora and fauna.
- There is no need for additional houses in Sutton or new affordable houses because of the number of other planning permissions recently granted.
- Development on this site has previously been considered contrary to Local Plan Policy ENV1.
- Open green space within the village should be protected from development, the proposals should be restricted to bungalows.
- The new houses will cause loss of privacy and for existing residents adjoining the site.
- There are too many houses proposed for the small site, and should be restricted to bungalows.
- The land was partly a field until recently, and has in recent years been closely mown to make a lawn and presumably facilitate planning permission.
- Construction works will cause highway safety and parking problems.
- Existing properties will be de-valued by the development.
- Loss of view.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development, having regard to the location of the site outside the defined settlement boundary as identified in the development plan and whether its release for development is justified by housing land supply considerations and national planning policy.
- 8.2 The impact of development on the local highway network and traffic safety.
- 8.3 The impact of development on drainage and flood risk.
- 8.4 The effect of the residential development on the character and appearance of the local landscape.
- 8.5 Effect on the amenities of local residents.
- 8.6 Other matters raised in representations.

9. Analysis

1. PLANNING POLICY & 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 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.
- 9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. Paragraph 14 indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Saved Local Plan: -

- 9.4 The following saved Policies of the Local Plan are relevant:
- (i) Saved Policy ENV1 (Development in the Open Countryside):
- 9.5 The application site lies outside the existing development limits of Sutton in Craven and, therefore, technically Policy ENV1 applies. Saved Local Plan 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."
- 9.6 This proposal is for 10 dwellings which cannot be considered small scale and, therefore, fails to accord with Saved Local Plan Policy ENV1. However, with the NPPF's presumption in favour of sustainable development, and the need to demonstrate a 5 year land supply, this is the policy area that is most subject to being superseded by NPPF guidance and only very limited weight can be now be given to saved Policy ENV1 as the evidence base dates back to 1999. (Nonetheless, this is the basis for the application being considered as a departure from the development plan).
- Saved Policy ENV2 (Requirements for Development in Open Countryside):
- 9.7 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. If the proposed residential development is held to be 'sustainable development' for the purposes of the NPPF then the application proposals are capable of being assessed against Policy ENV2.

The National Planning Policy Framework: -

9.8 (i) Housing land supply

One of objectives of the National Planning Policy Framework is to widen the choice of high quality homes and boost significantly the supply of housing. The NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites for housing sufficient to provide a five year supply against local requirements, with an additional buffer of five per cent to ensure choice and competition in the market for land. Where there has been a record of "persistent under delivery", the buffer should increase to 20 per cent (paragraph 47).

- 9.9 The housing target for Craven District Council (outside the Yorkshire Dales National Park) under the Yorkshire and Humber Plan was to provide 250 additional dwellings per year, giving a five-year target of 1250. With the Coalition Government's clear intention to revoke the RSS under the Localism Bill, local planning authorities were advised in a letter from the Chief Planning Officer dated 6th July 2010 that "local authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets" In other words , the Council would need to develop its own locally determined housing figure for the total number of new homes to be planned for in the new Craven Local Plan and to express this as an annual minimum housing target.
- 9.10 Following completion of the North Yorkshire and York Strategic Housing Market Assessment in November 2011 and a study on Craven's population estimates and projections in March 2012, the Council produced a background paper titled "Towards a Locally Determined Housing Target for the Craven District (outside the Yorkshire Dales National Park)" and a discussion paper on "Shaping a Spatial Strategy and Housing Figure". These papers formed the basis for engagement with parish/town councils and other stakeholders to start the process of developing a new housing target. On 8th October 2012, following consideration of the outcomes and feedback from the parish/town council and stakeholder workshops, the Craven Spatial Planning Sub-Committee resolved that a housing figure of 160 dwellings (minimum) per annum for that part of the Craven District outside the Yorkshire Dales National Park be adopted as the draft housing figure for the purposes of wider public consultation.
- 9.11 The Council's Policy Committee on 13th November 2012 subsequently resolved that in the event of the Yorkshire and Humber Plan Regional Spatial Strategy being revoked, the emerging housing target of 160 dwellings per annum for that part of Craven outside the Yorkshire Dales National Park be adopted for development control purposes for establishing a five year supply of housing land.
- 9.12 The emerging housing figure of 160 dwellings per annum has an up-to-date evidence base and has been subject to initial community and other stakeholder engagement and is scheduled to be subject to wider public engagement at the present time. Consequently, in the absence of any other information the new emerging target can carry some limited weight. Nonetheless, it is a minimum figure in the middle of the target range and could be subject to future change through the continuing local plan process.
- 9.13 The Council produces a regular Housing Position Statement to show the five-year housing land supply within the District. The Housing Position Statement is calculated by looking at sites with planning permission for housing which are either under construction or have yet to be started, and housing sites which were allocated in 1999 in the Craven District Council Local Plan and remain available for development.

9.14 The Council's latest Housing Position Statement sets out the following summary of housing supply as at 27 March 2013:

Outstanding Planning Permissions not started	= 842 units
Units under Construction	= 220 units
Allocated Sites	= 40 units
Total = <u>1102 units</u>	

However, it is recognised that some sites may never be developed due to constraints. Historically, planning authorities have applied a 20% slippage rate to account for sites not coming forward from the supply pipeline in the absence of robust land availability assessments. This means that the housing land supply at 27 March 2013 after taking account of slippage (i.e. minus 220) is 882 units.

- 9.15 A 5 year land supply calculation in compliance with the NPPF (i.e. 5years +20%), based on the new emerging housing target of 160 per annum would give a 5 year housing requirement of 960 dwellings (5x 160 +20%) . The current housing land supply of 882 dwellings falls short of this requirement by 78 dwellings.
- 9.16 Since 27 March the figures have not been updated but there has been further approval of 29 dwellings at Gargrave. Nevertheless, the Council's emerging draft housing target of a minimum of 160 dwellings per annum could be subject to change through the local plan process and it is firmly considered that, at this stage in the local plan making process, that the Council is not in a sufficiently robust position to demonstrate that a NPPF compliant five year land supply is currently in place. Consequently, further to NPPF guidance it is considered that the Council cannot demonstrate a five year land supply sufficient to dismiss, in principle, consideration of the current application.

(ii) Replacement Local Plan

- 9.17 The Council has engaged in discussions with parish/town councils and other stakeholders on shaping a spatial strategy and housing figure for the Craven District outside the National Park. As mentioned in the previous section, the emerging housing target arising from this work is 160 dwellings per year. Ideas for approaches for the distribution of the housing figure have also been the subject of these discussions. At meetings of the Craven Spatial Planning Sub-Committee on 8th and 30th October 2012, following consideration of the outcomes and feedback from the parish/town council and stakeholder workshops, it was agreed that a sub area approach to the distribution of the draft housing figure be approved for consultation purposes, with Skipton being the main focus for receiving site allocations in the 'South Sub area'. The contribution that each settlement may make to each sub area housing target was also agreed as a guide for the site allocations process and subsequent public consultation.
- 9.18 It was agreed that the draft 'South Sub area' housing target is 99 dwellings per annum with a guide figure of 5 dwellings per annum to be provided in Sutton. However, it must be borne in mind that this is a draft figure at this stage and may be subject to change. Nevertheless, using this figure as a guide, it means that a rolling 5 year supply of land of 25 dwellings (plus 20% = 30) would need to be maintained for Sutton.
- 9.19 As part of the site allocations process, the Council is carrying out an update of its Strategic Housing Land Availability Assessment (SHLAA) with the purpose of

identifying potential deliverable sites that could be considered for allocation in the local plan and to maintain a rolling five year supply of deliverable sites for housing. The update is being prepared with the aid of a Housing and Employment Market Partnership (external organisations and the Council). The application site is included in the SHLAA.

- 9.20 Whilst work on the update to the SHLAA is on-going, initial indications are that there is insufficient land potentially available on brownfield land or land within development limits to maintain a rolling 5 year supply of land and that greenfield sites will be required to be considered for allocation in the forthcoming Local Plan to ensure that a continuous supply of land for dwellings is maintained.
- 9.21 Having established the 5 year land supply position the planning proposal for residential development should, therefore, be next assessed against other NPPF objectives to assess whether it would form a sustainable development.

(iii) Sustainable development

- 9.22 The NPPF's overarching presumption in favour of sustainable development is based on the general acceptability of the proposals against "three dimensions", which according to the Framework has three broad roles: "economic, social and environmental". The guidance advises that these roles should not be undertaken in isolation because they are mutually dependent; i.e. the guidance states economic, social and environmental gains should be sought jointly and simultaneously.
- 9.23 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 "specific policies in this 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. In this case, the site falls outside any area of special environmental protection and is in a location on the edge of the existing built up area of Sutton. Sutton is a service centre within the District and education, community and other facilities are readily accessible within the area, and within walking and cycling distance. There are existing public transport links to other major centres. The indicative proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively and efficiently.
- 9.24 The replacement local plan remains at an early consultation stage, with adoption not anticipated until 2014. Therefore, the process still has some way to progress and carries limited weight. Nonetheless, the scale of the scheme is sufficient to make a contribution to the required 5 year 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.
- 9.25 As such, it is held that the proposal is in line with the objectives of the NPPF in that it reflects the general need and demand for housing in the area, is not contrary to the spatial vision for the District, and does not undermine wider policy objectives. Having regard to the advice in the Framework, taken overall the proposal is considered to be a sustainable form of development.

(iv) Affordable Housing considerations

- 9.26 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. The proposal is for 10 dwellings, with 40% provision equating to 4 dwellings. The Strategic Housing Market Assessment (SHMA) 2011 provides evidence of affordable housing need in the District, and identifies a shortfall of 15 affordable homes in the Sutton in

Craven Ward by 2016. This proposal will provide 4 affordable units on the application site to meet affordable housing needs, and the scheme has been amended to meet the identified need.

(v) Conclusions

- 9.27 In conclusion, it is considered that the principle of development would accord with NPPF guidance. Little weight can be given to either the adopted policies or the emerging Local Plan, and the application falls to be determined on the merits of the proposals themselves against the general NPPF and the agreed 5 year land supply. As a consequence, the policy reasons for the previous refusals of development in 1992, 2001 and 2002 have been superseded.

2. IMPACT ON LOCAL ROAD NETWORK AND HIGHWAY SAFETY

- 9.28 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.”
- 9.29 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.30 There are representations from the Parish Council and local residents concerning traffic safety issues stemming from local road conditions and the effects of on-street parking, congestion, and vehicle speeds. However, there is no technical evidence to support these concerns. On the basis of the submitted proposals the County highway authority recommends conditional approval of the planning application and, in the absence of any technical highway constraints, the proposals will accord with NPPF advice and saved Local Plan Policy T2.

3. DRAINAGE & FLOOD RISK

- 9.31 The site lies outside any Flood Risk area; however, due to the steep topography of the area to the south and existing problems from surface water run off onto the local highway network, there are a number of representations alluding to the potential for the development to exacerbate the present situation.
- 9.32 However, the consideration with regard to the application site is the impact of surface water drainage (as well as foul water) from the presently undeveloped site following development. Following consultation with Yorkshire Water appropriate planning conditions are recommended with respect to drainage matters, and there is no reason why the development of this site would cause any problems within the surrounding area.

4. IMPACT ON LOCAL LANDSCAPE CHARACTER & APPEARANCE

- 9.33 The application site does not fall within any area of special landscape designation under saved policies from the 1999 local plan. However, paragraph 109 -113 of the NPPF requires that “good design should contribute positively to making places better for people.”
- 9.34 The site lies on the edge of the built-up area and the surrounding area to the northwest and east is characterised by housing of suburban character, but the open countryside to the south falls within *Type 10 ‘Pasture with Wooded Gills and Woodland’* under the Craven District Council’s Landscape Appraisal (October 2002). This is described as “rolling pastoral landscape with distinctive pockets of woodland

and wooded gills following the topography”; and “distinctive settled character containing a number of linear settlements, villages and hamlets in valleys.”

- 9.35 In assessing ‘Sensitivity to Change’ the Landscape Appraisal notes that the area’s most vulnerable to landscape change are valley sides (when highly visible), and woodland areas. In this case the site is a section of low lying and level ground, that is relatively well screened. The application proposal is in outline form but details of the development including the means of access, layout and scale have been submitted; and a Design & Access Statement accompanies the application. Loss of trees has been raised as a concern in representations, but the D & A Statement recognises that the existing trees are a feature of the site that should be retained and protected and the layout is designed accordingly; similarly the scale of development, one and two-storey housing, is in keeping with the area.
- 9.36 The site contains trees protected by a Tree Preservation Order and other boundary trees and hedging. The proposals have been assessed by the Council’s Tree Officer (as noted in paragraph 6.8 of this report) and the spacing between houses and trees in the layout, and tree root protection measures proposed, are adequate measures to safeguard the amenity value of the trees on the site.
- 9.37 In conclusion, the application has demonstrated that the impact on landscape character would be largely confined to the site itself and immediate surroundings, and would not extend into the wider landscape/townscape to any significant degree.

5. EFFECT ON NEIGHBOUR AMENITY

- 9.38 Within the Core planning principles of the NPPF (Paragraph 17) it is stated that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.39 The indicative plan demonstrates that there is adequate spacing within the layout and to surrounding dwellings to meet normally acceptable separation standards for privacy and sunlight. The details of the individual properties and additional landscape treatment are reserved for further consideration, but there is sufficient information shown to indicate that the amenities of existing residents can be properly protected from any unreasonable overlooking or overshadowing.

6. OTHER MATTERS

- 9.40 Section 12 of the NPPF guidance ‘Conserving and enhancing the historic environment’ provides guidance on the treatment of archaeological remains within the planning process. Following consultation with the County Council’s Development Management Archaeologist it has been identified that the proposed development lies in an area of archaeological interest, and it has been recommended that at this outline stage a planning condition requiring the implementation of a programme of archaeological work (in accordance with a written scheme of investigation to be agreed prior to any work commencing) would allow sufficient consideration.
- 9.41 Concerns have been expressed about the loss of wildlife habitats, but despite the concerns raised the site is not understood to be of such value that this could justifiably be a reason to refuse planning permission.
- 9.42 If permitted implementation of the development would inevitably result in some noise, disturbance and inconvenience for local residents. Whilst this is not a reason to refuse planning permission a condition is recommended requiring a construction traffic management plan to be provided to demonstrate how highway safety risks and disruption to other road users is to be controlled.

- 9.43 Representation letters have raised some other issues that have not been directly addressed in this report. Concerns have been raised about the ability of local, doctors, dentists, schools and other local facilities/infrastructure to accommodate the new residents. However, Sutton is a larger settlement within the district with good access to community facilities and there is no evidence to support such objections or justify withholding planning permission for such reasons.
- 9.44 Finally comments have made that the development will impact on the value of existing houses and concerns raised about the loss of a view. These issues are not material planning considerations.

CONCLUSIONS

- 9.45 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 decisions on planning applications must be made in accordance with the statutory development plan unless material considerations indicate otherwise. In respect of the Saved Local Plan Policies, because the application proposal is outside development limits and is not small in scale, it does not accord with Policy ENV1. However, the NPPF is a material consideration and postdates the Saved Local Plan policies (the Development Plan) and as such should be given significant weight and primacy over the local plan where it is out of date.
- 9.46 The Council's latest Housing Position Statement (March 2013) illustrates that the District does not at this point in time have a demonstrable five year supply of deliverable housing sites as required by the NPPF. In these circumstances, regard should therefore be had to advice in paragraph 47 of the NPPF which states that where Local Planning Authorities cannot demonstrate an up to date 5 year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the NPPF including the considerations in paragraph 14 and the overarching presumption in favour of sustainable development.
- 9.47 The application site lies in a generally sustainable location on the edge of a main village within the District. Education, community and other facilities are readily accessible and there are public transport links nearby. Although the application is in outline sufficient details have been submitted to indicate that the proposal will provide high quality housing, including a significant provision of affordable housing of an appropriate mix to meet identified local housing needs. The proposed layout and supporting documentation also indicates that existing amenities will be safeguarded.
- 9.48 It is considered, therefore, taken overall the proposal is considered to be a sustainable form of development which would help meet a shortfall in provision for the currently identified housing requirement. Having regard to the provisions of the NPPF, this justifies granting permission for the development despite the location of the site outside the currently defined development limits of the settlement under saved Local Plan Policy ENV1.

10 **Recommendation**

- 10.1 **That planning permission is granted subject to the following conditions (which include the provision of affordable housing).**
- 10.2 **Officer Note:** Despite the application being advertised as a departure from the development plan if the Council is mindful to grant planning the development proposed does not fall into a category whereby the decision of the Council needs be confirmed by full Council under the scheme of delegation, or the Secretary of State for Communities and Local Government under the requirements of Circular 02/2009 The Town & Country Planning (Consultation) (England) Direction 2009.

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;

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 the expiration of 2 years from the date of this permission.
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.

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. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated May 2013 and 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. 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.

6. The plans and particulars submitted in accordance with condition 5 above shall include:
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree;

- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

7. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, the erection of fencing for the protection of the retained trees and hedgerows (including the trees protected by a Tree Preservation Order) shall be undertaken in accordance with the approved layout plan (Drawing No. 2438 Revision B, received on 8 July 2013). The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of Craven District Council.

[Informative: The fencing in relation to condition 7 should be erected in accordance with BS5837:2012 'Trees in Relation to Construction'. The fencing should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate that the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard].

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

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

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

9. 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.

10. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

11. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: The site is of archaeological interest.

12. 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: 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.

13. 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.

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

14. 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.

15. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specifications of the Highway Authority and the following requirements:

- a) The details of the access shall have been approved in writing by the Local Planning Authority.
- b) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- c) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- d) That part of the access extending 6 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
- e) 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.
- f) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- g) Provision of tactile paving.

All works shall accord with the approved details.

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

16. 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 60 metres measured along both channel lines of the major road (West Lane) from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In 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.

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

18. 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 Drawing Number 2438 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.

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

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.

- 20. Prior to the commencement of development a construction traffic management plan to demonstrate how highway safety risks and disruption to other road users is to be controlled shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the requirements of the approved construction traffic management plan.

Reason: In the interests of managing highway safety during the construction of the development, particularly given the proximity of a local primary school to the application site.

INFORMATIVES

- 1. No works are to be undertaken which will 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 & 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.
- 2. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the construction period.
- 3. "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”

4. All species of birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure, or take any wild bird, or damage or destroy the nest or eggs.

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 accepted additional information/changes to the scheme post validation,

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SKIPTON EAST
63/2013/13482***DEMOLITION OF EXISTING DETACHED DWELLING, GARAGE & SWIMMING POOL & THE CONSTRUCTION OF 10 NEW PROPERTIES WITH SOLAR PV PANELS AND GARAGING, ACCESS IMPROVEMENT WORKS FROM RECTORY LANE .**HIGH TREES, THE BAILEY, SKIPTON.*

APPLICANT NAME: Mr P Bentley

TARGET DECISION DATE: 25/07/2013

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision at the request of Councillor Harbron over concerns regarding the implications of the proposed development and how it would fit in with the widening of Rectory Lane.

Officer Note: The application is a major development proposal. The 13 week target date to determine the application will lapse on 25 July 2013. The Coalition Government has recently confirmed in its document 'Improving Planning Performance – Criteria for designation' that a Planning Authority will not be considered to be failing its targets if a Major application is determined after the target date with explicit agreement from the applicant to extend the timescales for determination. In this instance the applicant has agreed to extend the timescale to determine the application until the end of 31st July 2013. Given that agreement Officers did not take the application to Planning Committee on the 1st July 2013 and instead continued to negotiate with the applicants to seek an acceptable scheme.

1. Site Description

- 1.1 'High Trees' is a substantial detached dwelling of a modern design which dates from the 1960's and is set within spacious grounds to the north-east of the town centre of Skipton.
- 1.2 Vehicular access to the property is directly from Rectory Lane. The house has been substantially extended over the years and there is a detached building that houses an indoor swimming pool in the grounds that was constructed in the 1970's. The large garden contains mature trees and shrubs and is extensively overgrown.
- 1.3 The site has a frontage along its western side onto The Bailey and Rectory Lane, but is for the most part enclosed by development to the remaining boundaries comprising; new detached residential development to the east and north ('The Paddock'); single storey sheltered bungalow accommodation and a new detached two storey dwelling to the south (on Princes Drive) and older traditional buildings comprising The Rectory and Rectory Cottage to the south and west.
- 1.4 On the other side of Rectory Lane are 3 & 5 the Bailey which are an attractive pair of stone built traditional buildings. On the opposite of the Bailey, approximately 10-12 metres from the application site, is the boundary wall to Skipton Castle. Skipton Castle and some other individually listed structures at the castle are Grade I listed buildings. The castle wall itself is individually listed as a Grade II structure and the listing description is set out below:

Southern and eastern boundary wall at Skipton Castle, The Bailey, Skipton.

Probably various dates from medieval onwards. Random stone, about 10 ft. high, with flat capping. Extends from gatehouse for about 250 metres alongside The Bailey, then turns north-westwards to the cliff edge above the river. Group Value.

1.5 The site is located within the development limits and Conservation Area of Skipton. All trees on the site are protected by virtue of their location within the conservation area and there are also three separate tree preservation orders on the site (Nos: 150 & 151/2006 and 163/2008).

2. Proposal

2.1 This proposal seeks planning permission for the demolition of the existing buildings on the site and the erection of ten two and a half storey properties with some garaging. It is proposed to undertake works to widen the access from Rectory Lane and in doing so to improve the access to the adjacent properties, The Rectory and Rectory Cottage. The plans detail what is described as a '*potential new access to The Rectory*' which would connect to the driveway serving the development site, but this is not part of the application under consideration.

2.2 It is proposed to install solar panels on the roofs of the houses.

2.3 The proposed development would be arranged with a staggered terrace of four houses to the north of the site, two pairs of semi-detached houses featuring linked garages set in a row running north-south across the eastern end of the site and finally two detached properties, one to the south-east corner and one at the western side of the site adjacent to the site entrance onto Rectory Lane.

2.4 The proposed housing is fairly traditional being a gable ended design constructed in stone with stone window and door surrounds and blue slate roofs. Average heights to the ridge would be 9m falling to 5.5m at eaves level on the linked properties. The roofs of the detached properties would be 8.4m falling to 6m at eaves height (plot 9) and 9m falling to 7.5m at the highest eaves level (plot 10).

2.5 Due to the large number of protected trees on the site the application has been accompanied by an arboricultural report (February 2013).

2.6 The submitted plan indicates that a total of 28 trees would be removed across the site (of various sizes). It is proposed to provide new tree planting comprising 9 beech, 8 oak and 7 lime (24 in total although the plan indicates 25 trees) which would be planted in mixed groups amongst the trees situated along the Rectory Lane frontage.

2.7 The application has been revised since originally submitted in response to Officer concerns regarding the overall density and scale of the scheme and also over the potential impact on the protected trees both on site and on adjoining land.

3 Planning History

3.1 63/2006/6601: Construction of 5 houses and garages. Refused September 2006.

3.2 63/2006/6899: Construction of 4 houses and detached garages (Outline permission for siting and access). Approved December 2006.

3.3 63/2013/13490: Conservation area consent for demolition of the existing buildings on site. Granted June 2013. This consent is conditional upon planning permission being granted for the re-development of the site.

4 Planning Policy Background

4.1 The National Planning Policy Framework

4.2 Saved Local Plan Policies

H3: Residential Development within the Development Limits of Skipton and the Named Local Service Centres.

ENV10: Protection of Trees and Woodlands.

T2: Road Hierarchy.

PPS5: Planning for the Historic Environment Practice Guide.

5 Town Council Comments

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

6 Consultations

6.1 **Yorkshire Water:** In response to the original submissions YW have advised that proposals are not acceptable with regards to the drainage details. They have cited five specific issues that they consider need to be addressed which are; whether other means of surface water disposal have been considered; drawings do not show foul and surface water drainage proposals both on and off site; evidence of impermeable areas positively draining to the public sewer is required to prove the rate of discharge; drawing should show surface water storage and flow control details/rated output at design head: and, the sewer connection should point downhill.

Officer Note: Notwithstanding the above comments Yorkshire Water has confirmed that whilst the details as proposed are unacceptable to them, these matters can be dealt with by planning conditions should permission be granted for this development.

6.2 **Environment Agency:** No objections raised but have requested that informatives be attached to any planning permission relating to the drainage of the swimming pool.

6.3 **CDC Tree Officer:** Has raised the following concerns:

a) In response to the original submission:

The site is currently densely populated with trees of varying quality. The plans show the retention of the majority of the most prominent trees on site although it should be noted that visual amenity will still be affected to a certain extent. There are some good quality trees proposed for removal although they tend to be of limited public amenity value.

During the construction stage it appears from that there may be some issues with building outside the Root Protection Area (RPA) as the final footprint of some of the houses are shown to be directly abutting the RPA. No detail appears to have been submitted at this stage of how the houses are to be built without encroaching. This particularly applies to T1-T7 as they are bounded to the west by a retaining wall and a road. Roots belonging to T1 and T7 are also further impeded by access routes to the south and north respectively. It should also be noted that as the final buildings are so close it has the potential to impact on the long term future viability of the retained trees by impeding growth and causing conflict between roots and foundations.

Many of the proposed new houses will have trees nearby once completed. This is likely to put the trees under far more strain than they currently are and is likely to result in increased pressure for trees to be felled or pruned to reduce overhanging branches, shading and debris and to alleviate safety concerns. Plot 9 in particular is likely to be in shade for much of the day due to the proximity of trees although the gardens of plot 8 and plot 7 are also likely to be affected. The garages referenced G1 – G3 on the plan would have tree canopies overhanging from 3rd party property. This has the potential to cause problems in future as the owners of the garages will have limited control over the trees. Plots 1 and 10 are likely to experience branches

overhanging the property and the trees have the potential to become a nuisance in the long term which would increase the likelihood of applications being received to carry out works to them.

b) In response to the revised submission:

Plot 10 and garage G8 appear to be, in places, directly adjacent to the root protection area. As this is a relatively minor encroachment it is possible to use a temporary surface, in accordance with BS5837: 2012 to work within this area without disturbing the roots. This should still be treated as part of the root protection area and therefore there should be no storage of materials, fires, disposal of fuel or vehicular access in this area.

Plot 1 appears to have been adequately moved to allow works access. Removal of garages 1, 2, 3 and 4 has reduced the concerns raised with regards to potential property damage from 3rd party trees. There is still the potential for conflict as cars will still be parked underneath them but in adverse weather conditions cars can be moved.

There is an area of the access road, close to plots 8 and 9, that is to be built within the root protection area of T73 which is located within the grounds of the Rectory. It is proposed that a permeable construction is used for the finished product but no details have been submitted with regards to how it is to be built without damaging the tree or how the area is to be protected during the construction process. The area should be protected adequately before any vehicles or heavy materials are brought onto the site either by complete exclusion with appropriate fencing or by suitable temporary surfacing, again in accordance with BS 5837 2012. It is recommended that should the application be approved, a condition requesting details and location of tree protection fencing is used.

Although improvements have been made to the scheme the issue of the strain put on the remaining trees, being so close to new housing remains. In particular there will still be shading from the retained trees to plots 7, 8 and 9.

- 6.4 **NYCC Highways:** Recommend that planning permission is granted subject to conditions being imposed to require prior approval of the road and footway details and their construction, the provision of visibility splays, highway works, turning areas and the retention of garaging. Additional conditions are also suggested to prevent the deposit of mud, grit and dirt on the highway and for approval of details of the on-site parking, storage and traffic management during the construction phase of the development.
- 6.5 **CDC Strategic Housing:** The applicant has agreed to a financial viability appraisal that has been independently assessed on behalf of the Council. The overall conclusion of the assessment is that a contribution to affordable housing on this site should be waived as otherwise the proposed development would not be economically viable (principally due to the acquisition price of the site in significantly different market conditions in 2007). The application was submitted with an affordable housing pro-forma that has been signed by the Council's Affordable Housing Development Officer.
- 6.6 **CDC Conservation Advisor:** The key element in considering the latest proposal is the importance of the mature trees on the approach to Skipton along The Bailey. The 2008 Skipton Conservation Area Appraisal Report in section 6.6 on suggested Conservation Area boundary changes has a recommendation to include the High

Trees site, along with the Skipton Building Society Offices. This area was subsequently added to the Conservation Area in 2010, giving its wooded/landscaping importance official recognition by Craven DC.

Whilst it is agreed with the principle that the 1960's dwelling could be demolished and the site developed for a few houses, the existing planning permission for 4 dwellings is rather a low density. However, there are concerns on the effects of building 10 new dwellings.

The mature trees, with TPO protection, together with an assortment of self-seeded trees, do make a significant contribution to the character of this part of the Skipton Conservation Area. Therefore, any new dwellings need to be carefully integrated into the wooded nature of the site.

Looking at the layout and design of the dwellings the fairly tight building group would be more appropriate for a central location in a town or village. The stepped arrangement of dwellings is an acceptable form of development in the right location, although the rows of solar panels, together with the roof lights give a rather top-heavy, 3-storey look to the dwellings.

Although generally supportive of good contemporary design, the Conservation Advisor considers that the design for plots 9 and 10 creates a "restless" look, due to the location of many windows set at the corners. They give a visual weakness to the corners, especially with the robustness of sandstone walls, may not work well for internal spaces and furniture layout.

The supporting information in the heritage statement stresses that the 10 dwellings would end up as a lower density than the surrounding dwellings. However, it is necessary to assess this site in relation to what it can satisfactorily absorb. The application site is in a transitional zone between the large areas of residential development to the south and east, and the wooded/landscaped more "green" approach along The Bailey into the town centre.

It is therefore vitally important that any new dwellings on the High Trees site respect this dominant wooded setting and make a positive contribution to the character of the Skipton Conservation Area. Finally, another important consideration is that the layout needs to have sufficient space between the dwellings and the trees, so that any pressure from residents in future to remove or thin them is minimised.

7. Representations

7.1 One letter received objecting to the proposals commenting as follows:

- It is with great regret that the original decision for four houses has not only doubled but nearly trebled.
- Work on the adjoining site at The Paddock was subject to a stipulation that working hours would be 8-5pm because of the sheltered housing bungalows yards away from the boundary walls.
- Hope that planning will agree to fewer houses being built on the land.
- Requests that a site visit be undertaken prior to decision being issued.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Tree issues.

- 8.3 Scale, design and visual impact including the impact on heritage assets.
- 8.4 Impact on amenity.
- 8.5 Highway issues.
- 8.6 Affordable housing contributions.

9. Analysis

Principle of Development

- 9.1 The site is located within development limits and is also previously developed land and as a consequence there is no objection in principle to the redevelopment of the site to provide additional housing.
- 9.2 As the site is in a sustainable location it is supported in principle under the NPPF. It is also acceptable under Saved Local Plan Policy H3 which allows redevelopment of land within the development limits of Skipton subject to criteria relating to development; not resulting in loss of important spaces; the site not being of amenity value; heritage assets not being adversely affected; and, that there are no highway safety issues arising from the development.
- 9.3 It is noted that the site has previously had approval for a residential development of 4 houses in 2006. This permission was in outline with all matters reserved and is no longer extant but is nevertheless material to consideration of the principle of the site being re-developed. Specifically, it is necessary to consider whether or not there have been any changes in planning policy since that decision was made which would take precedence and effectively 'overturn' the previous decision to approve.
- 9.4 Recent changes in planning policy as set out in the NPPF are pro-sustainable development and there are no material changes in planning policy that would constitute grounds for refusal of planning permission in principle. Equally, Saved Local Plan policies, whilst being somewhat out of date and therefore of limited weight, remain supportive of the principle of this site being re-developed.
- 9.5 Accordingly, the development, subject to compliance with the Policy H3 criteria outlined above, is considered to be acceptable in principle.

Tree issues

- 9.6 The proposals have been amended following concerns raised by the Council's Tree Officer regarding the potential impacts on the protected trees. Essentially these concerns were over two issues:
 - Direct impacts arising from the proposed building works.
 - Potential long term impacts arising from the proximity of the retained trees to the proposed development specifically, pressure for further tree works or removal of trees from future residents of plots 7, 8 and 9 of the scheme.
- 9.7 In the case of the first issue the developer has relocated plots 1 and 10 to allow for a greater clearance of the Root Protection Areas of the trees flanking the western site boundary. In addition the proposed garage block located between plots 4 and 5 has been removed. These changes, subject to the imposition of conditions regarding prior approval of the tree protection measures, are considered to be acceptable to the Tree Officer.
- 9.8 With regards to the second issue the principal concerns were that the protected trees would limit the use of the amenity space and substantially overshadow the rear elevation of the proposed house on plot 9 and would also overshadow the gardens of plots 7 and 8. The amendments to the proposals have made very little concession to these concerns, the only change being a reduction in the footprint of the proposed

dwelling on plot 9 which would increase the distance to the trees by 0.5m. The Tree Officer has considered the revised plans in detail and is of the opinion that this aspect of the proposal remains an issue.

- 9.9 In summary therefore, the proposals are acceptable in terms of the proposed tree works subject to adequate measures being in place to ensure their protection whilst building works are under way. However, the location of the proposed housing relative to the trees located at the southern end of the site is likely to create problems with overshadowing and, in particular, would limit the usability of the amenity space of plot 9. This would in all likelihood place those trees under increased pressure for pruning or felling due to overhanging branches and health and safety concerns arising from falling debris. In reality it would be difficult for the Council to justify retention of the trees under those circumstances if permission was granted for the development to take place. The overall conclusion is therefore that the existing protected trees located at the southern end of the site would not allow for an adequate level of amenity for the future occupiers of plot nos 8 and 9 which would place those trees under threat in the long term.
- 9.10 It is considered that the trees have an amenity value which extends into the public domain, hence the imposition of TPO no.151 2006, and that their long-term protection is therefore a material consideration. It is concluded that the development proposed is not acceptable in terms of the relationship to the protected trees which would give rise to amenity issues and would ultimately threaten the long term viability of the trees. The development is therefore not considered to comply with Saved Policy ENV10.

Scale, design and visual impact including the impact on heritage assets

- 9.11 There are two main issues to consider. Firstly, the question of whether or not the proposals constitute good design and secondly, whether they would adversely impact upon the significance of heritage assets, which in this case is the Skipton Conservation Area and the Grade II Listed Castle walls.
- 9.12 With regards to the first issue paragraphs 56 to 68 of the NPPF deal with good design setting out primarily that great importance is attached to the design of the built environment and that this is a key aspect of sustainable development which is indivisible from good planning. The NPPF makes it clear that good design should *'contribute positively to making places better for people'*.
- 9.13 At paragraph 59 the NPPF in relation to design policies in emerging Local Plans states that LPA's should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 9.14 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.15 In relation to the impact of the development on the conservation area and the nearby listed buildings the NPPF at paragraphs 126 to 141 require that an understanding of the significance of heritage assets must form the basis of any subsequent planning decision and that development should not be permitted that would result in harm to that heritage asset. Conversely development proposals within conservation areas that make a positive contribution e.g. to enhance or better reveal the significance of the heritage asset, should be treated favourably.
- 9.16 Saved Policy H3 is also of relevance as this policy seeks to ensure that residential development does not have an adverse effect on areas or buildings of historic or architectural interest. The significance of the policy is now reduced due to its age, but

the objective of protecting areas or buildings of historic or architectural interest remains a valid planning aim.

- 9.17 The Council's Conservation Advisor has commented on the original submissions raising some key concerns on the impact on the Conservation Area which in summary are;
- that the significance of the High Trees site lies in its wooded/landscaped nature which contribution prompted its inclusion within the Skipton Conservation Area in 2010.
 - Any new dwellings should be carefully integrated into the wooded nature of the site.
 - The tight building group proposed would be better suited to a more central location in a town or village rather than the transitional nature of the application site.
- 9.18 The subsequent amendments submitted by the applicants have gone some way towards reducing the overall scale and massing of the proposed development. In particular the removal of the garage block has opened up a gap between the main blocks of houses whilst the removal of first floor elements above the garaging has reduced the scale and massing of plots 5 to 8 which are no longer a terraced row. These changes are welcomed and there is no question that the revised scheme is an improvement on the original and therefore more acceptable in planning terms.
- 9.19 Notwithstanding, it is necessary to consider whether the overall layout in its revised form represents good design which would improve the character and quality of the area and the way it functions. In addition it is necessary to question whether or not the revised scheme is acceptable in terms of the impact on the conservation area and other heritage assets.
- 9.20 In relation to the first issue there are contrasting styles of buildings present comprising traditional vernacular to the west and south-west, a modern detached house and bungalows to the south, executive detached housing to the east and a large fairly distinctive property lying to the north-east. However, the main site frontage is to the The Bailey where it is viewed in the context of the walls to Skipton Castle which are Grade II listed and the site itself can be viewed as a raised area set behind trees set along the site frontage. Despite the eclectic mix of building styles in the immediate area the site is principally viewed in the context of its frontage along The Bailey. When viewed from The Bailey the area comprises a unique setting dominated by the castle walls and extensive tree planting which create a high quality environment that is distinct in its character. Existing buildings, where visible along the road, comprises a row of traditional cottages and then larger buildings set within spacious grounds.
- 9.21 It is considered that the proposals would represent an over-development of the application site which would not be of a scale, density or massing that would relate adequately to the constraints of the site or to its immediate surroundings. It would moreover introduce an overtly urbanised development into a wider setting that does not presently exhibit those particular characteristics.
- 9.22 With regards to the impact of the proposals on the nearby Grade II listed structure of the castle walls it is considered that the significance of this particular heritage asset would not be immediately impacted upon. However, it is considered that the setting of the asset from the context of The Bailey, as described above, would be adversely affected should the development take place due to the urbanising effect the proposals would have on the wider street scene.
- 9.23 It is noted that the submitted plan indicates existing road levels ranging from 45.22 to 45.97 AOD adjacent to the proposed plot 10 which would sit at 47 AOD. This particular building would measure 9m in height with a rear eaves height of 7.5m and

would therefore appear as a very substantial building when viewed from both The Bailey and Rectory Lane. The building is not suitable either in its scale or massing for this location. Its 3 storey rear elevation would directly face on to Rectory Lane and The Bailey and features a very minimal roof area.

- 9.24 As dealt with under an assessment of the tree issues earlier in this report the site is constrained by protected trees which are an integral part of the overall character of the area and are a particular feature that contributes to the significance of this part of the conservation area. The development as proposed would entail substantial tree removal but, more significantly, would impact upon the long term viability of other trees which would ultimately be to the detriment of the appearance of the area and of the conservation area generally. It is considered that the proposals seek to generate the maximum development on the site which would ultimately put unacceptable pressure on a number of the remaining trees and thereby adversely affect the overall setting of the development in the long term.
- 9.25 In summary, it is not considered that the proposals represent an appropriate form of development that would be acceptable in terms of the impact on the conservation area and the site character of the wider area generally.

Impact on amenity

- 9.26 To the south existing tree and shrub planting would prevent any direct overlooking to the sheltered bungalows and detached dwelling situated on Princes Drive which are located approximately 21m from the rear of the proposed detached dwelling on plot 9 of the application site. The side elevation of this same property would lie roughly 6m from the gable end of Rectory Cottage to the west and the relationship is acceptable.
- 9.27 The other immediately neighbouring properties are 'The Paddock' and the new 'executive' houses built within its grounds to the east of the site and a single dwelling to the north. In the case of the new detached dwellings the properties would lie at a distance of between 20m - 26m with their front elevation facing the rear of the proposed houses and would be partially screened by an existing 3m high beech hedge. 'The Paddock' would be set further away and at an oblique angle to the north-east and therefore would be impacted upon to a lesser extent. The existing house to the north would lie with its gable end located approximately 12m from the rear elevation of plots 1- 4 as proposed.
- 9.28 It is considered that the general orientation of the proposed housing and interface distances relative to the existing housing on the periphery of the site are such that there would be no issues relating to outlook, loss of light or loss of privacy and that the development as proposed is acceptable in terms of amenity.
- 9.29 There are no other properties within close proximity of the development site that would be unacceptably impacted upon and the interface distances between the proposed houses are all considered adequate.
- 9.30 With regards to Policy H3 the site is of no specific recreational amenity value and is not an important space and therefore its development is acceptable under this particular criterion.

Highway issues

- 9.31 The proposals would include sufficient on-site parking for a minimum of two spaces per dwelling and would have sufficient turning spaces to allow vehicle manoeuvring without the need to reverse onto or off Rectory Lane.
- 9.32 The proposals include alterations to the site access which have been agreed with the Highways Engineer and would include some changes to improve visibility at the

shared access serving The Rectory and Rectory Cottage that lie immediately adjacent. No objections have been received from NYCC Highways to the proposals.

- 9.33 In terms of the capacity of the site to accommodate the traffic that is likely to be generated by the development it is considered that the proposals would make more use of the land than the previously approved scheme for four dwellings and that the intensification would not give rise to highway safety issues. However, the shape of the site, the arrangement of the proposed housing and overall number of dwellings result in a development in which the parking for plots 1 to 3 is poorly laid out. Specifically, plots 1 and 2 would have one space each forward of the dwelling with additional spaces provided as part of a shared block to the east located between plots 4 and 5. In the case of plot 3 there would be no parking immediately adjacent to the house this being provided 'off-site' as part of the shared block.
- 9.34 Whilst this arrangement is somewhat unconventional there is nevertheless parking sufficient to meet the overall needs of the development and the proposed 'off site' parking is reasonably close to the housing it would serve. There is precedent for parking arrangements of this kind on other developments and therefore it is not considered that there would be grounds to refuse planning permission for this particular aspect of the proposal.
- 9.35 Concerns have been expressed over the implications of road widening proposals of Rectory Lane by allowing this development to take place. However, it is not envisaged that this proposal would prevent any such works taking place, and there is no known justification for this to be used as a reason to refuse planning permission.

Affordable housing contributions

- 9.36 The council has recently adopted an interim approach to negotiating affordable housing requirements which in summary requires a 40% contribution on development sites of 5 or more houses. The proposed development consequently falls within the threshold limits for which an affordable housing contribution would be sought.
- 9.37 In this particular instance the developer has submitted a financial viability appraisal which has been independently assessed by Harrogate Borough Council's Valuation Surveyor on behalf of CDC. The conclusion of the assessment is that the development of the site with ten houses could only be viable if the contribution to affordable housing is waived. It has subsequently been agreed with the Council's Strategic Housing team that no affordable housing contribution would be sought as part of this development.

Other matters

- 9.38 It has been commented in a representation letter that if permitted construction works should be restricted to between 8am and 5pm. If approved it is recommended that an informative to this effect could be attached to the decision notice.

10. Recommendation

- 10.1** That planning permission is refused for the following reasons:

Reasons for refusal

- 1.1 It is considered that the proposals would represent an over-development of the application site which would not be of a scale, density or massing that would relate satisfactorily to the constraints of the site or to its surroundings. In terms of the surroundings the development site has very distinct characteristics that do not lend themselves to development which in this case would appear better suited to a more urbanised location. The Grade II Listed castle walls, large houses and buildings set within spacious grounds, and mature trees are all important features that contribute to the significance of and are an integral part of the overall character of the heritage

asset of the Skipton Conservation Area. The distinct character of this part of the conservation area together with the trees forms part of the wider setting of the adjacent Grade II Listed Skipton Castle walls. It is considered therefore that the proposals would not constitute good design, would adversely affect the significance of the heritage assets of Skipton Conservation Area and the Grade II Listed Skipton Castle walls and therefore would be contrary to the National Planning Policy Framework, the extant advice in PPS5; Planning for the Historic Environment Practice Guide, and the requirements of Saved Local Plan Policy H3.

- 1.2 The site is constrained by protected trees which are a particular feature that contributes to the significance of and are an integral part of the overall character of the heritage asset of the Skipton Conservation Area. The development would entail substantial tree removal but, more significantly, the position of plots 8 & 9 in relation to protected trees would result in an unacceptable degree of overshadowing and have an adverse impact on the amenity of the future occupiers of these dwellings. The impact on residential amenity results in a foreseeable threat to the long term protection of the retained trees. This would ultimately be to the detriment of the character and appearance of Skipton Conservation Area. For these reasons the proposals would not constitute good design under the NPPF and moreover would be contrary to Saved Policy ENV10 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. In particular the Council has: -

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

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

BENTHAM
08/2013/13582

SINGLE DWELLING

MEWITH HOUSE, MEWITH LANE, BENTHAM.

APPLICANT NAME: MRS FELICITY HEY

TARGET DECISION DATE: 12/08/2013

CASE OFFICER: Jack Sykes

This application has been referred to Planning Committee by Cllr Linda Brockbank.

1. Site Description

- 1.1 The application site is an area of the grounds of Mewith House a detached property located to the south of High Bentham. Access to the site is off Mewith Lane – a narrow country lane – and also provides vehicular access to Mewith House. Mewith House itself is a stone built imposing 2 storey property with a 3rd storey in the roof space.
- 1.2 The application site is located outside of development limits as established by the local plan. The Forest of Bowland AONB boundary lies across the road to the south of the application site.

2 Proposal

- 2.1 Outline permission is sought for the erection of a single dwelling.

3 Planning History

- 3.1 08/2004/4191 (30/4/04) Permission granted for rear ground floor extension.
- 3.2 08/2002/1836 (25/3/02) Permission granted for change of use of adjacent paddock to form curtilage extension with altered access, erection of conservatory and extension of outbuilding to provide garage.
- 3.3 5/8/494/d (9/7/96) Permission granted for change of use of redundant agricultural building to use for embroidery manufacturing at Mewith House Barn.
- 3.4 5/8/494/c (1/12/94) Permission granted for construction of new shed on existing base for agricultural use at Mewith House.
- 3.5 5/8/494/b (28/2/94) Permission granted for change of use of building from agricultural use to use for agricultural engineering and construction of a new access, Green Smithy, Bentham.
- 3.6 5/8/494/a (17/6/91) Permission granted for new access at Mewith House, Bentham.
- 3.7 5/8/494 (4/3/91) Permission granted for conversion of existing barns/sheds to form three dwellings at Mewith House.

4 Planning Policy Background

- 4.1 National Planning Policy Framework.
- 4.2 Saved Policies ENV1, ENV2, ENV10, and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5 Town Council Comments

- 5.1 Bentham Town Council chose not to comment on the application as it is from a Council member but to leave the application to the planning officer.

6 Consultations

- 6.1 The Highways Authority do not wish to impose any restrictions on any grant of permission.
- 6.2 Craven District Council's Environmental Health Department have not identified any potential environmental protection issues that would give cause for concern.

7 Representations

- 7.1 None received.

8 Summary of Principal 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 Issues.
- 8.5 Tree issues.

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. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Local Planning Authorities should also approve development proposals that accord with the development plan without delay. In rural areas LPAs should be responsive to local circumstances and plan housing to reflect local needs particularly for affordable housing. The NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:-

- The essential need for a rural worker to live near their place of work
- Where development would represent the optimal viable use of heritage assets
- Where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting or
- The exceptional quality or innovative nature of the design of the dwelling

- 9.2 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

- 9.3 The application site is a significant distance from the development limits of Bentham as established by the current Local Plan. Although the development would be adjacent to another residential property and a small area of built development it is considered to be in an isolated position within the Open Countryside. As such, despite the absence of a 5 year land supply, the proposal is not considered to be sustainable development and therefore under the requirements of the NPPF such a dwelling could only be permitted under special circumstances. The onus is firmly with the applicant to establish what these special circumstances are and to provide, where necessary,

evidence to support their case. This application provides no justification as to how it would meet the requirements of the NPPF in any of the ways suggested within the NPPF and referenced above (at paragraph 9.1) and as such cannot be considered acceptable under this policy.

- 9.4 Saved Policy ENV1 would restrict all housing developments beyond development limits except in some limited circumstances outlined in paragraph 9.2 above. However as the Council does not have a 5 year land supply the NPPF advises that such Local Plan policies should not be seen as up-to-date. The relevance of Saved Policy ENV1 is therefore significantly reduced, but it still does remain a material consideration. Saved policy ENV1 seeks to guide new housing development to defined development limits in order to prevent sporadic development within the Open Countryside that may erode the character and appearance of the area. The Council is currently in the process of examining sites for allocation and has identified that the first requirement for new housing sites would be those that are within, adjacent or adjoining settlements. As noted previously the application has not been submitted without any justification as to why new residential development should be allowed in this unsustainable location and as such the proposal is considered to be an unjustified sporadic development that would be contrary to the guidance within Saved Policy ENV1.
- 9.5 In summary, the proposed development is therefore considered to be unsustainable sporadic development within the open countryside that would not be acceptable in principle under the guidance of either the National Planning Policy Framework or the aims of Saved Policy ENV1 of the Local Plan.

Visual impact of the proposed development

- 9.6 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.”
- 9.7 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development. Whilst it is considered that Saved Policy ENV1 has little weight in the determination of this application it is still considered relevant to assess the application under Saved Policy ENV2 which is considered to be consistent with the aims of the NPPF in that it seeks to provide development of an appropriate visual appearance to the area.
- 9.8 The application is outline with only details of the access submitted for approval. With the limited details submitted it is not possible to make a full appraisal of the visual impact. Notwithstanding this the construction of a large unjustified dwelling in an isolated location is considered to be somewhat detrimental to the open nature of the surrounding area through the introduction of further built development.

Impact of the development on the amenities of neighbouring properties

- 9.9 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. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.10 The proposed development would only be in close relationship to the dwelling at Mewith House where the applicant resides. Although limited details have been

provided as to the proposed scheme it is considered that the impact of the new dwelling on this property could be mitigated through the design and layout of the site. As such it is considered that the development, at this stage, would not be contrary to these requirements of the NPPF and the Local Plan.

Highway Issues

- 9.11 Saved Policy's ENV2 and T2 of the Local Plan require that rural access roads would be able to accommodate the traffic likely to be generated by the proposal.
- 9.12 The proposed new dwelling would utilise an existing entry point onto the public highway and the Highways Authority have raised no concerns as to the development. As such it is considered that the development would accord with these Saved Policies of the Local Plan.

Tree issues

- 9.13 Although the application forms state that there are no trees or hedges on the application site, at the time of the officer's visit there were mature trees along the boundary with the road and smaller specimens within the site. The application is made in outline and the precise location of the development has not been identified. At this point it is considered that the site is capable of accommodating a development without any unacceptable detrimental impact on the trees. The trees on the site are therefore not considered to be wholly prohibitive of development and the development is not considered to conflict with Saved Policy ENV10 that relates to tree protection.

10 Recommendation

- 10.1 That the application is refused.

Reasons for refusal

The proposed development is for an unjustified isolated dwelling in the Open Countryside outside of the development limits identified by Saved Local Plan Policy ENV1. The Local Planning Authority accepts that it does not have a 5 year land supply and it is therefore recognised that Saved Local Plan policies relating to housing supply are of date. However, despite the absence of a 5 year land supply, given the isolated location the proposal is not considered to be sustainable development and therefore under the requirements of the NPPF such a dwelling could only be permitted under special circumstances. No such circumstances are known to exist and therefore it is considered that the development would be contrary to the guidance contained within the National Planning Policy Framework and Saved Policies ENV1 and ENV2 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.

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

*INGLETON & CLAP
68/2013/13528*

*NEW PERMISSION TO REPLACE EXTANT PLANNING PERMISSION
68/2010/10569 (CONVERSION OF REDUNDANT BARN TO LIVE / WORK
UNIT).*

TREES FARM, WESTHOUSE.

APPLICANT NAME: MR & MRS CROSS

TARGET DECISION DATE: 31/07/2013

CASE OFFICER: Jack Sykes

This application has been referred to planning committee as it is a repeat application and the approval of the live/work unit subject to this application was previously approved by the planning committee.

1. Site Description

1.1 The barn which is the subject of this application is constructed of natural stone for the external walls under a corrugated sheet roof. It occupies a relatively isolated position in open countryside some 320 metres south west of the junction of the A65 and the road serving Lower Westhouse Village. The building was last used for agricultural purposes but is currently disused.

1.2 The application site lies outside of development limits.

2. Proposal

2.1 Permission is sought for a new permission to replace the extant planning permission 68/2010/10569 – Conversion of a barn to a live/work unit. The development was previously approved by the Planning Committee in June 2010 and this application seeks to renew that permission (the permission was extant on receipt in June 2010).

3. Planning History

3.1 68/2010/10569 (29/6/10) Permission granted at planning committee for the conversion of the barn to a live/work unit.

3.2 68/2009/10025 – Conversion of redundant out barn to form live/work unit – Refused 7 April 2010 on policy and design grounds.

4. Planning Policy Background

4.1 National Planning Policy Framework.

4.2 Saved Policies ENV1, ENV2 and EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4.3 SPG – ‘The Conversion of Rural Buildings to Live/Work Units within Craven’. The document was adopted as a material planning consideration by Craven District Council in October 2009.

5. Parish/Town Council Comments

5.1 None received

6. Consultations

6.1 The **Highways Authority** has stated that should permission be granted for the development a condition should be attached regarding the private access/verge crossing

- 6.2 **Natural England** has stated that they are satisfied that if the development is carried out in accordance with the submitted details it will not damage or destroy the interest features for which the site has been notified and that the SSSI does not represent a constraint in determining the application. A bat survey has been submitted and Natural England does not object to the proposal stating that on the basis of information provided the proposal would be unlikely to affect bats.
7. Representations
- 7.1 None received.
8. Summary of Principal Planning Issues
- 8.1 Members must be mindful of the fact that this development proposal has previously been approved by the Planning Committee in the recent past. The application proposal is to extend the time limit/renew the existing planning permission (Ref: 68/2010/10569); as such the main planning consideration is whether there has been any material change in national planning policy guidance and/or local development plan policies, or any other material circumstances that may have changed, since the original planning permission was granted in 2010.
9. Analysis
- 9.1 The original application was approved under the auspices of PPS4 and PPS7 – national advice that since been superseded by the National Planning Policy Framework.
- 9.2 The NPPF has a strong thread of sustainable development running through it. The construction of live/work units as advocated by Saved Policy EMP9 of the Local Plan is a concept based on sustainable development and it is considered that this form of development is compatible with the requirements of the current National Planning Policy Framework. It is therefore considered that the proposed development would still be considered acceptable under the requirements of the current national policy – the National Planning Policy Framework. The development has also previously been considered acceptable under the guidance of Saved Policy EMP9 of the Local Plan and its accompanying Supplementary Planning Guidance and, with the scheme not altering, is considered to meet the requirements of this policy.
- 9.3 In terms of site circumstances there have been no significant changes to the site or its surroundings. The application property is an isolated field barn with no close neighbours and there have been no recent planning consents granted in close proximity to the application site.
- 9.4 The application has been submitted with up-to-date structural surveys and bat surveys that have not identified any substantial degradation of the building's structure or increase in impact on bats.
- 9.5 A number of conditions were attached to the previous approval stating that details should be submitted prior to commencement of the development however it is considered that these details need not be supplied prior to commencement and need only be submitted prior to that particular part of the development being constructed. As such the relevant conditions have been amended to reflect this.
- 9.6 In conclusion, it is therefore considered that the proposed development would still be in accordance with national policy and there have been no significant changes to the site circumstances that would warrant withholding consent. The proposed extension of time limit should therefore be approved.
10. Recommendation
- 10.1 That the application is approved subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from 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 4740/L/01A received by the Local Planning Authority on 15 April 2010, and drawing numbers 4740/P/01C and 4740/P/02E, received on 24 June 2010.

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

3. All new areas of external walling shall be constructed of natural stone which shall match in type, colour, texture, and shall be laid in a manner to match, the stone used in the construction of the external walls of the host building.
4. Work to the external finish of the roof shall not commence until samples of the materials to be used in the construction of the roof of the building have been submitted to, and approved in writing by, the Local Planning Authority. The approved materials shall be used in the construction of the roof of the building and shall thereafter be satisfactorily retained.
5. The new windows and doors shall be constructed of timber and shall have a painted finish. Details of that finish shall be submitted to, and approved in writing by, the Local Planning Authority before their first use in the development. The approved windows and doors shall be painted the approved colour or colours before the building is first brought into use, shall be installed in the approved positions with the windows set in 100mm reveals, and shall thereafter be satisfactorily retained at all times.
6. Details of the proposed treatment of the site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be completed prior to the use hereby approved first commencing, and shall thereafter be retained at all times.
7. Details of the proposed bin store shall be submitted to, and approved in writing by, the Local Planning Authority before work on its construction commences. The bin store shall be constructed in the approved manner, located in the approved position prior to the first occupation of the dwelling, and thereafter satisfactorily retained at all times.

Reasons (3 to 7):- To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality, in accordance with the requirements of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven'.

8. Details of the proposed layout of the vehicular access to the site, of the proposed treatment of the access track serving the development, and of the proposed means of construction of the parking and turning areas, shall be submitted to, and approved in writing by, the Local Planning Authority before work on its construction commences. The approved access, access track and parking/turning areas shall be completed in accordance with the approved details before the approved use is first commenced and shall thereafter be retained at all times for the parking and turning of vehicles in conjunction with the development and to allow vehicles access to and from the site.

Reason:- So as to ensure that a suitable vehicular access is provided to serve the development, that satisfactory provision is made for the associated parking of vehicles, and so as to ensure that the development does not detract from the visual amenities of the locality, in accordance with the requirements of policies EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9. The conversion works shall be carried out in full accordance with the recommendations set out in the approved Structural report dated June 2009 and the update letter from Victoria Design Group Ltd dated the 30th May 2013 and the Bat and Barn Owl Survey (Ref: BAT/09/578 Rev1) received by the Council on the 4th June 2013.

Reason:- To ensure the proposed development is a barn is a conversion rather than a new build and therefore in accordance with Saved Policy EMP9 and to ensure the development does not have a significant adverse impact on protected species.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the building hereby approved nor the erection of any garages or ancillary buildings within its curtilage, nor the erection of any boundary walls or fences within or around its curtilage, shall be carried out without the prior written approval of the Local Planning Authority.

Reason:- To avoid development of a type which may detract from the appearance of the building and/or its setting in the interests of preserving the character of this rural area, in accordance with the requirements of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven'.

11. The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:- So as to ensure that the employment use is appropriate for this rural location and in the interests of highway safety, in accordance with the requirements of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven'.

12. The building shall be occupied and operated only for the dual purposes of business floorspace with associated residential floorspace. The residential floorspace shall not be occupied unless the business floorspace is used for business purposes or vice versa. The residential floorspace shall be occupied only by the person(s) who operate(s) the business and by members of his, her or their household and the business floorspace shall be operated to the extent that at least one occupant of the residential floorspace shall derive the equivalent of a full time employment from that operation. The only exception to this is where the building is occupied by a person who has retired from employment (or whose business has failed and is unemployed) following demonstrable use of the business space for five years (during which time that person(s) shall have derived the equivalent of full time employment from that operation) or a widow or widower or other dependant of such a person who was residing with him or her when he or she died.

Reason:- So as to ensure that the development is appropriate for this rural location, in accordance with the requirements of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven', and PPS7 'Sustainable development in rural areas'.

- 13.** No internal alterations which would lead to a reduction in the area of the building allocated on the approved plans as being used for employment purposes shall take place without the prior written consent of the Local Planning Authority. In addition no internal openings into the approved business space shall be made or closed up without the prior written consent of the Local Planning Authority.

Reason:- So as to ensure that genuine employment premises are created, in accordance with the requirements of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, and Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven'.

- 14.** Neither the business floorspace nor residential floorspace shall be occupied until accounts from the most recent financial year of the business it is proposed will occupy the business floorspace, have been submitted to and the occupation approved in writing by the Local Planning Authority. These accounts shall have been prepared by an accountant and approved by either Companies House or Her Majesty's revenue & Customs. In the case that a new business is proposed a business plan shall be submitted. Any business plan submitted must contain sufficient information for the Local Planning Authority to be satisfied that a viable and genuine business can be maintained in the business premises. Prior to any change in occupation of the premises, accounts as described above, or in the case of a new business, a business plan, relating to the business that it is proposed will occupy the premises shall be submitted to and approved in writing by the Local Planning Authority.
- 15.** Following occupation of the live/work unit hereby approved, accounts approved by either Companies House or Her Majesty's Revenue & Customs of the business(es) operated from the employment premises shall be submitted to the Local Planning Authority in each financial year.

Reason for 14 &15:- To ensure that a genuine business use is operating from the premises in accordance with Saved Policy EMP9 of the Local Plan and the Supplementary Planning Guidance 'The Conversion of rural buildings to live/work units within Craven'

- 16.** 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) 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.
 - (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) 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.

Reason:- In the interests of highway safety

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