

PLANNING COMMITTEE MEETING AGENDA

Wednesday 28 August 2013

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

COWLING

22/2013/13614*CONSTRUCTION OF 3 NO. BUNGLOWS WITH GARAGES (RE-SUBMISSION OF PREVIOUS PLANNING APPLICATION 22/2013/13463)**DICK LANE, COWLING.*

APPLICANT NAME: MR H BROUGHTON

TARGET DECISION DATE: 30/07/2013

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a departure from the Development Plan.**1. Site Description**

- 1.1 The application site comprises a rectangular area of grazing farmland located on the eastern side of Dick Lane, Cowling.
- 1.2 The site measures 76m x 26m and is 0.197 ha in area. It lies to the south of an existing cluster of residential properties that are located adjacent to the junction of Dick Lane with the A6068 Keighley/Colne Road. These comprise two two-storey properties, one a traditional stone built property fronting Dick Lane, the other a part stone, part rendered/part stone built house set back along a shared access and a small group of dwellings, 'Craven Court'. There is a further terraced row of properties to the north-east of the group that fronts onto the main road. The northern end of the application site is segregated from the houses by the shared access to the existing residential properties and a small vegetable patch.
- 1.3 There is a ribbon of residential properties located opposite the site which comprise bungalows at the southern end, two of which were built sometime in the early 1990's, and two storey development at the northern end nearer to the junction with the main road. Beyond the residential development and the application site to the west, east and south there is open countryside comprised mostly of farm land whereas to the north lies the main road and the easternmost part of the settlement of Cowling.
- 1.4 The site is bounded along its frontage by an established hedgerow which runs along a substantial part of the eastern side of Dick Lane. There are some trees located within the hedgerow towards the southern end of Dick Lane which are well outside of the application site. The remainder of the site is grassed over and generally rises from north to south with its eastern boundary defined by a post and wire fence.
- 1.5 The site lies outside of the Development Limits of Cowling in an area defined as open countryside in the Local Plan (the actual boundary of the development limits lies further to the west running to the rear boundaries of properties on Collinge Road and the neighbouring Welbeck House).
- 1.6 The western side of Dick Lane, immediately opposite the site, is located within the Cowling conservation area.
- 1.7 The site is enclosed within a landscape area identified as 'Semi-enclosed Intermediate - Pasture with Wooded Gills & Woodland' in the Craven District Landscape Appraisal (October 2002).
- 1.8 This is described as having a strong character in a 'good-declining' condition i.e. '*generally good landscape condition with signs of localised decline in some areas, for example sections of dry-stone walls*'. In terms of sensitivity to change the Landscape Appraisal identifies that with a setting confined mainly to valley sides the landscape area is highly visible from large areas of the surrounding landscape and that sites of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

- 1.9 The Landscape Appraisal identifies the following as being significant in terms of conservation/reinforcement:
- Conserve the existing field boundary pattern through conservation of dry-stone walls.
 - Conserve and manage areas of Ancient Woodland/wooded gills/woodland pockets
 - Restore disused quarry sites sensitively
 - Conserve and manage the SSSI.
2. Proposal
- 2.1 This is an outline planning application seeking approval for the access, layout and scale of a development comprising of three detached bungalows located in a linear configuration running north-south parallel to the road.
- 2.2 The appearance of the proposed bungalows and landscaping of the site are reserved matters.
- 2.3 In terms of scale the proposed bungalows would be 6m in height to the ridge falling to 2.5m at eaves level.
- 2.4 The proposed layout details a pair of detached garages to serve the northernmost bungalows whilst it is proposed to have an attached garage to the northern side of the southern bungalow. There would be two access points, the northern being a double width (9m) opening leading to two vehicle turning areas and the southern a single width (4.5m).
- 2.5 Following discussion with the NYCC Highways Engineer on the previous submission it has been agreed to incorporate a pedestrian footpath along the frontage of the site. Visibility splays have also been indicated on the two proposed access points to comply with the Engineers' specifications.
- 2.6 The proposal is a re-submission following withdrawal of an earlier application for two detached houses and a bungalow. The previous application proposed removal of the hedgerow fronting the application site and was withdrawn pending an ecological assessment being undertaken in order to establish whether or not there are any protected species that would be affected by the development proposals or any issues in relation to the Hedgerow Regulations 1997.
- 2.7 An assessment has been carried on behalf of the applicant by Milner Ecology who have submitted an 'Extended Phase 1 Habitat Survey Report' following a survey of the hedgerow undertaken on 30th May 2013.
- 2.8 The conclusions of the report are as follows:
- Hedgerow Regulations 1997:
- The hedgerow meets the criteria for determining "important" hedgerows under the Hedgerow Regulations 1997. It fulfils the requirements for this definition as it is comprised of at least four woody species and two 'associated features' (less than 10% gaps and at least three woodland species) and is also located adjacent to a 'byway open to all traffic' as defined under the Highways Act 1980. Notwithstanding, the hedgerow does not contain any protected species identified under the Wildlife and Countryside Act nor does it support any bird species categorised as a 'declining breeder', endangered, rare or vulnerable.
- Protected Sites:
- Due to the distance from the site and the minimal impact and duration of the proposed works, it is considered unlikely that the development would affect the designated sites in the area.
- Habitats:
- The pasture on the site is of moderate ecological value but is widely represented in the area and would require no specific mitigation in relation to disturbance to habitats.

However, the loss of the potentially 'important' hedgerow would result in significant impacts that would require mitigation.

Mitigation:

It is recommended that to mitigate for the impacts of removal the existing hedgerow should be re-located along the line of the required visibility splay. A detailed procedure of how this work should be undertaken is set out in the report which essentially entails excavating a new trench, removing the hedge and immediately re-planting it in the prepared trench. It is also recommended that the hedgerow is monitored subsequent to planting and any failures replaced with appropriate planting after 12 months.

In relation to the impacts upon breeding birds it is recommended that removal of hedges should only take place outside of the bird breeding season (March – September). Failing this it is recommended that the hedgerow sections to be removed should be examined by a suitably experienced ecologist prior to removal to ensure that no breeding birds are present.

3. Planning History

3.1 22/2013/13614: Construction of 2 No. Houses & 1 No. Bungalow with Garages. Withdrawn May 2013 pending an ecological survey of the hedgerow along the site frontage.

4. Planning Policy Background

4.1 The National Planning Policy Framework (NPPF).

4.2 PPS5: Planning for the Historic Environment Practice Guide.

4.3 Saved Local Plan Policies:-

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

T2: Road Hierarchy.

4.4 The Hedgerow Regulations 1997.

5. Parish/Town Council Comments

5.1 Cowling Parish Council: Object to the application for the following reasons:-

- i) The site if developed has access problems with sight lines whilst entering and leaving the site.
- ii) The ecological survey that has been provided is severely flawed –
 - a. The hedgerow is of significant historical importance and any attempt to move the hedge would result in breaking the law.
 - b. A water course runs down the side of the hedge and the road which is not mentioned.
 - c. The site is described as vacant but is actually used for agricultural purposes with a sitting tenant.

The Parish Council conclude by requesting that the District Councillor call the application to the Planning Committee for a decision if the officer recommendation is to approve.

Officer Note: Point A above is incorrect as a hedgerow can lawfully be removed or re-located as part of a planning approval.

6. Consultations

6.1 **NYCC Highways:** Recommend that planning permission is granted subject to conditions relating to the construction of the access/vehicle crossings and suitable visibility splays and restrictions to ensure that the garages are retained for parking of vehicles.

6.2 **CDC Contaminated Land:** No known contaminated land implications associated with the proposed development.

- 6.3 **CDC Environmental Protection:** No objections. Regard should be had for incorporation of a sustainable drainage scheme.
- 6.4 **CDC Tree Officer:** Although there seems to be concern that large trees will be affected by the proposals, these all appear to be off site and are unlikely to be affected.
- 6.4 **Yorkshire Water:** Comments as per previous (withdrawn) planning application. No objections. If planning permission is to be granted recommend that conditions are attached to; require separate systems of drainage for foul and surface water; restrict piped discharge until works to provide a satisfactory outfall for surface water have been approved and completed; require prior approval of foul water drainage; and, no building to be occupied until completion of foul drainage works.
- 6.5 **Environment Agency:** As the proposal falls outside the scope of issues on which the EA wish to be consulted, the EA recommend using their standing advice in respect of this application. Since the site is not located within a flood zone the EA's standing advice provides no comments. However, having regard to the comments from objectors regarding the presence of a water course near to the site it is proposed to advise the developer that any development needs to comply with the EA standard requirements in relation to flood risk, management of surface water and other sources of flooding.
- 6.6 **Natural England:** No objections. They advise that there would be no impact on South Pennine Moors SAC or SSSI and note that a survey for European Protected Species has been undertaken. On the basis of the information submitted NE advise that the proposed development would be unlikely to affect bats and advise that there are a number of species that are protected by domestic legislation which should be considered. They recommend that opportunities be taken to incorporate features into the design which are beneficial to wildlife if the Authority is minded to approve the application.

7. Representations

7.1 A total of 11 representations have been received (two of which are anonymous and one is from the CPRE) all of which object to the proposals. The comments are summarised as follows:

- Application states that there are mains sewer services available opposite the site. These are privately owned and the applicant will not be given permission to access this sewer.
- Land is designated as 'green belt' and should be preserved as part of the natural countryside.
Officer note: The application site is not located in an area designated as green belt.
- Access to Dick Lane is narrow, especially at Scar Hall Farm where there is not enough space for two vehicles to pass.
- There is a watercourse which runs down Dick Lane immediately opposite the site and run-off from hills above making flooding a problem. As dwellings will be higher than Dick Lane what provisions are there to prevent water from discharging onto the highway?
- This is not a vacant plot but is leased to a local framer who has spent time and money on maintaining the site.
- Site is valuable agricultural land that should be retained.
- A 400m hedgerow runs across the site frontage which could be many hundreds of years old and which meets the requirements for protection under the Hedgerows Regulations 1997.
- Hedgerow is one of only two continuous hedgerows on lanes in Cowling and is part of the character of the area and should be assessed as a whole.

- Importance of hedge should be assessed by more factors than used in the submitted ecological report.
- Loss of hedgerow would affect a number of birds and mammals that rely on it for a habitat.
- Ecological report does not represent the number of birds which use the hedgerow as their habitat and source of food.
- Report does not assess full length of the continuous hedge or all ditches and ponds as access permission was not given.
- Hedge is approximately 100 years old. To remove it and then reinstate it and expect it to survive is wishful thinking.
- Neighbouring properties built on the opposite side of Dick Lane were limited by the Council to single storey dwellings.
- Dick Lane is very narrow and is increasingly used by traffic taking a short cut to Keighley. Road is not wide enough to allow two vehicles to pass without one pulling to side of road or driveways of existing houses.
- Development would set a precedent for the rest of the field to be taken.
- Previous developments in the area have been on brownfield sites. This site is outside of development limits.
- Housing is not needed in the area and not needed according to a Parish Council housing survey in June 2011.
- Proposal will have a detrimental effect on the adjacent conservation area.
- A full tree survey has not been submitted. There are several standard trees along hedge along with numerous trees chopped down to hedge height.
- Windows to plot A would overlook property opposite.
- Site contains a number of land drains. Development would put existing properties at risk of flooding.
- Councils Landscape Assessment identifies area as a 'declining' landscape where conservation/reinforcement is important.
- A retention notice for the hedge is vital.
- Changes to previous withdrawn application do not improve protection for the conservation, address flood risk and show no positive benefit to the surrounding area.
- Application would be contrary to the 'biodiversity duty'

8. Summary of Principal Planning Issues

- 8.1 Principle of development, sustainability and housing land supply.
- 8.2 Layout, scale and visual impact.
- 8.3 Impact on conservation area.
- 8.4 Access and highway safety.
- 8.5 Impact on amenity.
- 8.6 Hedgerow.
- 8.7 Drainage.

9. Analysis

PRINCIPLE OF DEVELOPMENT, SUSTAINABILITY AND HOUSING LAND SUPPLY

Principle of development

- 9.1 The application site is located outside of development limits in an area of open countryside as defined in the Local Plan and therefore falls to be considered under Saved Local Plan Policy ENV1. Policy ENV1 would be prohibitive of residential development in open countryside other than in very special circumstances none of which apply in this particular case. Accordingly, the development proposal is not supported in principle under the relevant saved policy in the adopted Local Plan.
- 9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.3 Paragraph 215 of the 2012 National Planning Policy Framework (NPPF) makes it clear that policies not adopted in accordance with the Planning and Compulsory Purchase Act (2004) need to be considered in terms of their degree of consistency with the NPPF, stating that "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given." As such, where there is any conflict between the Local Plan and the NPPF, the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.
- 9.4 The main thrust of the NPPF is the overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated "three dimensions to sustainable development: economic, social and environmental." The NPPF sets out 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. Where plans are out of date (as with Craven's Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with National Planning Policy. So paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

Sustainability

- 9.5 As set out above, the NPPF makes it clear that there is an overarching presumption in favour of sustainable development and it is therefore necessary to consider this aspect of the proposal.
- 9.6 No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means*' and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 9.7 In more specific terms the NPPF states at paragraph 55:
'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'.
- It is also stated that LPA's should avoid '*new isolated homes in the countryside*', although this may still be acceptable if special circumstances exist.
- 9.8 The application site is located on the edge of a smaller 'satellite' area of approximately 107 dwellings that lies roughly 0.1 miles to the north-east of the development limits of the main village of Cowling and approximately 0.25 to the village centre. The site is also approximately 2.5 miles to the south-west of the village centre of Crosshills. The proposed development would introduce housing along the eastern side of Dick Lane which would extend to approximately two thirds of the length of the existing housing on the opposite side

of the road and would partly 'round off' the small settlement which presently sits for the most part to the north side of the main A6068 Keighley/Colne Road and to the western side of Dick Lane.

- 9.9 The site is not directly adjacent to development limit boundaries, but given its location it is not considered that the site could be classed as 'isolated'. This is because the site would form part of a 'satellite' area of in excess of 100 dwellings that lies in very close proximity to the main village. It is therefore considered that the proposed development is not expressly contrary to NPPF policy as outlined above. Similarly, the proposals would comply with Paragraph 55 of the NPPF as the development site is on the edge of a small settlement and would in fact support existing services in the nearby Local Service Centre of Cowling.
- 9.10 One aspect of sustainability is the accessibility of a particular site which in this case is no less accessible than the existing development that lies immediately adjacent and is in close proximity to a main arterial road which has bus links to Cowling and Keighley to the north-east and to Colne to the south-west. Whilst it is acknowledged that there are few amenities in the larger Cowling settlement it is difficult to argue that this makes the application site unsustainable as the same situation applies to the existing residential development in the immediate area and occupiers of the new dwellings would have access to the same services as existing residents and would have to utilise the same means of accessing those services. Conversely, it could not reasonably be argued that the site is unsustainable due to the pressure on existing amenities and services that it might give rise to.
- 9.11 In summary it is considered that the application site is in a sustainable location and, for the reasons outlined above, it is also considered that the proposals would constitute sustainable development. In coming to this conclusion it is noted that there are other potential housing sites on the edge of the village that are closer to its centre and are therefore in a more sustainable location than the application site. Notwithstanding this, it remains the case that this site is still considered to be sustainable and accordingly, development on the application site is considered to be compliant with the NPPF in principle.

Housing land supply

- 9.12 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.13 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 27th March 2013. The summary is based on an emerging housing target of 160 dwellings per annum which is a figure that is yet to be subject to full public examination and concludes that there is presently a shortfall of 78 dwellings assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.14 Given that the housing target figure upon which the HPS is based could be subject to revision through the local plan process and there is any case a shortfall in housing land supply, the Council is not currently able to demonstrate that a NPPF compliant five year land supply is in place. As a result of this it is not considered that refusal of this application could be sustained on the basis of housing land supply.

Summary

- 9.15 In conclusion, where plans are out of date (as with Craven's Saved Local Plan) and where a 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the National Planning Policy Framework. There may be other sites on the edge of the village that the Local Planning Authority would prefer to be released first for housing development, but it remains the case that this site is considered to be sustainable and in accordance with the NPPF in principle. It is therefore recommended that as the Council cannot demonstrate a 5 year supply of deliverable housing sites, and that as this site is apparently available for development and can be

delivered within a 5 year period, that development on the land should in principle be accepted.

LAYOUT, SCALE AND VISUAL IMPACT

- 9.16 It should be noted that the external appearance and landscaping elements of the proposals are reserved matters and therefore cannot form part of the current assessment of the planning application.
- 9.17 Saved Local Plan Policy ENV2 sets out that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in this policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.18 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.
- 9.19 Of the matters that have been applied for the scale of the proposed bungalows is reflective of the existing development surrounding the site which for the most part consists of single storey properties and would have limited visual impact in comparison to more conventional two storey development in this particular location. Similarly, the linear arrangement, spacing and set back from the road (layout) would all be complimentary to the grain of the existing development that faces the application site and would be the context in which the development would be viewed. The overall layout and scale are in this instance considered to be entirely appropriate for a transitional development on the periphery of an established settlement area.
- 9.20 It is clear that the proposals will impact on the overall appearance of the lane which is a rural byway that is bounded by open grazing land set behind a hedgerow along its eastern side. However, it would be difficult to justify a refusal of the proposed development on visual impact grounds given that it would extend the built envelope along part of the eastern side of the road in a manner that compliments the existing residential development located immediately opposite the application site. Additionally, whilst the proposals would require two access points and entail the provision of a footpath in conjunction with relocation of the existing hedgerow (dealt with in detail later in this report) these changes are not considered to be excessively urban in nature and would not be a significant departure from the predominant character of the lane as it presently exists. It is also considered that the proposed small expansion of the settlement into the adjoining rural land is not of sufficient scale or impact on the wider landscape to constitute grounds for a refusal. Overall, it is considered that the proposals comply with both Saved Local Plan Policy ENV2 and the NPPF.

IMPACT ON THE CONSERVATION AREA

- 9.21 The site lies adjacent to the Cowling conservation area, the boundary of which lies on the opposite side of the road.
- 9.22 The NPPF recognises the importance of ensuring that development proposals do not adversely impact upon the significance of heritage assets, which in this case is the conservation area, and requires that where any harm does arise it is assessed in terms of the scale of that harm and the balance against any benefits that may arise from allowing development to take place.
- 9.23 In this case the significance of the heritage asset could only be harmed in terms of its setting which, in this case, would not be affected in any adverse manner considering that the development proposed is entirely reflective of existing development both within and

adjoining the conservation area. The loss of the rural land that borders the heritage asset is not considered to be sufficiently harmful to constitute grounds for refusal of planning permission. In coming to this view it is acknowledged that the Conservation Area is characterised in part by its rural setting however, the loss of a small area of the farmland surrounding the settlement and erection of the housing proposed would not be considered sufficiently harmful to justify refusal of permission.

ACCESS AND HIGHWAY SAFETY

- 9.24 The proposed access arrangements comprising two access points, one a shared access opening onto a turning area and both serving garages, are considered to be acceptable in highway safety terms. No objections have been raised by NYCC Highways subject to compliance with the conditions summarised above and it is noted that the application incorporates visibility splays to the specifications of the highways authority and the provision of a footpath along the site frontage.
- 9.25 Concerns raised by objectors regarding the suitability of the road for additional development, in particular the traffic that would be generated by that development, are not shared by the Highways Engineer and it is not considered that a refusal of planning permission on the grounds of highway safety could be justified.

IMPACT ON AMENITY

- 9.26 The orientation and overall height of the proposed bungalows are such that no issues of overshadowing would occur to any of the existing properties in the immediate vicinity of the site. Interface distances to the houses on the opposite side of the road range between 21m -26m and would not give rise to any problems from loss of privacy or result in an overbearing relationship.
- 9.27 The outlook of the existing housing along the western side of Dick Lane would be affected as they currently face an unbroken line of hedgerow with open fields beyond. However, it is not considered that the impact would constitute grounds for refusal of planning permission as the relationship is acceptable in planning terms and protection of the view currently enjoyed by the residents of the existing properties is not a planning matter.

HEDGEROW

- 9.28 The proposals would require the relocation and partial removal of an existing hedgerow that fronts the application site and links to a larger hedgerow extending to the south.
- 9.29 As detailed above the application has been submitted with an ecological assessment which concludes that whilst the hedgerow can be categorised as 'important' using indicators laid out in the hedgerow regulations there are no protected species that would prohibit the proposed mitigation works from being undertaken. The report has been prepared and certified by an appropriately qualified Ecologist.
- 9.30 A number of objections have been raised regarding this aspect of the proposal by the Parish Council and in other letters of representation. In particular there are criticisms of the assessment that has been submitted and the proposed mitigation measures. The main conclusions are that the removal or translocation of the hedge should not be sanctioned and that it would not be possible to achieve without substantial or total loss of the hedgerow.
- 9.31 In the first instance under The Hedgerow Regulations 1997 the hedgerow could only be removed by formal notification to the LPA. In this case outright removal of the hedge is not sought but the LPA is required to consider the acceptability of its translocation and partial removal as part of the planning application under consideration. The application has been referred to Natural England who has raised no objections to the proposed development and the information submitted in support of the planning application is considered to comply with the standing advice issued by that particular agency. Consequently, it is not considered that it would be possible to sustain refusal of planning permission on ecological grounds or concerns over the proposed mitigation works.

- 9.32 In coming to this view it is noted that refusal of planning permission cannot be justified in cases where the reason for refusal can be overcome by planning conditions. In this case, the translocation of the hedge would be achievable via a planning condition and would moreover be consistent with the tests set out in Circular 11/95 'Use of Planning Conditions'. In particular, and notwithstanding the comments of objectors to the proposals, hedge translocation is feasible and can be undertaken without undue harm to wildlife or the long term viability of the hedge as evidenced by an advice note issued by Monmouthshire County Council (dated June 2011) entitled 'Hedgerow Translocation' (included as an appendix to this report) which sets out very clear guidance how such works should be undertaken.
- 9.33 In summary it is considered that the hedgerow can be translocated, that this can be achieved via appropriate planning conditions and therefore the value of the hedgerow both ecologically and visually can be retained. On this basis, subject to compliance with a suitable planning condition, it is considered that this aspect of the proposal is acceptable and that there are no grounds for refusal of planning permission on the basis of the loss of the hedgerow.

DRAINAGE:

- 9.34 A number of objections have been received that express concerns over problems with drainage of the site. In particular reference is made to issues of run-off from the site and its surrounds and the presence of a watercourse adjacent to the site which was overlooked on the planning application form and submitted plans. The applicants' agent has since confirmed that there is a culverted land drain that runs across the frontages of the properties located opposite the application site. He advises that there are open sections of the drain to the north and south and maintains that this would not be affected by the proposed development.
- 9.35 Having regard to the consultation responses from Yorkshire Water, the Environment Agency and CDC Environmental Protection it is clear that there are no objections from the statutory authorities' responsible for these particular matters and that the site could be safely developed subject to compliance with the conditions that they have recommended. Accordingly, a refusal of planning permission based on flooding or drainage issues could not be sustained and would moreover not be supported by the relevant agencies.
- 9.36 Comments have been made regarding the existing sewer services which are located on land outside of the applicant's control. In particular, it has been stated that the applicant would not be given permission by the landowners to access the sewers. This issue would fall outside of the scope of planning control as it would be a civil matter between the developer and the landowners concerned should planning permission be granted. The grant of permission would not override any separate legal matters that might arise in relation to land ownership and rights of access.

OTHER MATTERS

- 9.37 It is noted that on the previous submission the land immediately to the south of the application site was shown to be within the same ownership as the applicant but this has been omitted from the current application.
- 9.38 Should further development proposals be submitted in the future which would exceed the threshold for affordable housing this would equate to 'site splitting'. In view of this it is proposed to attach an informative to advise the applicant that, without prejudice to the outcome of future planning applications, a contribution to affordable housing and open space provision based upon the cumulative total of the combined sites would be required should any further housing be approved in the future.
- 9.39 With reference to the comments made regarding the Parish Council survey, and in particular the view that additional housing is not needed in this area, the application must be assessed against policies in the NPPF. Given that the site is not isolated and is in a sustainable location and that there are no firm land allocations in the emerging Local Plan

and a current shortfall in housing land supply throughout the District, it is not considered that a refusal of planning permission based on this particular concern can be justified.

10. Recommendation

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

Conditions

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

- (a) Appearance;
- (b) Landscaping;

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 development hereby permitted shall not be carried out other than wholly in accordance with Drawing 2435 Revision D received by the Local Planning Authority 19th July 2013. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

5. The details submitted in accordance with condition 1 above shall include all buildings facing materials and finishes; surface material finishes for the highways, footpaths, drives and all other hard surfaces; screen walls, fences and other means of enclosure (including the boundary treatments to the boundaries of the site); 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 submitted to the Local Planning Authority on 5th June 2013.

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

6. 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 walls, fences, gates or other means of enclosure shall be erected on any part of the land lying between any main walls of the approved dwellings and the highway boundary without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 10.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vi) Provision of tactile paving in accordance with the current Government guidance.

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

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

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m measures along both channel lines of Dick Lane from a point measures 2m 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 highway safety.

9. No development shall take place until a scheme for the disposal of foul and surface water drainage, which is based on sustainable drainage principles and includes details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

- 9.1 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved surface drainage works.

Reason: To ensure that no foul or surface water discharges take place until property provision has been made for their disposal.

10. Notwithstanding the details contained within the Extended Phase 1 Habitat Survey Report submitted to the Local Planning Authority on 4th June 2013 no works shall take place on site and no works to the hedgerow fronting the site shall take place until a more detailed mitigation strategy, including appropriate survey work to identify any nesting birds or other wildlife species that might be affected by the proposed works, has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include a detailed chronology of the proposed works taking into consideration the results of the required survey work and shall provide full details of the precise means by which the hedgerow shall be translocated. All works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the relevant ecological considerations are properly addressed in the interests of the protection of wildlife and to ensure that the amenity value and significance of the hedgerow is retained. .

Informatives:

1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the construction period.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles. It should be noted that the type of SUDS used should be appropriate to the site in question, and should ensure that there is no pollution of the water environment including both ground and surface waters.
3. Operating times of the construction site should be limited from 7:30am to 6:00pm Monday to Friday, 08:00am to 1:00pm Saturday and no Sunday or Bank Holiday working in order to minimise disturbance from the construction of the new build affecting nearby dwellings.
4. The applicant should be aware that although the proposed size of development falls below the threshold for affordable housing and open space provision should the land immediately to the south or east of the application site be developed the Council would include the dwellings permitted here when calculating both whether contributions should be made and also the level of that provision.

5. 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.
6. Notwithstanding any details shown on the approved plans it should be noted that it is the responsibility of the developer to ensure that surface water run-off from the site is appropriately controlled to ensure that there will be no flooding of property and no increase in surface water run-off from the site to a watercourse compared to the existing (pre-application) run-off rate from the site. All drainage and waste disposal measures must comply with Approved Document Part H – Drainage and Waste Disposal - of the Building Regulations.

Statement of Positive Engagement: -

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

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

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

SUTTON

66/2013/13712

CONSTRUCTION OF CRICKET PAVILION WITH ANCILLARY PARKING (RE-SUBMISSION OF PREVIOUS APPLICATION REF: 66/2013/13275)

CRICKET CLUB, SUTTON-IN-CRAVEN.

APPLICANT NAME: CRICKET CLUB

TARGET DECISION DATE: 28/08/2013

CASE OFFICER: Roger France

Councillor Hart has asked that the application be considered by Planning Committee due to the level of public interest.

1. Site Description

- 1.1 Sutton in Craven Cricket Club is located at the eastern edge of the built up area of the village and lies immediately outside of the current settlement development limits as identified in the adopted Local Plan (1999). Nonetheless, the cricket field is flanked by residential properties to the west (Corn Mill Walk) and to the east ('The Coach House' and 'Royd Nursing Home'), and is bounded by Sutton Lane to the south and by Sutton Beck to the north. Land to the northeast and north of the beck is open pasture.
- 1.2 Site levels are such that the cricket field lies below the level of the Sutton Lane and slightly below the ground levels of the properties to the east.
- 1.3 Vehicle and pedestrian access to the cricket ground is from Corn Mill Walk. A public right of way abuts the northwest corner of the field, crossing Sutton Beck by a footbridge.
- 1.4 The site falls within Flood Zone 3
- 1.5 The current changing room facilities/pavilions are located to the northeast boundary of the site.

2. Proposal

- 2.1 This application is a re-submission for the construction of a new Cricket pavilion and associated parking for 12 vehicles to be sited at the southern edge of the site, alongside the Sutton Lane frontage. The building is to replace the present inadequate facilities. A previous planning application was refused permission in March 2013 for the following reasons: -
 1. The proposal would introduce a formal car parking area, for 12 vehicles, at the eastern end of the site, within 8 metres of neighbouring property the 'Coach House.' In this location the Local Planning Authority considers that the car park would result in a harmful loss of amenity to occupants of the 'Coach House' (through vehicular movements, car doors banging, car headlights, and drivers talking as they emerge from the pavilion). The proposal is therefore considered to fail to accord with the General Development Principles of the Saved Craven District (Outside the Yorkshire Dales National Park) Local Plan with regards to the protection of the amenities of neighbouring residents and occupiers.
 2. The site for the proposed development lies within Flood Risk Zones 2 and 3, where there is a high risk of flooding. The Flood Risk Assessment submitted with the application is inadequate as it fails to consider the effect of a range of flooding events including extreme events on people and property, and the Environment Agency object on these grounds. Based on the information submitted, the proposal fails to comply with paragraph 100 of the NPPF which states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."*
- 2.2 The siting and design of the proposed building is unchanged from the previous application. The pavilion is a single-storey pitched roofed structure clad in artificial stone

and render, with a flat roof tile finish. The building will accommodate changing rooms and toilets, but also a 70 square metre lounge (with viewing windows over the Cricket pitch) and kitchen facilities. Externally, there is a patio/viewing area formed to the front of the building and car parking to east of the building. The only design change from the previous application is that there are two spaces less in the proposed car park (i.e. it is reduced to 10 spaces), but two new spaces are to be created on the west side (maintaining the original 12 spaces). This allows a slightly greater separation between the main car park and The Coach House and space for a tree/shrub planting belt to be provided between the car park and the boundary with the adjacent house.

2.3 The current application is supported by a Flood Risk Assessment which has directly addressed the second reason for refusal of the original application.

3. Planning History

3.1 66/2001/0974: Construction of access track. Approved 12/06/2001.

3.2 66/2013/13275: Construction of Cricket Pavilion and associated car parking. Refused 25 March 2013.

4. Planning Policy Background

4.1 National Planning Policy Framework (NPPF).

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan:

4.3 The Local Plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) include Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; SRC12 'Protection of Public Rights of Way'; and T2 'Road Hierarchy', which are relevant to the current proposal. 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".

4.4 In the context of the subject application the above mentioned 'saved' Local Plan policies are held to be broadly in line with the Framework and the local plan can carry some limited weight. However, the application needs to be principally assessed against the National Planning Policy Framework.

5. Parish Council Comments

5.1 Sutton in Craven Parish Council: Support. "Consideration has been given to visual amenity by new planting and the location is 21 metres away from the boundary of the Coach House. Cricket has been played on the field since 1933. Consideration has been given to nearby residents. Flooding issues have been carefully considered and measures noted. The building is considered to be in keeping with the surrounding area. A new pavilion will enable the club to gain the modern facilities it needs to sustain and grow promoting the provision of sport in the village. The Parish Council considers the Cricket Club an important asset to the village and fully supports this application".

6. Consultations

6.1 **CDC Sports Development Officer:** "The officer notes the Flood risk assessment and the range of measures set out to ameliorate the risk of flooding. In addition the officer has spoken to the club and they plan to consider the site security measures as part of the final building specification. The officer reiterates his support for the application and is satisfied that the previous two recommendations have now been considered.

6.2 **CDC Environmental Protection:** Environmental Protection again raise concerns in relation to the proximity of the car park to neighbouring property the 'Coach House' and possible noise nuisance from the use of the pavilion for social events.

6.3 **Environment Agency:** "Having reviewed the FRA, I can confirm that we have no objection to the development, as long as it is undertaken according to the FRA".

6.4 **NYCC Highways Authority:** Recommends approval subject to conditions regarding the prior provision of the car parking.

7. Representations

7.1 One letter of representation from the occupants of neighbouring property 'The Coach House' has been received, raising broadly the same objections as before. There are 5 main issues: -

a) The proximity of the proposed building

"The proposed function room and bar is in close proximity to the exterior wall of the Coach House .We understand that it is the intention to use the function room for weddings etc. which, assuming a liquor licence will be permitted, will inevitably result in late night music and party exuberance spilling outside on summer evenings- 21 metres is hardly sufficient distance to be impenetrable to loud music."

b) Increased flood risk at the Coach House

"We are concerned that changing the adjoining ground conditions, coupled with the reduction in drainage area will increase the exposure of the Coach House to water ingress and, in extreme, conditions, flood."

c) Proximity of the car park

"The car park is to be sited close to our garden wall and within some 5 metres of the side wall of the house. Although the adjacent grassed area is currently used for car parking, it is to the rear by the grass bank and does not immediately impinge on our privacy. It is not normally in use after approx 9.30 p.m. Where the site of the car park is proposed, it will bring vehicles closer to us again potentially exposing us to noise late at night and possibly 365 days per year."

d) Loss of amenity

"The site of the pavilion will bring spectators closer to our garden resulting in infringement of our right of quiet enjoyment."

e) Existing structures

"The existing toilets, adjacent to our drive, are a constant source of disturbance late at night and in closed season."

8. Summary of Principal Planning Issues

8.1 The principle of development at this location

8.2 The impact on character and appearance of area

8.3 Effect on the living conditions of the neighbouring occupiers

8.4 Flood risk

8.5 Highway safety.

9. Analysis

9.1 **1. Principle of development;**

9.2 The site falls on the edge of the built up area of the village, but technically falls outside the development limits of Sutton and, therefore, comprises open countryside for development control purposes.

9.3 The main thrust of the new National Planning Policy Framework (NPPF) is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development: economic, social and environmental" referred to in the NPPF as the roles the planning system should perform. The Framework identifies, as part of its core planning principles, the intrinsic

character and beauty of the countryside and the need to conserve and enhance the natural environment.

9.4 Saved Local Plan Policy ENV1 is broadly in accordance with the NPPF in that it seeks to protect the character and quality of the open countryside from being spoilt by sporadic development, but is permissive of small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character.

9.5 Cricket grounds form a recreation and leisure use of community benefit appropriate within a rural area. The comments from the applicant and the Parish Council indicate that there is a community benefit to be gained from the proposed development. The NPPF sets out (at paragraph 70) that such developments can enhance the sustainability of communities and residential environments, and so should be considered positively. Consequently, it is considered that the replacement pavilion can be considered acceptable, in principle, and the application turns on the design details of the proposal and the impact of the development on the visual character and appearance of the locality; on neighbour amenity; flood risk and traffic safety.

2. Impact on Character and Appearance of the area

9.6 Paragraph 56 of the NPPF sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy ENV2 states that development acceptable in principle under Policy ENV1, will only be permitted where it is compatible with the character of the surrounding area; does not have an unacceptable impact on the landscape and safeguards landscape features; and the design and materials used in the development relate to the setting and take account of the immediate impact and public views of the development.

9.7 In this case, although the site is located on the edge of the settlement it is visually contiguous with the built up area and the application site is read as part of the village. The pavilion would be a low single-storey building, with a floor level set below the adjacent house to the east and the highway. The pavilion design is functional in design but the building and associated car parking will not be an unduly prominent or incongruous addition to the cricket field. Whilst not necessarily improving the visual character of the area, the proposed building is not considered to harm it, and is an acceptable addition in this location having regard to the potential community benefit.

9.8 In this respect the proposal is considered to comply with the requirements of Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, and advice at paragraphs 56 and 58 of the NPPF.

3. Neighbour Privacy and Amenity

9.9 It is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents. The first of the two previous reasons for refusal of the pavilion was that the proximity of the building and car parking to the adjacent dwelling, The Coach House, and the potential impact on the occupants of that dwelling from noise and general disturbance, particularly from late night functions. In this respect the Environmental Health Officer (EHO) has again expressed concern that a statutory nuisance may be caused if the building were used for evening/night time social events.

9.10 In the current application the position of the pavilion itself is unchanged; it would still remain between 21 and 22 metres from the 'Coach House' garden boundary. The only change to the last application relevant to this issue is the transfer of two of the two nearest parking spaces to the adjacent dwelling to the opposite (west) side of the pavilion. The additional space released being used to form a tapered landscape strip to the site boundary, with a maximum width of 5.85 metre and a minimum width of 4.95 metres. The landscaping would be made up of a mix of Hazel, Rowan, Birch, Dogwood, Holly as tree planting; Dogwood, and Guelder Rose as shrubs and Hawthorn and Blackthorn as hedging.

9.11 The residents of 'The Coach House' have reiterated their previous objections in their representations. The neighbouring occupiers do not consider that the introduction of narrow landscape strip overcomes their concerns about noise and other disturbance from users of the pavilion and associated car park, particularly late at night.

9.12 It is also the officer opinion that the amendments contained in the re-submission are insufficient to overcome the previous objections. There is no material increase in the separation between the pavilion and the house, and it is not considered the proposed planting strip will be effective as an acoustic screen to the car park. As already noted the building is likely to be used for evening/night time social functions and the EHO remains concerned that statutory nuisance could be caused. Hence, it has not been satisfactorily demonstrated that the development would avoid any unreasonable impact on the living conditions of the occupants of the adjacent dwelling.

4. Flood Risk

9.13 The resubmission has directly addressed the previous reason for refusal by submitting a satisfactory Flood Risk Assessment. The Environment Agency has withdrawn its previous objection on the basis of this submission.

5. Highway Safety

9.14 The application would make use of an existing access track, approved in 2001 (66/2001/0974) and would not introduce any additional accesses onto the public highway. Although the provision of a car park may result in increased visitors to the site (at present parking may take place on surrounding streets), NYCC Highways Authority have raised no objections to the application on highway safety grounds.

6. Conclusion

9.15 Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

9.16 In this case it is recognised that the application proposals would provide much needed facilities for the cricket club that would have community benefit. However, by reason of the siting of the development in close proximity to an existing dwelling it is considered that the development would have an unacceptable impact on the amenities of the neighbouring residents, and that the adverse impacts would significantly outweigh any benefits. As such the application would be in conflict with national planning guidance as it would fail to represent sustainable development.

10. Recommendation

10.1 Refusal.

Reasons for refusal

10.2 The Local Planning Authority considers that proposed siting of the cricket pavilion and associated car parking within close proximity of the neighbouring property, 'The 'Coach House', would result in an unreasonable loss of amenity for the occupants of the dwelling by reason of the increased activity and general disturbance, particularly during the evenings. Paragraph 14 of the National Planning Policy Framework 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. It is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents. It is recognised that the application proposals would provide facilities for the cricket club that would have community benefit, however, in this case it is considered that the unacceptable impact on the amenities of the neighbouring occupants outweigh any benefits. As such the application would be in conflict with national planning guidance as it would fail to represent sustainable development.

Statement of Positive Engagement: -

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

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

AIRE VAL W LOTH
21/2013/13610

RETENTION OF TWO EXTENSIONS TO STABLES & STORAGE AREA FOR
HAY & STRAW

THE STABLES, LOW WOODSIDE FARM, CONONLEY.

APPLICANT NAME: MRS LINDA BRENNAND

TARGET DECISION DATE: 13/08/2013

CASE OFFICER: Roger France

Councillor Wheeler has asked that the application be considered by Planning Committee on the grounds of wider issues related to the application and the reasons (and conditions) for the original planning approval granted in 2007.

1. Site Description

- 1.1 Low Woodside is located in open countryside in the Aire valley between Cononley and Skipton, between the Leeds to Skipton railway and Woodside Lane (the Skipton/Carleton to Cononley road). It comprises an enclave of dispersed residential properties and associated grounds and gardens on the lower valley slope to the north, south and east of Swires Lane, which crosses the railway on an over-bridge.
- 1.2 The application site forms part of a larger area of former agricultural land, now predominantly in equestrian use, and comprises an extended structure of largely timber construction used as stables. The building is positioned to the southwest edge of the land, which is bounded by the railway to the east; Swires Lane to the south; and a group of residential properties at The Old Barn to the northwest. Within the larger site are various containers, vehicle hard-standings, and open storage of hay/feed and trailers.
- 1.3 Access to the site is from Woodside Lane which is a steep, narrow, largely concrete surfaced track that forms a driveway that serves several of the surrounding properties, and terminating at the application site.

2 Proposal

- 2.1 The site has an authorised use for the stabling of horses. The original stables on the site, approved in 2007, were an 'L' shaped structure, 15m in length with three 3.6m square loose-boxes and a 7m deep tack/feed store at the southern end.
- 2.2 This application seeks retrospective planning permission for the retention of two small unauthorised extensions to the approved building; these comprise: -
- a rear 'store' extension 4.72 x 1.98 x 3.5 metre in size, formed of ply timber walls (finished green) and a flat roof of corrugated metal sheet. The structure overlaps the northwest corner of the building to allow access from the side.
 - an extension to the front north-east corner of the original building, 2.03 x 2.58 x 3.5 metres of similar construction/materials to the rear extension.

3 Planning History

- 3.1 21/2001/1181 – Development of three dwellings on site of former barn, construction of two garages and two stables and demolition of all existing storage buildings and reinstatement and improvement of landscape. Refused 26 June 2001.
- 3.2 21/2001/1538 – Development of three dwellings on site of former barn, construction of garages and two stables. Demolition of all existing storage and commercial buildings, stables and reinstatement and improvement of landscape. Approved 14/05/2003.
- 3.2.1 21/2007/7164: Construction of 3 No. timber stables and tack and feed store. Approved 4 April 2007.

3.3 Planning Enforcement ref: 908/2010: Commercial use of stables, case closed on 22 November 2010.

3.4 Planning Enforcement ref: 1405/2012. Commercial use of stable, case closed on 3 May 2013.

[Officer Note: In respect of the above enforcement cases, regarding the alleged unauthorised use of the site, there was no evidence of any commercial use found. However, in the last investigation it was determined that planning permission was required for the extensions to the stables and a planning application was invited].

4. Planning Policy Background

4.1 National Planning Policy Framework.

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) include Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; SRC12 'Protection of Public Rights of Way'; and T2 'Road Hierarchy', which are relevant to the current proposal. 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 The Local Plan policy that formerly related to 'horse & equestrian facilities' (SRC7) has not been 'saved'.

4.4 In this case, the above mentioned 'saved' LP Policies are broadly in line with the Framework but as 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, the local plan carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.

5 Parish Council Comments

5.1 The Parish Council have commented as follows: -

1. That it would support any request of the District Councillors for the ward for the application to be dealt with by committee and not by delegated authority.

2. That the application is strongly objected to on the following material grounds:

"The proposed development would have (and does have) an adverse impact on the community who live in the vicinity of the stables in terms of the noise, dust and smell of the expanded stables. The parking provision is inadequate, and the planning permission as previously granted was on the basis of cars belonging to the then resident, not a number of HGV vehicles accessing the stables. The privacy of the residents would be (and is) compromised by a steady in and outflow of non-residents which was not the position envisaged by the original application. The development is out of character in terms of appearance and design and the dominance of the development in the area is out of proportion. Finally, we believe that the only use for an expanded stable is for commercial purposes as it is understood that the stables are used by a number of different people. Given the character of the area, the limited access roads and the requirements of extra storage the expansion requires, the Council believes that the development as a business is not viable and therefore the development is unsustainable.

Although this is not part of the application, the Parish Council resolved that it would support enforcement action to ensure that the original planning order was complied with and object to the disregard which has been had for this permission."

6. Consultations

- 6.1 NYCC Highways: No objections to the application. (The representations, which included specific highway objections, were forwarded to the NYCC for information).
- 6.2 CDC Environmental Health: No potential Environmental Protection issues are identified and there are no known contaminated land implications associated with this development.

7 Representations

- 7.1 The local representative of the Ramblers Association has commented: -

“This application does not affect the right of way 05.13/8 but the building is within sight of it. We have no objection to a stable being built at this point but consider that the present proposals are unsightly and should not be allowed in the countryside. We note that the stables have already been erected without planning permission and consider that it is inappropriate to grant retrospective planning permission. We do not usually object to planning applications unless they affect a right of way but consider we need to do so in this case because of the lack of concern for the countryside shown in the application.”

- 7.2 One letter of objection has been received from an occupant of the nearby residential development known as ‘The Old Barn’. The objections are very comprehensive and lengthy but the correspondent’s own summary refers to 5 grounds of objection: -

- 1) The two extensions are not designed or constructed in keeping with the original stable block.
- 2) The increased use of the site as a result of the extensions will lead to additional traffic through the nearby villages and the local road network, including Woodside Lane.
- 3) The access road is within the ownership of the residential properties served by it and the applicant is not responsible for its maintenance; however, the use by traffic to and from the site leads to its deterioration and unfairly incurs costs to the owners.
- 4) The increase in traffic commensurate with the stabling of more horses at the site as a result of the extensions increases the likelihood of conflict with residential traffic on the steep narrow access (oncoming vehicles cannot pass).
- 5) Woodside Lane is signed as being unsuitable for HGV’S but the increased use of the site will give rise to more HGV horseboxes, towed trailers and hay/feed delivery vehicles using the local road network to the detriment of other users.
- 6) The site has grown into a “multi-user facility” beyond the terms of the original consent and this is inconsistent with the residential character of the area.
- 7) The current permission for the stables was purely intended for the private use of the occupier of No. 3 The Barn, which was justified as no additional traffic would be generated. The present use should be rejected in the interests of traffic safety as it generates traffic through Cononley and along Woodside Lane.

8 Summary of Principal Planning Issues

- 8.1 Planning policy & the principle of equestrian related development at this location.
- 8.2 The effect of the extensions on the character and appearance of the area.
- 8.3 Whether the retention of the extensions would have an unacceptable impact on the living conditions of neighbouring occupiers.
- 8.4 Whether the proposals prejudice highway safety within the vicinity of the site.

9 Analysis

1. The principle of development

- 9.1 The use of the site for keeping of horses dates from the 2007 planning permission for the construction of the stable block, and was originally associated with the redevelopment of the former Low Woodside Farm buildings for residential use (three dwellings). However, the stables and related land are now occupied separately from the occupation of any of the houses, but it has been established through the recent enforcement investigation that the use remains for 'hobby' use and is not operated on a commercial livery basis. As such the development remains in accordance with the terms and conditions of the 2007 permission (21/2007/7164) notwithstanding the representations from neighbouring occupants alleging that commercial activity is taking place.
- 9.2 As a consequence, the current application is only concerned with the consideration of the impact of the two unauthorised extensions to the original stable building (i.e. as operational development) and not with any material change-of-use of the site.
- 9.3 The site falls outside the development limits of Cononley and, therefore, comprises open countryside for development control purposes.
- 9.4 The main thrust of the new Framework (NPPF) is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development: economic, social and environmental" referred to in the NPPF as the roles the planning system should perform. The Framework identifies, as part of its core planning principles, the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.
- 9.5 Saved Local Plan Policy ENV1 is broadly in accordance with the NPPF in that it seeks to protect the character and quality of the open countryside from being spoilt by sporadic development, but is permissive of small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character. Horse riding and other equestrian activities are popular forms of recreation and leisure in the countryside. Therefore, it is accepted in principle that stables and other horse related development can fit in with rural character.
- 9.6 Consequently, it is considered that extensions to the stables can be considered acceptable, in principle, and the application turns on the details of the development and its impact on visual and neighbour amenity, and traffic safety.
2. Visual amenity
- 9.7 Paragraph 56 of the NPPF sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy ENV2 states that development acceptable in principle under Policy ENV1, will only be permitted where it is compatible with the character of the surrounding area; does not have an unacceptable impact on the landscape and safeguards landscape features; and the design and materials used in the development relate to the setting and take account of the immediate impact and public views of the development.
- 9.8 In this case, although the site is located outside of any settlement visually it is closely related to the former Low Woodside Farm stead that has previously been redeveloped for residential use. These buildings, together with other older dwellings in the immediate vicinity, form a residential enclave of dispersed dwellings on the lower valley slopes. The wider area of land used in association with the stables and used to store hay, feed, vehicles and other accoutrements, is more widely visible but the appearance of this area falls outside the scope of the current application.
- 9.9 The stables themselves are cut into the hillside and further screened from the west by a hedge/tree belt planted in accordance with a planning condition attached to the 2007 permission. The topography of the area and existing mature trees to the south, mean the stables are predominantly screened from public views, other than from the railway (although that is partially within a cutting). The nearest public footpath runs to the south of the site and while the larger site is visible the extensions are screened from view.
- 9.10 In conclusion, the impact of these two small extensions to the original structures on the surroundings to the site and wider landscape character is particularly limited. The standard

of design and use of materials is admittedly not of high quality. However, in the context of the scale of the structures and their visibility, it is not considered that this slight impact has such an adverse material effect on the character or appearance of the surroundings that it justifies withholding planning permission.

3. Residential amenity

- 9.11 The thrust of the neighbour representations concern the additional activity generated by the extensions, in that they believe it has allowed additional horses to be kept at the site leading to more activity on the site; in particular increasing the number of visitors and the general comings and goings. This is related to their additional stance that there is a business element to the use of the site, i.e. some form of livery use.
- 9.12 As already noted, further to a separate enforcement investigation no evidence of any commercial activity related to the keeping of horses on this site has been identified, the use of the stables being limited to the personal recreational use of the applicant and her friends. On balance, therefore, it is held that the small scale nature of the extensions (less than 15 square metres) is not going to lead to any significant increase in the use of the site. Therefore there is no evidence to suggest that the extensions would have a material impact on the living conditions of neighbouring residents by reason of any additional activity, smells, noise or other general nuisance.
- 9.13 it is acknowledged that the vehicle access to the site is restricted by its narrow width, lack of passing places, and steep gradient; but the driveway serves several properties as well as the stables and it would be difficult to demonstrate that this small element of storage space would materially increase traffic levels to a degree that the amenities of residents would be unacceptably harmed.

4. Highway safety

- 9.14 The County Highway authority have raised no objections to the extensions on highway safety grounds, and there is no evidence to suggest that such a small addition to the existing stable will generate additional traffic that will be so significant that it would prejudice traffic or pedestrian safety on nearby roads.

5. Conclusions

- 9.15 The NPPF contains a presumption in favour of sustainable development and where the development plan is out of date; development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. In this case the application proposals are not held to conflict with national planning guidance, or the aims and objectives of saved Local Plan Policies ENV1 and ENV2. In the absence of any adverse impacts which significantly and demonstrably outweigh any benefits it is considered that the development should be approved.

10 Recommendation

10.1 Approval.

Conditions.

1. The approved plans comprise the drawings and illustrative material received by the Local Planning Authority on the 18 June 2013.

Reason: For the avoidance of doubt.

2. The development hereby approved shall not be used for any commercial or business use.

Reason: The application has been considered on the understanding that the site is not to be used for any commercial livery or business use. The Local Planning Authority which to retain control over the use of the premises for such uses so as to safeguard the amenities of the occupiers of nearby dwellings and 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.

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

**COWLING
22/2013/13661**

*AMENDMENT TO SITING OF APPROVED LIVESTOCK BUILDING AND
ERECTION OF AGRICULTURAL BUILDING (RE-SUBMISSION OF
22/2013/13585)*

GREEN SYKE BARN, COLNE ROAD, COWLING.

APPLICANT NAME: MR N BLAND
TARGET DECISION DATE: 14/08/2013
CASE OFFICER: Roger France

Councillor Green has asked for this application to be presented to the Planning Committee so that they consider whether the need for the buildings proposed by this application is justified with evidence.

1. Site Description

- 1.1 Green Syke is located in open upland countryside to the southwest of Cowling. The application site forms agricultural land previously occupied by a group of small equestrian buildings and a ménage. The land lies to the north side of the junction of Moss End Lane with the A6068 Keighley Road, just to the east of the County boundary with Lancashire. Located some 50 metres to the east of the application site are two properties, Green Syke Farm and Green Syke Barn (but neither of the properties is in the control of the applicant).
- 1.2 The field that forms the application site itself is enclosed by dry stone walls and contains a recently constructed cattle housing building situated against the west boundary. There is an existing vehicle access from the public highway and a public footpath runs alongside the west side boundary in the adjoining field.
- 1.3 Levels rise generally towards the site from the southeast to northwest before falling again; hence the site occupies a relatively elevated position in the local landscape.

2. Proposal

- 2.1 The main proposal is the construction of an additional agricultural storage building, for hay/straw, feed and machinery. Also proposed is a retrospective amendment to the siting of the existing livestock building, the revised siting being minor involving re-positioning the building some 20 metres further to the south.
- 2.2 The new general purpose storage building is to be sited to the north-east of the existing building and at right angles to it. A revised plan has been received post submission reducing the length of the building by one bay. In plan the structure is 18.81 metres x 9.14 metres, with an eaves height of 4.840 metres and a ridge height of 6.09 metres. The facing materials are concrete panels for the lower walls, dark brown profiled steel sheeting for the upper walls; and grey profiled steel sheet for the roof. Hence the proposed building is smaller in plan than the existing cattle housing but the ridge height is some 1.6 metres higher; otherwise the design, appearance and facing materials match the existing building.

3. Planning History

- 3.1 22/2000/0331: Conversion of stone barn to office with ancillary living accommodation, erection of garage and demolition of outbuildings and creation of new access at Green Syke Farm. Approved 30/05/2000.
- 3.2 22/2007/7842: Construction of stable block and ménage. Approved 24/10/2007.
- 3.3 22/2011/11515: Construction of agricultural building. Refused 26/05/2011.
- 3.4 22/2011/11774: Renovation of existing stables. Approved 19/08/2011.

- 3.5 22/2011/12081: Construction of an Agricultural Building (re-submission of refused application 22/2011/11515): Withdrawn 6 March 2012.
- 3.6 22/2012/12526: Construction of an Agricultural Building (re-submission of refused application 22/2011/12081). Approved 4 July 2012.
- 3.7 22/2013/13308: Amendment to Approved Plans 22/2012/12526 to reduce size of Proposed Agricultural Building & amend external materials (roof & upper walls). Approved 2 April 2013.
4. Planning Policy Background
- 4.1 National guidance contained in the National Planning Policy Framework (NPPF).
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies which relate to agricultural development and have been ‘saved’ (under the Planning & Compulsory Purchase Act 2004) include ENV1, ENV2 and ENV13 which are relevant to this application. 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 In this case, the LP Policies are broadly in line with the Framework but as 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, the local plan carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.
5. Parish Council Comments
- 5.1 Cowling Parish Council: “No comment”.
6. Consultations
- 6.1 **NYCC Highways Authority:** Recommend approval. (*Officer Note: a suggested condition regarding access arrangements was implemented as part of the previous permission*).
- 6.2 **CDC Environmental Health Officer:** “Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern”.
7. Representations
- 7.1 One letter of objection has been received from the occupant of Green Syke Farm. The grounds for objection are that the building will obscure open views from the rear of the property; that the structure would be next to the garden and “overlook my property and invade on my privacy”; and contrary to applicant’s report the building would have visual impact on the countryside and amenities of local residents. It is further stated that the materials do not match the existing building and do not complement the neighbouring farmstead/residential properties that adjoin and are near to the application plot, and that the development will devalue the correspondent’s property.
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 The impact of the proposals on the character and appearance of the surrounding countryside.
- 8.3 Whether the development would have an unreasonable effect on neighbour amenity.
9. Analysis
1. Planning policy & the principle of development.
- 9.1 The NPPF supports the rural economy while seeking to conserve and enhance the natural environment and establishes that there is an overriding emphasis towards a presumption in favour of sustainable development. Saved Local Plan Policy ENV1 is permissive of small scale development appropriate to the countryside where it 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. Saved Policy

ENV13 is permissive of new agricultural buildings providing several criteria are met, including the need to demonstrate justification for isolated development and to avoid unacceptable environmental impact.

- 9.2 The principle of agricultural development at this site was established by the grant of permission in July 2012 for the livestock building (and temporary residential accommodation), which followed the receipt of a viable business plan and the Council's commissioning of an independent assessment of the proposed farm enterprise. These reports demonstrated evidence of a functional and financial justification for the proposed development based on a farm business rearing and fattening beef cattle. The applicant's agent has noted that stock is now being acquired and additional land is being secured. As such, the principle of agricultural development at this location can be considered acceptable against NPPF guidance and saved Local Plan Policy ENV1 and the application falls to be determined on the details of the proposal; i.e. whether these are satisfactory when assessed against the criteria contained in saved LP Policies ENV2 and ENV13.

2. Impact on local character & appearance.

- 9.3 Saved Policy ENV2 states that development acceptable in principle under guidance within ENV1 should be compatible with the character of the surrounding area and should not have an unacceptable impact on the landscape. The design and materials of buildings should also relate well to the setting taking account of differing views of the development. ENV13 seeks, amongst other things, to locate buildings within or adjacent to existing groups, and requires development to be sympathetic to the surroundings in terms of siting, scale, and materials, and not be prejudicial to highway safety.
- 9.4 The surrounding area is characterised by scattered farmsteads and groups of buildings within the local rural landscape. In considering the general siting and design of the livestock building under the previous planning permission it was considered that the building would be relatively low in profile when viewed from the south and west (the main public view points), and that it would not form an unacceptably intrusive or dominant feature in the local landscape. It was additionally considered that the impact of the building could be mitigated through appropriate grouped tree planting around the site boundaries, and a planting scheme was required (prior to the site coming into use) as a condition of approval.
- 9.5 In respect of the currently proposed building the height will make it a somewhat more prominent structure than the existing, but it is not of excessive or unacceptable scale; and as part of an agricultural group it would not appear incongruous in its impact on the character of the surrounding rural landscape. The design and materials match the existing building on the site and there is an existing vehicle access.
- 9.6 Turning to the request for retrospective permission for the revised location of the existing building, it was re-positioned to overcome a legal ownership issue. The building was actually constructed some 20 metres further to the south, on the site of the former stables (that originally were to be retained but were demolished to accommodate the revised siting). Consequently, the amendment has led to less development and although the building is now obliquely nearer the properties at Green Syke Farm, the change has little material effect on the appearance of the site or the general amenities of the locality.
- 9.7 In conclusion, it is not held that the proposals will have an unacceptable impact on the character or appearance of the site or its surroundings and, as such, would comply with and National Planning Policy Framework and saved Policies ENV2, and ENV13 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

3. Neighbour amenity

- 9.8 Within the overarching presumption in favour of sustainable economic development the National Planning Policy Framework seeks to strike a balance, and securing high quality design and a good standard of amenity for all residents is a core planning principle. Saved LP policy ENV13 sets out several criteria to be met which, amongst other things, requires that proposals should "not have an unacceptable impact on the character or setting of local settlements or on amenity of existing residents."

- 9.9 The nearest dwellings, Green Syke Farm & Green Syke Barn, are located some 50 metres to the southeast. Representations from the occupant of Green Syke Farm refer to loss amenity from the proposed new building, in particular loss of outlook and privacy. The proposed building will appear in oblique views from the objector's property but with this degree of separation it is not considered that the development will be overbearing or lead to any unacceptable adverse material effect on the outlook, or the privacy, of the occupants of Green Syke Barn.
- 9.10 It is well established that loss of views and devaluation of property values are not material planning considerations and, in the absence of any evidence that the development would have any unreasonable effect on the living conditions of the existing residents, it is not considered that there are sufficient reasons to justify withholding planning permission on the grounds of loss of residential amenity.
- 9.11 Therefore, it is held that the proposals are in accordance with the criteria contained in saved Local Plan Policies ENV2 and ENV13.

4. Conclusions

- 9.12 Further to information supplied with the previous application it is considered that a justifiable functional agricultural need for a building of this scale and size, at this site, has been demonstrated; and that the proposal is financially viable. The proposed development would have some impact on the character and appearance of the surrounding countryside but that this effect should be weighed against the essential functional agricultural need. The NPPF contains a presumption in favour of sustainable development and where the development plan is out of date; development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. In this case it is considered that the economic benefits of the development to the rural economy are sufficient to outweigh the minor adverse effects of the building on the local landscape and the general amenities of the surrounding area. As such the application would accord with guidance contained in the National Planning Policy Framework and would not conflict with saved Policies ENV1, ENV2, and ENV13 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

10. Recommendation

10.1 Approval.

Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. NB/JP/3523/a, and 1:500 Scale Site Plan; submitted to the local planning authority on 25 July 2013 as amended plans.
Reason: For the avoidance of doubt.
- 3) The development hereby permitted shall not be brought into use until a detailed scheme for the planting of trees as part of a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Any scheme submitted under the requirements of this condition shall include details of the position, numbers, species and sizes of all trees to be planted and any arrangements for the future maintenance of the landscaped areas.
Reason: To safeguard the landscape quality and visual amenities of the open countryside.
- 4) The approved tree planting scheme shall be implemented in the first planting season following completion of the development or first use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is

removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

Reason: To safeguard the landscape quality and visual amenities of the open countryside.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has requested amended design approaches/information to address the planning issues which have arisen in relation to dealing with this application.

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

SUTTON
66/2013/13531

LISTED BUILDING CONSENT FOR THE CONSTRUCTION OF A SINGLE
STOREY EXTENSION TO THE REAR.

LONG HOUSE FARM, ELLERS ROAD, SUTTON.

APPLICANT NAME: MR GARY FEATHER

TARGET DECISION DATE: 27/08/2013

CASE OFFICER: Andrea Muscroft

The application has been referred to Planning Committee for a decision as the applicant is an employee of Craven District Council.

1. Site Description

- 1.1 Long House Farm is a grade II Listed Farmhouse, situated to the south of Sutton-In-Craven, accessed from Ellers Road. The Listing description reads as follows;

“House, later C17, altered. Coursed rubble with stone slate roof. Three chimneys. Two storeys and 4 bays. The ground floor has an enclosed stone porch with a triangular-headed chamfered doorway, at left-hand end. Next to this is long double chamfered window probably of 10 lights originally, with king mullions between (2:3:3:2) but the last 2 lights obliterated by a C19 plain doorway, over which the hoodmould extends. To right are 2 other double chamfered windows, one formerly of 3-lights lacking both mullions, to the other partly blocked; both have hoodmoulds. First floor windows are all C19 in plain stone surrounds, sashed without glazing bars. In the left-hand gable is one 2-light chamfered window lacking its mullion. At rear is another, with mullion. Interior not inspected.”

- 1.2 The application property is situated between and attached to a stone built barn, and a cottage. Both the front and rear elevations have been painted white, with a single storey rear extension and a small part of the farmhouse adjacent to it remaining as natural stonework.

2. Proposal

- 2.1 The proposal seeks listed building consent for the construction of a single storey rear extension.
- 2.2 The proposed extension would measure 5.5m x 3.1m with a maximum height of 4.1m falling to 2.3m at the eaves and would be constructed from coursed rubble (painted white) with a timber frame to support the stone slate roof.

3. Planning History

- 3.1 66/2005/5695 - Replacement windows and front door. Approved 21/11/2006.
- 3.2 66/2007/7193 – Repainting of external stonework, and proposed painting of rear extension, in white. Approved 11/04/2007.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – March 2012 (NPPF)
- 4.2 PPS5: Planning for the Historic Environment Practice Guide

5. Parish Council Comments

- 5.1 Sutton Parish Council: - No comments received at the time of compiling this report (12.8.2013).

6. Consultations

- 6.1 Craven District Councils Conservation Consultant has been involved in pre-application discussions with the applicant. Following those discussions, the design, and conservation issues surrounding the proposal were considered to be acceptable in principle and that the

proposal would not have a negative impact on the architectural character or fabric of the building.

7. Representations

7.1 None received at the time of compiling this report (12.8.2013).

8. Summary of Principal Planning Issues

8.1 1. Whether the proposed development would maintain the special architectural and historical interest of the original building.

9. Analysis

9.1 Whether the proposed development would maintain the special architectural and historical interest of the original building

9.2 The NPPF states that when determining planning applications involving heritage assets LPAs should take account of:-

“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

The desirability of new development making a positive contribution to local character and distinctiveness.”

9.3 The application site is a working farm situated off Eilers Road accessed via a private track. Situated to the south of the application site is a former farm cottage (now in private ownership), with both properties adjacent to agricultural land. The application site is of a traditional agricultural appearance with a good balance of proportions (e.g. solid to void relationship) and simple arrangement of openings, reflecting the buildings agricultural origins. The application site and adjacent property are characteristic features of the landscape surrounding Sutton and as such make a positive contribution to the surrounding area.

9.4 It is noted that the application site has been subject to minor sympathetic alterations (such as replacement windows) over the years, however, these have been undertaken in such a way that the agricultural origins of the building has been retained on the historical fabric of the building has not been impacted upon.

9.5 The proposal seeks to construct a single storey rear extension which would project off the North West elevation. The proposed extension has been designed to continue the matching roof form and construction of the original building with minimal disruption to the listed building. As such it is not considered that the proposal would harm the building’s architectural character or fabric. The North West elevation would be heavily glazed; however, due to its location at the rear, it is not considered that this would have an adverse effect on the buildings appearance or harm the character of the surrounding area. The proposed extension would receive extra light from 2no. Velux windows. It is considered appropriate to condition that the Velux windows are conservation roof lights to ensure that they are flush fitting, thus reducing any impact on the buildings appearance.

9.6 The proposed single storey rear extension would be constructed from coursed rubble, painted white with timber windows and doors; this would help ensure that the proposal ties in well with the original building. Furthermore, the use of appropriate materials would ensure that the development would not visually harm any of the historical or architectural fabric of the listed building.

9.7 It is considered therefore that the proposed extension would not harm the significance of the heritage asset or detract from its historical character or appearance and therefore meets the requirements of the NPPF.

10. Recommendation

10.1 To grant permission subject to conditions.

Conditions

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

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

2. The approved plans comprise of Drawing No's 13531/2 & 4 (annotated by case officer) received by Craven District Council on 10th May 2013. The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The roof-lights hereby approved shall be 'Conservation' roof lights which shall fit flush with the plane for the roof slope.

Reason: To protect the character of the listed building.

4. The glazing in the south west elevation of the extension hereby approved shall be obscured to level 5 and be non-opening. Once in place the glazing shall be retained as such thereafter.

Reason: To protect the amenity of the occupants of the nearby residential properties.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions.

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

**SKIPTON EAST
63/2013/13738**

MATERIAL AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 63/2012/12766 COMPRISING OF A CHANGE IN THE EXTERNAL FINISH OF THE APPROVED BUNGALOW TO YORKSHIRE STONE/RENDER FINISH, COATED ALUMINIUM WINDOWS AND THE INSERTION OF VELUX ROOF WINDOWS.

35 PRINCES CRESCENT, SKIPTON.

APPLICANT NAME: Mr & Mrs Matthews

TARGET DECISION DATE: 11/09/2013

CASE OFFICER: Andrea Muscroft

The application has been referred to Planning Committee for a decision as the original application was approved at Planning Committee.

1. Site Description

- 1.1 This application relates to the rear garden of a semi-detached dwelling at 35 Princes Crescent, Skipton.
- 1.2 The property features a long rear garden approximately 29m in length which backs onto Princes Drive to the north. The rear boundary of the site backs onto a wide grassed verge which has a concrete driveway that provides access to an existing prefabricated garage.
- 1.3 The boundary to Princes Drive is generally well screened with existing tree and shrub planting and a close boarded timber fence. Generally the site levels rise from the south to the north with the rearmost part of the garden located above the ground floor level of the house. The garden boundaries to either side are well screened with a combination of wooden fencing and well established hedges.
- 1.4 The application site is only visible from the public domain from the rear, i.e. from Princes Drive to the north, and is largely obscured from view by the boundary fencing and screen planting. Neighbouring properties are nos. 33 and 37 Princes Crescent whose rear gardens lay either side of the application site.
- 1.5 Within the vicinity of the application site there are no residential properties fronting the southern edge of Princes Drive. However, there are dwellings on the southern side of Princes Drive to the west, the nearest of these being no.15 Princes Crescent which comprises a converted garage allowed unrestricted residential occupation on appeal in June 2012 (Ref: APP/C2708/A/12/2172047). The northern side of the road has a row of semi-detached properties set uniformly in terms of spacing and set back from the road which creates a clearly defined building line.
- 1.6 The application site is within the development limits of Skipton.

2. Proposal

- 2.1 The proposal seeks a material amendment to previously approved application 63/2012/12766 comprising of a change to the external finish of the approved bungalow:
 - Change from painted timber frames and cedar boarding to Yorkshire stone/render finish;
 - Timber painted window frames to coated aluminium windows;
 - Change timber sliding patio doors to bi-folding coated aluminium doors;
 - Insertion of 3no. Velux roof windows.
- 2.2 **Officers Note:** The proposal would not affect the site boundaries, the size or height of the approved bungalow. The submitted plan and details only propose revisions to the external finish of the bungalow and the insertion of Velux roof windows. This permission would not

authorise any other alterations to the previously approved scheme or supersede any planning conditions that have been previously been imposed.

3. Planning History

3.1 63/2010/10435 – Construction of a two bedroom bungalow – Refused 16th June 2010.

3.2 63/2012/12766 – Construction of two bedroom bungalow – Approved 19th November 2012.

4. Planning Policy Background

4.1 The National Planning Policy Framework – March 2012 (NPPF)

4.2 Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Town Council Comments

5.1 Skipton Town Council:- No comments received at the time of compiling this report (12.8.2013).

6. Consultations

6.1 None necessary.

7. Representations

7.1 No letters received at the time of compiling this report (12.8.2013).

8. Summary of Principal Planning Issues

8.1 Impact of the proposed amendments on the design and amenity of neighbouring properties.

9. Analysis

9.1 1. Impact of the proposed amendments on the overall layout and the outlook and amenity of neighbouring properties.

9.2 The principle of this development has previously been established by the original grant of planning permission 63/2012/12766 for the construction of a two bedroom bungalow and therefore this application only requires consideration of the impact of the proposed changes of the scheme in terms of design and amenity of neighbouring properties.

9.3 In terms of the proposed changes, the original proposal acknowledged that the proposal would be constructed from materials which are not typical of the area (timber cladding). Therefore, the change of materials to more traditional materials (stone and render) would result in a form of development more in keeping with the surrounding area and would match many of the surrounding neighbouring properties. No changes are proposed to the approved blue slate roof tiles. It is considered therefore that these changes would not result in any significant overall change to the approved permission and therefore are considered to be acceptable.

9.4 The proposed insertion of 3no. Velux roof windows are considered to be a relatively insignificant feature within the proposed roof, which would not have a negative visual impact on the approved bungalow or surrounding area and are considered therefore to be acceptable.

9.5 It is considered, therefore, that the proposed changes would not have a negative impact on the original building and surrounding properties or have a detrimental impact on the street scene and are therefore considered acceptable.

9.6 In relation to the impact of the proposal on the amenity of neighbouring properties, the proposal states that there would be no changes to the approved height, footprint or location of the approved bungalow. It is considered therefore that the proposal would not have a negative impact on the neighbouring properties in terms of loss of privacy or amenity than the previously approved scheme.

10. Recommendation

10.1 To grant permission subject to conditions.

Conditions

1. The development hereby permitted shall be commenced before the expiration of 3

years from the date of this permission.

Reason: As provided for by Section 91 of the Town and Country Planning Act 1990.

2. The approved plans comprise of Drawing 13738/2 (annotated by case officer) received by Craven District Council on 10th July 2013. The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. Notwithstanding the provisions of Schedule 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration to the roof of the dwelling house shall be undertaken without the prior permission of the Local Planning Authority.

Reason: The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby properties. In addition planning permission has been granted taking into account the design of the building which is considered to be of merit and needs to be protected in the interests of visual amenity.

4. Prior to the occupation of the dwelling hereby approved the boundary fencing and hedge screening detailed on the approved plans shall be installed on site and shall thereafter be retained.

Reason: In order to protect the amenity of the occupiers of adjacent properties.

Informative:

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent, right of access or approval under any other restrictive covenant, enactment, byelaw, order or regulation. In particular this permission does not expressly authorise the right to park or access the site across the grassed highway verge.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions.

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

**SKIPTON NORTH
63/2013/13734**

CHANGE OF USE OF MAIN GROUND FLOOR ROOMS FRONTING HIGH STREET TO A1 RETAIL, A2 FINANCIAL & PROFESSIONAL SERVICES, A3 RESTAURANTS AND CAFES AND A4 DRINKING ESTABLISHMENTS

CRAVEN DISTRICT COUNCIL, TOWN HALL, HIGH STREET, SKIPTON.

APPLICANT NAME: Craven District Council

TARGET DECISION DATE: 16/09/2013

CASE OFFICER: Mark Moore

This application is brought to the attention of Planning Committee as it is for development at a Craven District Council owned property.

1. Site Description

- 1.1 The application property is Skipton Town Hall, a Grade II Listed building constructed in 1862. The front elevation is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. The side elevation facing Jerry Croft is less assuming, yet nevertheless has attractive detailing such as sash windows and moulded string courses. There are later additions to the Town Hall in the form of single storey flat roofed extensions to the side and rear of the building.
- 1.2 The site occupies a prominent position at the northern end of the High Street in Skipton town centre and is within Development Limits and the Skipton Conservation Area.
- 1.3 The site fronts onto but is not within the Core Retail Area.
- 1.4 The High Street is subject to two Article 4 Directions which restrict:
- The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.
 - Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors, windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.
- 1.4 The larger Town Hall premises has been used for various purposes including a theatre and arts & crafts venue together with Council offices, a tourist information centre, exhibition space and a museum. Recently the Council office use of the building has ceased although the other uses detailed above continue.

2. Proposal

- 2.1 This application seeks to use the ground floor of the main Town Hall building (270m² in area) as commercial units falling within the Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes) and A4 (Drinking Establishment).
- 2.2 The existing rooms are presently used as follows:
- Unit 1 two days a week by a recruitment company as temporary office accommodation.
 - Unit 2 by the Tourist Information Centre.

- Unit 3 is disused.
 - Unit 4 is used for partly for storage but is mostly vacant.
- 2.3 The application seeks a ‘blanket’ approval to allow the ground floor to be used for all or any of the named uses (retail, financial/professional offices, drinking establishment) to operate. In total it is proposed to create four retail units. There are no hours restrictions proposed and access to the units would be via the existing entrances to the building, one comprising the main stepped entrance that would serve units 1 and 2, the other a level access further to the north that would serve units 3 and 4.
- 2.4 There is no dedicated parking associated with the Town Hall however the site is in a town centre location which is well served by public car parks and good public transport links.
3. Planning History
- 3.1 The Town Hall has been subject to various applications for minor alterations and signage but none of direct relevance to the current proposal.
- 3.2 Most recently planning permission has been granted for a major mixed use (retail/restaurant) development on land to the rear of the Town Hall and partly fronting the High Street (No.9) which is now under construction (Ref. Nos. 63/2011/11814, 11815 and 11816).
4. Planning Policy Background
- 4.1 The National Planning Policy Framework.
- 4.2 Saved Local Plan Policies:
- EMP7: Change of Use from Industrial to Non-Industrial.
- R1: Sequential Approach to New Retail Development.
- R2: New Retail Development.
5. Town Council Comments
- 5.1 **Skipton Town Council:** The Committee object to this application because Members of Craven District Council as owners of the property have not authorised it and furthermore Members of the Town Council have resolved that the Town Hall should be retained as a community asset and this application contravenes this policy.
6. Consultations
- 6.1 **NYCC Highways:** Recommends that planning permission is granted. Does not wish for any conditions to be imposed.
- 6.2 **English Heritage:** Welcomes the proposal to find a new use or uses for the building. Would prefer to see a more holistic approach which keeps the whole building in occupation since it is definitely preferable for buildings to be fully occupied as this is more likely to result in their continued good maintenance than leaving upper floors empty. New uses for the ground floor rooms should not prejudice the process of finding appropriate new uses for the upper floors.
- The need to re-occupy the building is recognised and this may well be the way forward in the short term whilst a medium or long term solution for the occupation of the whole of the building is sought.
- Subject to the above EH do not object to the Use Classes A1, A2 or A4 but query the appropriateness of A3 because many cafes and restaurants have special requirements for hygienic cladding of kitchen interiors and extract ducts and EH are not sure on present information whether these can be accommodated in this building without damage to the fabric. This would need to be further explored and discussed before EH could support this use class.
7. Representations
- 7.1 None received at the time of compiling this report.
8. Summary of Principal Planning Issues

- 8.1 Principle of the proposed change of use.
- 8.2 Issues in relation to the Listed Building and Conservation Area.
- 8.3 Amenity issues.
- 8.4 Highways and parking.
- 9. Analysis
- 9.1 Principle of the proposed change of use:
- 9.2 The NPPF deals with retail development at Part 2 and primarily seeks to promote sustainable development that would support the viability and vitality of town centres. It also advocates LPA's promoting competitive town centres that provide customer choice and a diverse retail offer that reflect the individuality of town centres. The principle of identifying primary shopping areas is retained and LPA's are encouraged to define primary and secondary frontages and to make clear which uses would be appropriate to those areas.
- 9.3 There are Local Plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current proposal. 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"*.
- 9.4 Saved Local Plan Policy EMP7 applies to buildings falling within Use Classes B1, B2 and B8 and seeks to retain employment generating uses where possible subject to considerations of the location of the building; the suitability of the adjoining road network and the suitability of the building being retained for its original use.
- 9.5 As the proposal includes retail development Saved Policies R1 and R2 are also relevant.
- 9.6 Policy R1 seeks to limit new retail development to town centre sites and specifically within the Core Retail Area (CRA) unless there are no suitable sites available. No sequential test has been submitted as part of this application but the site is located on a primary frontage in the town centre and immediately adjacent to the CRA.
- 9.7 Policy R2 is supportive of new retail development provided the proposal can be accommodated in terms of traffic and parking, it does not result in the loss of residential accommodation, does not affect the townscape or local amenity, is not located in a protected local space or amenity area and not on land allocated for another purpose and does not affect a site of historic importance. It should be noted that this policy is more appropriate to entirely new retail development rather than changes of use as is the case with this application.
- 9.8 In this case, the above mentioned saved LP Policies R1 and R2 are broadly in line with the Framework but as 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, the local plan carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.
- 9.9 With regards to the issue of sequential testing the NPPF requires LPA's to apply this test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date plan.
- 9.10 In essence, the Local Plan policies do not diverge from the NPPF to any significant degree and retail development within the CRA is supported provided it does not adversely impact on the overall viability of the town centre. Sequential testing is not needed in this particular case given that the site is clearly within the town centre albeit that it is outside the currently defined CRA. As the CRA designation stems from the Local Plan and is therefore superseded by NPPF policy, particularly where inconsistencies exist, it is not considered that policy R1 is of relevance in connection with this application.
- 9.11 With regards to the issue of the loss of employment (office) premises it is not considered that the proposal would have a significant impact. The uses applied for would all generate

employment opportunities in their own right and it is debatable whether the existing offices would be entirely fit for purpose in terms of modern specifications or are needed in this particular location within the town centre of Skipton. It is also noted that one of the potential future uses applied for remains that of offices falling under Class A2 (Financial and Professional Services).

- 9.12 In this case it is considered that the loss of the existing office accommodation in favour of the proposed uses, which are all considered to be appropriate for the town centre location, would be consistent with both Local Plan and NPPF policy and are therefore acceptable in principle.
- 9.13 With regards to the concerns expressed by the Town Council it should be noted that the building would for the most part remain within community use and this application does not seek to bring the Town Hall wholly into commercial use. Specifically, the application is limited to the ground floor rooms that front onto the High Street and is speculative seeking changes of use intended to make the building more versatile and viable in the long term. It is not considered that the proposals would conflict with the community use of other parts of the Town Hall and moreover, it would seem entirely appropriate to introduce some elements of commercial use if they can be satisfactorily accommodated within the building
- 9.14 Issues in relation to the Listed Building and Conservation Area:
- 9.15 The proposals do not specifically detail any physical changes to the building although there would inevitably be works requiring listed building consent should permission be granted for the proposed retail units. Notwithstanding, this would be subject to control by the Council as part of subsequent applications and need not be considered as part of the current application. As a consequence there are no issues in relation to the impact on either the appearance of the listed Town Hall building or the conservation area to be assessed at this time as the application is purely for the use of the building.
- 9.16 The NPPF deals with the conservation of the historic environment at Part 12 and in particular requires LPA's to consider *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*. Further, the NPPF states that when considering the impact of a proposed development *'great weight should be given to the asset's conservation'*.
- 9.17 In this case the issue is one of whether or not the proposed uses would adversely impact upon the significance of the heritage asset which is a Grade II building listed for group value and for its distinctive external features (the only internal feature referred to in the listing description is the Council chamber with a panelled and moulded plaster ceiling).
- 9.18 In terms of physical alterations, as stated above, these would be dealt with under separate listed building consents although it is likely internal alterations would not be a problem and the external changes needed to accommodate the proposed uses would be minimal. The proposed uses of the building are not in themselves inappropriate or likely to impact in any adverse way upon the significance of the heritage asset which has had a variety of different uses over time. Given the recent development of the land to the rear and north of the Town hall the uses applied for would actually be more in keeping with the retail and restaurant premises currently under construction and would bridge a gap, in terms of retail premises, along the north-eastern High Street frontage.
- 9.19 Although not referenced in the supporting material accompanying the planning application there is concern regarding long-term uses and the viability of the Town Hall. The application covers a range of commercial uses appropriate to a town centre which are intended to demonstrate to interested tenants that the building has potential for a range of different uses. The NPPF addresses issues regarding the viability of heritage assets stating at paragraph 134:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.
- 9.20 With regard to the comments of English Heritage detailed above the concerns regarding an A3 (restaurant/café) use of the building are noted. However, this application seeks permission for

the change of use only and any physical alterations required in connection with the subsequent use of the building would require Listed Building Consent which would enable the specific details to be considered at a later date.

9.21 In this case it is not considered that the proposals would result in any harm to the significance of the listed building as the key features that have contributed to its listing and the group value of the building would be preserved and protected as part of consideration of subsequent applications for physical alterations. Moreover, the alternative uses sought under this application would contribute to the adaptability and long term viability of the building which would be consistent with NPPF policy.

9.22 Amenity Issues:

9.23 In terms of amenity the proposed uses would have no more impact than the existing uses within the Town Hall with the exception of the proposed A4 (Drinking Establishments) use. In this instance there are no residential properties within close proximity to the site that could be adversely impacted upon by way of noise, increased activity and the increased hours of operation this form of use would normally require. The site is also fronting onto the High Street where there are a number of other pubs and restaurants nearby which would open late at night and it is not considered that an A4 use within the Town Hall would result in any significant increase in noise and activity over and above the current levels experienced in the town centre.

9.24 Highways and parking:

9.25 The site is located in an area well served by public parking and local transport and would have no appreciable impact in highway terms to the existing uses of the building. Additionally, no objections have been raised by NYCC Highways and the application is therefore considered to be acceptable in relation to the impact on the local highway network and to have adequate parking available to accommodate the proposed uses.

10. Recommendation

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

Conditions

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

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

Informative:

This permission is for the change of use of the building only and does not provide authorisation for any internal or external alterations which, due to the Grade II listing of the Town Hall building, would require Listed Building Consent.

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
- accepted amended information to address the planning issues which have arisen in relation to dealing with this application.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****SETTLE & RIBBLE
62/2013/13590***RESIDENTIAL DEVELOPMENT OF 37 DWELLINGS**LAND TO SOUTH OF INGFIELD LANE SETTLE*

APPLICANT NAME: SKIPTON PROPERTIES

TARGET DECISION DATE: 30/08/2013

CASE OFFICER: Mark Moore

This application is being referred to the Planning Committee because it relates to a major application with significant public interest that has previously been determined by the Planning Committee. In addition, due to its location outside of Development Limits, the proposal is a departure from the Local Plan.

1. Site Description

- 1.1 The application site comprises a 1.24 hectare area of open grassland located to the southern side of Ingfield Lane in Settle.
- 1.2 The northernmost parts of the site, with the exception of a 30m section that fronts directly onto Ingfield Lane, lie adjacent to the rear gardens of properties on Ingfield Road. The eastern boundary lies partly adjacent to the rear gardens of residential properties at Brockhole View and partly onto open countryside. The western boundary partly adjoins the gardens of properties at Falcon Gardens and an area of private land associated with the Falcon Hotel further to the west. The southern site boundaries adjoin open agricultural land.
- 1.3 The application site also includes a strip of land forming a grassed highway verge on Ingfield Lane. The applicant's agent has confirmed that notice was served on 21/5/2013 on NYCC at County Hall, Northallerton as the landowners of the verge.
- 1.4 The site lies approximately 250m west of the boundary to the Yorkshire Dales National Park and approximately 400m to the south of the Settle Conservation Area.
- 1.5 The Falcon Manor is a Grade II listed building.
- 1.6 The site is relatively flat and open in aspect with the northern end generally at a higher level than the southern. There is a public footpath that runs parallel to the eastern boundary of the site and links to a wider footpath network within the National Park to the east and south.
- 1.7 The site lies wholly outside of development limits in an area defined as open countryside in the Local Plan although it does adjoin the settlement boundary of Settle.
- 1.8 The agricultural land on which the site located is classed as Grade 4 agricultural and there is an existing protected tree located just outside of the southern boundary (TPO No:177/2009).

2. Proposal

- 2.1 The site has had a previous planning application comprising an outline proposal for 37 dwellings (Ref: 62/2009/9632) that was refused in September 2009 and subsequently dismissed on appeal. Following a revised application that was submitted in 2010 (Ref: 62/2010/10975) planning permission was granted in January 2011.
- 2.2 In summary, the Council's original reason for refusal of the first application which was based upon the impacts of parts of the development on the amenity of properties lying adjacent to the site was accepted by the planning inspector on appeal (the full reason for refusal is set out in the Planning History below). The subsequent revised application proposed changes to overcome the reasons for refusal and in particular the concerns of the Planning Inspector as set out in the appeal decision. The proposed changes were accepted by CDC and outline planning permission was granted for 37 dwellings in 2011.

- 2.3 Consequently, the site has an extant outline planning approval for the erection of 37 dwellings with appearance, landscaping and scale being reserved matters. The reserved matters would need to be applied for before January 2014 in order to comply with the terms of the extant planning permission.
- 2.4 In this case the applicants had originally enquired about the possibility of applying for the reserved matters on the extant outline planning permission but were advised that as layout was one of the matters previously approved which it is now proposed to change it would be necessary for a new application to be submitted. Notwithstanding, the principle of residential development on this site has already been established.
- 2.5 This is a full application for the construction of a residential development of 37 dwellings comprising:
- 2.6 10 x 4 bedroom.
12 x 3 bedroom.
15 x 2 bedroom (affordable units).
- 2.7 All of the proposed houses are 2 storeys with 30° roof pitches and the layout comprises 6 different house types including terraced, semi-detached and detached properties. It is proposed to construct the housing of natural random coursed stone to the facades with artificial stone slates to the roofs and black upvc rainwater goods.
- 2.8 The proposed development would be accessed via a new adopted road coming off Ingfield Lane (as per the extant planning approval) and 48 private car parking spaces on driveways and a further 23 spaces in garages would be provided. This would be a total on-site parking provision of 71 spaces equating to 190%.
- 2.9 Eight of the properties would be served by private (shared) driveways, two to the north-east corner of the site, two to the south-east corner and the remaining four at the south-west corner. It is proposed to provide 4.5m x 90m visibility splays at the site entrance.
- 2.10 An area of public open space, comprised in part of a LAP (Local Area for Play,) is proposed immediately adjacent to Ingfield Lane on the eastern side of the site entrance.
- 2.11 As outlined above 15 of the proposed dwellings are to be affordable units. This would equate to 40% of the overall provision and would comprise a mix of both rented and shared ownership. The affordable units would all comprise 2 bedroom (4 person) dwellings and would be located more or less in the middle of the proposed layout. The details of the affordable housing have been agreed with the Council's Strategic Housing Manager.
- 2.12 The applicants have agreed to provide a crossing on Ingfield Lane which would link the proposed footpath on the northern boundary to the existing footpath on the opposite side of Ingfield Lane.
- 2.13 A link to an existing public right of way located to the east of the site would be provided immediately to the north of the pair of semi-detached properties proposed at the south-east corner of the site.
- 2.14 The application site is located outside of development limits and therefore has been advertised as a departure from the Local Plan.
- 2.15 The Council has issued a screening opinion for EIA confirming that the proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and a full EIA is not required. (Ref: 62/2013/13496).
- 2.16 Both of the previous planning applications were subject to screening and the Council came to the view on both occasions that EIA was not necessary. The decision of the Council that EIA was not required was not questioned by the Planning Inspector when the extant planning application was being considered on appeal. The current proposal does not raise any further issues that would justify the Council reaching a different conclusion to the screening that has taken place in relation to the previous applications.

Officer note: The application has been erroneously advertised as being accompanied by an environmental assessment (EA).

3. Planning History

- 3.1 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access. Refused September 2009 for the following reason:

'the proposed development by virtue of its siting and layout and due to the proximity of existing properties on Brockhole View and Inglehurst on Ingfield Lane which have limited depth to their rear garden areas is likely to cause disturbance and loss of privacy to those properties to such a degree as to be detrimental to residential amenity. This would be contrary to PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.

An appeal was lodged against the refusal of planning permission. In summary, the Inspector came to the view that the development was acceptable in principle but did however agree with the Council's reason for refusal concluding that the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers. The appeal was subsequently dismissed.

- 3.2 62/2010/10975: Outline application for 37 dwellings including layout and access. This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.

- 3.3 62/2013/13496: request for screening opinion for a residential development of 37 houses. Screening opinion that EIA not required issued May 2013.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework.

- 4.2 Saved Local Plan Policies:

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in the Open Countryside

ENV10: Protection of Trees and Woodland

SRC2: Provision of Recreation Space in New Housing Developments

SRC12: Protection of Public Rights of Way

T2: Road Hierarchy.

5. Town Council Comments

- 5.1 Settle Town Council: Resolved that this application be approved.

6. Consultations

- 6.1 **CDC Environmental Protection:** No objections but the operation times of the construction site should be limited to minimise disturbance to nearby dwellings. There are no known contaminated land implications.

- 6.2 **Electricity North West:** Proposal has no impact on the electricity distribution system infrastructure or other ENW assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

- 6.3 **Environment Agency:** No objection to the proposals subject to conditions to ensure that development is carried out in accordance with the approved FRA and Drainage Strategy, provision of a SuDs drainage scheme and appropriate measures to deal with surface water run-off and foul drainage.

- 6.4 **NYCC Archaeology:** The proposed development has no known archaeological constraint.

- 6.5 **NYCC Highways:** Recommends that planning permission is granted subject to conditions:

- Road and footway layout/construction

- Private access and verge crossings construction
- Visibility splays
- Pedestrian visibility splays
- Approval of details of works in the highway
- Completion of works in the highway
- Details of access, turning and parking
- Provision of approved access, turning and parking areas
- Restriction on garage conversions
- Precautions to prevent mud on highway
- Doors and windows opening over the highway
- On-site parking/storage and construction during development
- Routing of construction traffic
- Production of a travel plan
- An informative relating to the adjacent PROW.
- Applicant should enter into a legal agreement to provide a footway along the south side of Ingfield Lane from the site to and across the B6480.

Officer note: The applicant has agreed to provide a pedestrian crossing to connect the footpath to the north of the site with the existing footpath on the opposite side of Ingfield Lane. The provision of a footpath to the specification of the Highway Engineer would not be practical due to land ownership details and is not considered to be necessary in this instance.

- 6.6 **Natural England:** The proposed development will not impact upon any nearby Sites of Special Scientific Interest. The LPA should ensure that, having regard to the NE standing advice, the development does not impact upon any protected species or adversely affect the local landscape and opportunities should be taken to incorporate biodiversity enhancements within the scheme.
- 6.7 **CDC Strategic Housing:** The applicant is proposing that 15 out of a total of 37 homes will be provided on site as affordable. This total equates to 40% of the units on site which is in line with Council policy. Of the 15 units to be provided 11 will be made available for affordable rent and 4 will be made available for sale on a shared ownership basis. The units will be transferred to a registered provider as proposed by the council at the time the development commences for £1000 per m².

The 2011 SHMA indicates a need for 32 affordable homes to be provided each year within the Settle and Ribblesbanks ward. To date no affordable homes have been delivered. The proposals allow for 10 x 2 bed 77 m² homes and 5 x 2 bed 80 m² homes distributed within the development. The size of these units is adequate and in line with the findings of the SHMA which indicated a substantial need for 2 bedroom properties within the District. This development will provide much needed affordable accommodation within the Settle and Ribblesbanks Ward.

- 6.8 **CDC Sports Development Officer:** Based upon the Craven District Council Open Space Strategy, Settle and Giggleswick area have an oversupply of playing fields for the youth and adult space. This also identified a lack of quantity and quality for the area play areas.

The inclusion of the on-site LAP and POS of 520m² supports the Craven District Council assessment of local need. The developer has offered a contribution of £20,000 for the off-site provision and improvement to play and recreational space in order to meet the policy

requirements triggered by the proposal. This is contained within the draft 106 heads of terms (Section 5.1). The trigger point is satisfactory.

Having assessed the application and draft heads of terms for the 106 agreement, the Sports Development Officer is satisfied that this meets the locally saved SRC2 policy as well as the national planning policy framework. This is set out in section 4.18 and 5.24 – 5.27 of the applications planning statement as well as the draft heads of terms for the 106 agreement – see notes below on finalising this agreement.

There are a few matters that need to be finalised. One as a condition and three points to be resolved under the negotiations for the 106 agreement:

- A planning condition to ensure that the final design and layout of the LAP and POS meet Craven District Council and Settle Town Councils requirements.
- The proposed maintenance of the on-site POS and LAP as set out in section 5.2 of the draft heads of terms for the 106 are incorrect and need to be changed to reflect the applicants proposed maintenance and includes the provision of an commuted sum of £4,680 to cover the 10 year costs of this by whoever the application agrees with to take on this duty in order to fully meet SRC2 policy.
- The payment of the commuted sums should be inflation adjusted and the trigger point for the maintenance of the on-site should be upon completion of the LAP and POS.
- The draft heads of terms sets out that commuted sums should be returned within 3 years, this should be increased to 5 years for the £20,000 and does not apply to the maintenance sum as this is for duration of 10 years.

6.9 **United Utilities:** No objections subject to conditions relating to management of foul and surface water drainage. UU request that advisory notes be attached to ensure that they retain access to the pumping station at Brockhole View and to advise that building over the public sewers on the site will not be allowed and should be dealt with either by retaining an access strip or by diversion of the sewer at the applicant's expense.

6.10 **Yorkshire Water:** No objections. Alterations to the road entrance may require a diversion of the main under the RASWA Regs.

6.11 **Police Liaison Officer:** Comments that the application is far improved for security than the previous submission. The following recommendations are made:

- The proposed footpath link to the PROW should be removed as it is considered to be unnecessary and contrary to security.
- That the play area should not combine play areas designed for different age groups.
- That the toddler play area be fenced off and incorporate a lockable gate.
- The play park should display clear signage informing when the park is open and closed.
- Litter bins should be provided at suitable locations in the play areas.
- Housing should attain Secured by Design Certification.
- Adequate security should be maintained during construction phase of the development.

6.12 **Yorkshire Dales National Park Authority:** Although no response received in relation to this application the Park Authority have commented on the previous (extant) planning application to say that they had no objections to the scheme.

7 Representations

7.1 There have been 6 letters of representation that object to the application for the following reasons:

- The field is subject to flooding and proposed development will make the current situation worse. This contravenes the NPPF.

- Houses on the site would be uninsurable due to flooding problems. There could also be a knock-on effect on insurance premiums on neighbouring properties.
- Application is not valid as no FRA was submitted. Previous FRA from 2009 is out of date and based on previous planning proposals and therefore not acceptable.

Officer note: A Flood Risk Assessment was submitted with the application and has been specifically commented on by the Environment Agency.

- Planning Statement makes no reference to the requirement under the previous planning permission for a SuDS drainage system.
- The requirement to pump sewage is alarming due to propensity of the site to flood due to surface water run-off and consequences of a pump failure are a concern.
- Development on flood prone area will place a burden on the local fire service.
- Drainage strategy has not considered the wider impacts eg. The nearby footpath on Brockhole Lane.
- The proposal does not represent sustainable development.
- Site is likely to be underlain by peat. Engineering works to resolve this would cause unacceptably high levels of disturbance to residents.
- The 'rounding off' of the settlement referred to in the Planning Statement is preposterous and unacceptable as irregular boundary forms the character of the settlement.
- Relationship and impact on neighbouring properties is unacceptable and could be improved.
- There are brownfield sites in Settle which should be developed first.
- Development is not needed in Settle as evidenced by numbers of properties that are for sale and is not desired by most residents.
- Proposed housing will put additional pressure on local amenities and employment.
- Development will de-value neighbouring properties.
- Development is disproportionate for small town like Settle.
- Development will cause traffic congestion on Ingfield Lane and other local routes.
- Traffic survey was conducted on a single day in March and is not representative of traffic throughout the whole year. It also does not provide any representation of bicycle usage.
- Proposals would impact upon recreational value of the area and nearby National Park.
- Site is prime agricultural land.
- Recent changes to the area, principally the recent demolition of the elderly persons home at Lower Greenfoot and its replacement with an 'extra care' unit including shops and a library cast doubt on the validity of the Transport Assessment.
- The EIA screening assessment purports that the development will enhance the existing area. The area would not be enhanced by an increase in traffic, noise and light pollution and buildings.
- Properties have not been designed to incorporate solar panels and the development is therefore not sustainable.

In addition to the above an objection has been received from the Campaign for the Protection of Rural England who has expressed concerns regarding the following:

- The lack of EIA.
- The use of watercourses by brown trout for spawning.
- The size and scale of the development.

- The proximity to a Grade II listed building.
- The proximity to the Yorkshire Dales National Park.
- The effect on the character of the market town of Settle.
- The use of green field land.
- Potential for further applications to increase the site once development has begun.

8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Proposed layout and access.
- 8.3 Design and materials.
- 8.4 Impact on amenity.
- 8.5 Impact on the adjacent listed building.
- 8.6 Affordable housing and open space.

9 Analysis

9.1 The Principle of Development:

- 9.2 The application site is located outside of Development Limits in an area defined as open countryside in the Local Plan. As a consequence the proposal would need to be considered under Saved Policies ENV1 and ENV2 of the Local Plan. Policy ENV1 is prohibitive of residential development in the open countryside other than under very special circumstances, none of which apply in this particular case. Accordingly, the development proposal is not supported in principle under the saved Local Plan policy. However, there are two significant issues that are relevant to this application.
- 9.3 Firstly, the site has an extant outline planning permission for the development of 37 dwellings. As detailed above the planning permission follows a previous refusal and a planning appeal and comprises a subsequent re-submission which was ultimately approved by the District Council. As a consequence, the site has an extant outline planning permission which could, subject to approval of reserved matters, be implemented. This is therefore a material consideration in relation to the current application.
- 9.4 Secondly, the Saved Local Plan policies, including ENV1, are derived from the Craven District (Outside the Yorkshire Dales National Park) Local Plan which was adopted in 1999. Specifically, a number of policies within the Local Plan, including ENV1, were saved in September 2007 under a Direction from the Secretary of State but were not prepared under the 2004 Planning and Compulsory Purchase Act. Paragraph 215 of the NPPF makes it clear that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF, stating that:
'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'
Consequently, where there is a conflict between the Local Plan and the NPPF the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.
- 9.5 The main thrust of the NPPF is the overarching presumption in favour of sustainable development, i.e, the general acceptability of proposals against the stated three dimensions to sustainable development; economic, social and environmental. The NPPF sets out that it is the Governments clear expectation that LPA's should deal promptly and favourably with applications that comply with up to date plans. Where plans are out of date (as with Craven's Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with national planning policy. Therefore, paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

- 9.6 In this case the principle of development on this site has already been dealt with under the previous outline planning permission and there is no change in the circumstances of the application site that would support the view that the site is no longer in a sustainable location. Accordingly, the proposal remains a sustainable development which should be supported under NPPF policy.
- 9.7 With regards to housing supply issues it should be noted that the Council is still unable to demonstrate that it has a five year supply of housing land. The most recent summary of housing supply in the Council's Housing Position Statement (March 2013) identifies a shortfall of 78 dwellings measured against a five year housing requirement of 882 dwellings (based upon a revised target of 160 per annum) which takes into consideration the extant planning permission for this particular site. As a consequence, the Council could not justify refusal of planning permission on the grounds of changes in housing land supply as there remains a shortfall which would increase should this site remain undeveloped and the extant planning permission lapse.
- 9.8 In summary, there have been no changes in planning policy since the outline planning permission was granted on this site that would substantiate a refusal of planning permission on the grounds of the principle of development. The extant planning permission is a material consideration that can in any case be implemented subject to approval of reserved matters and therefore a refusal of planning permission would not ultimately prevent the site from being developed. It is therefore only necessary to consider the acceptability of the revised submitted details of the application rather than the principle of development.
- 9.9 Proposed layout and access:
- 9.10 The proposed access to the site would be in the same position as that of the previous outline planning permission and, as per the extant approval, is considered to be acceptable. Within the site the wider road layout would differ from the approved scheme in that the main estate access would form a contiguous frontage along the eastern end of the site with access to the western part of the site being achieved via a smaller link road to a further access road set on a north-south axis in the central part of the site. This would in turn connect to a smaller private drive serving a group of four detached properties located at the south-west corner of the site.
- 9.11 In terms of the overall mix of housing within the development the revised scheme retains a mix of 2, 3 and 4 bedroom properties with the proposed (15) affordable units located across the central part of the site.
- 9.12 A significant change from the approved scheme would be the relocation of public open space (POS) within the development which would now be adjacent to the site entrance at the north-east of the site where it would front onto Ingfield Lane. It is also proposed to revise the eastern site boundary where it adjoins the properties at nos. 1-3 Brockhole View thereby increasing the depth of the gardens to those properties.
- 9.13 Overall, the proposed changes would lead to a more conventional estate layout with less emphasis on terraced rows of properties and segregated communal parking areas that were features of the original scheme.
- 9.14 It is considered that the new layout is an improvement to the approved scheme in that the housing would all have dedicated vehicle parking, there would be a greater variety of built form and the proposed POS would be more accessible to the wider community whilst retaining the existing character of Ingfield Lane by setting the new development further back from the road frontage.
- 9.15 It is considered that the general form and detail of the proposed layout are acceptable and represent an overall improvement in comparison the layout of the extant planning approval.
- 9.16 Design and materials:
- 9.17 The proposed development would comprise traditional gable ended two-storey properties constructed in a natural stone with artificial stone slates to the roofs. The overall form and

detailing of the proposed houses would be appropriate to the locality and are considered to be acceptable.

9.18 Impact on amenity:

9.19 This issue is significant as it formed the basis of the Council's previous refusal of planning permission and of the subsequent dismissal on appeal.

9.20 The scheme maintains adequate separation distances between the proposed new development and the existing housing on the periphery of the site with window to window distances ranging from 21m - 30m and 12m - 21m gable to window. The general arrangement and orientation of properties are all considered to be satisfactory and there are no issues in relation to the parking courts in proximity to neighbouring properties that were a particular problem on the first scheme that was put forward on this site.

9.21 Of note are the proposed changes in the north-east corner of the site. As detailed above the proposal to revise the eastern boundary would enlarge the rear gardens of the bungalows on Brockhole View whilst the general arrangement of the proposed new development would create a much more open aspect and generally improve the outlook of the existing dwellings. It is acknowledged that the gable end of the property proposed on plot 1 would lie closer than the previously approved dwellings (17m gable to the rear elevation of 2 Brockhole View) but this is an acceptable relationship and compensated for by the enlarged garden to the existing property and reduction in the overall massing of new development that would be visible from the rear elevation.

9.22 The revised proposals are considered to be acceptable in terms of impact on amenity and would be a general improvement to the scheme that currently has planning approval. As a consequence the application is considered to be acceptable in terms of the impact on the amenity of the existing properties bordering the site.

9.23 Impact on the adjacent listed building:

9.24 One key change from the approved scheme is the introduction of housing into the south-west corner of the site immediately adjacent to the southern boundary of 3 Falcon Gardens and the neighbouring Grade II listed Falcon Manor hotel.

9.25 The NPPF states that when considering the conservation of heritage assets great weight should be given to the asset's conservation. In particular it is acknowledged that significance can be harmed or lost through, amongst other things, development within its setting. However, it is also stated that LPA's should only refuse consent where substantial harm or loss occurs and that any such harm to a heritage asset should be weighed against the public benefits of the proposed development.

9.26 In this particular instance the significance of the listed building is derived in part from its setting which occupies a prominent location at the junction of Ingfield Lane with the main road (B6480) Duke Street. Viewed from the roads bounding the curtilage of the listed building the hotel has its frontage facing west where it is set well back from the road with a large car park and forecourt area screened by landscaping along the site frontage. To the southern part of the site there is a large area of private garden associated with the hotel fronting the main road and a bowling green which backs onto open countryside and the western tip of the development site. To the north the listed building is obscured from view to a large extent by a detached residential property that lies between the northern elevation of the hotel and Ingfield Lane.

9.27 It is not considered that the development would have any impact on the views or setting of the principle elevations of the listed building as the proposed new housing would be set well to the south-east and would not be visible other than from the grounds of the hotel.

9.28 With regards to the rear and south facing elevations of the listed hotel it is clear that the building faces onto residential development at Falcon Gardens and therefore the existing character of this aspect would not be significantly affected by the proposed further residential development. However, the revised proposals would encroach into an area which previously

would have remained undeveloped, thereby maintaining the open aspect of the southern part of the hotel, and it is necessary to consider the implications of this proposed change.

- 9.29 The development would partially enclose the rearmost part of the curtilage of the listed building by 'wrapping around' the existing development of Falcon Gardens. However, it is not considered that the impact on the setting of the listed building would be harmed to a significant extent as the southern aspect is already characterised by residential development and the overall context of its setting would not be materially altered. There is no doubt that long distance views from the south would see the setting of the listed hotel changed but it would still occupy a prominent position and the overall context of the site, which currently has residential development in close proximity, would not be altered to a significant degree.
- 9.30 Applying the test set out in the NPPF it is not considered that the revised scheme would result in substantial harm to the significance of the heritage asset of the grade II listed hotel and therefore refusal of planning permission on this basis could not be substantiated.
- 9.31 Affordable housing and open space:
- 9.32 The proposals include 15 affordable housing units which equates to 40% provision in line with the Councils policy requirements. The siting and details of the proposed units (two bedroom 70m²) have been agreed with the Councils Strategic Housing Officers and an affordable housing pro-forma completed.
- 9.33 With regards to the open space provision it can be seen from the Sports Development Officers comments above that subject to an appropriate legal agreement to secure 520m² of on-site open space and a developer contribution of £20,000 for the off-site provision and improvement to play and recreational space the proposals are satisfactory.
- 9.34 It is considered that the proposals are acceptable in terms of both affordable housing and open space provision. A draft legal agreement has been submitted to the Council but has not as yet been finalised. Consequently, it is proposed that any grant of planning permission should be subject to a condition requiring completion of a legal agreement to secure both the affordable housing, POS and commuted sum for off-site provision.

10. Recommendation

That planning permission is granted subject to the following conditions:

Conditions

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

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

2. The approved plans comprise the following drawings:

PL- 01, 02, 03, 10, 11, 12, 13, 14, 15, 20 and 21,

RF13-126-L01 and L02,

13026-C-SK02 Revision A

Received by the Local Planning Authority 23rd May 2013, and

C13163/001 Revision A received 16th August 2013.

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

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

3. Before development commences samples of all materials to be used in the external elevations of all the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the stone to be used (including the

colour and method of pointing and coursing). Such details as approved shall be implemented in full and retained thereafter.

4. Before development commences samples of all roofing materials to be used in the roofing of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in full and retained thereafter.
5. No development shall commence until details of the means of enclosure of the site, and where appropriate, plot boundaries within the site, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details and all boundary treatments shall be retained (as approved) at all times thereafter.

Reason (for 3 – 5): To ensure the appropriate use of materials and design in the interest of the character of the area.

6. During the construction period, all trees to be retained shall be protected by fencing as specified in BS 5837 (2012) at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained, and to accord with Saved Local Plan Policy ENV10.

7. No development shall commence until full details of the hard and soft landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following the occupation of the 36th dwelling, whichever is the soonest. The approved landscaping scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 5 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted. Details submitted shall be compliant with BS 5837 (2012) and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area and ensure compliance with Saved Local Plan Policy H12.

8. The proposed ground levels, floor levels of any dwellings, paths, drives, garages and parking areas and the height of any retaining walls within the development site shall be completed strictly in accordance with the approved plans or by agreement with the Local Planning Authority following the submission of details for subsequent approval.

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

9. No development shall commence until a Landscape Management Plan, indicating long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than any privately owned residential gardens) has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall be adhered to at all times thereafter.

Reason: To ensure that the approved landscaping scheme is implemented and maintained to an appropriate standard.

10. There shall be no excavation or other ground works, 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 no 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.

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

11. 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 base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. There shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - ii) Any gates or barriers shall be erected a minimum distance of 6m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - iii) That part of the access(es) extending 6 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
 - v) The final surfacing of any private access within 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.
 - vi) Provision of tactile paving in accordance with the current Government guidance.

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

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

Informative:

With reference to condition No. 14 above, information relating to Standard Detail number E6 can be obtained from North Yorkshire County Council Highways Authority (0845 8727 374).

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m measured along both channel lines of the major road Ingfield Lane from a point measured 4.5m 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 splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Local Plan policy T2 and in the interests of road safety.

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

Reason: In accordance with Saved Local Plan Policy T2 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

16. There shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (i) tactile paving
 - (ii) vehicular, cycle, and pedestrian accesses
 - (iii) vehicular and cycle parking
 - (iv) vehicular turning arrangements
 - (v) manoeuvring arrangements
 - (vi) loading and unloading arrangements.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the approved drawing and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

18. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

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:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

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

20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HGV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In accordance with Saved Local Plan Policy T2 and to ensure that the details are satisfactory in the interests of the safety and the general amenity of the area.

21. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (i) the appointment of a travel co-ordinator
 - (ii) a partnership approach to influence travel behaviour
 - (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - (iv) provision of up-to-date details of public transport services
 - (v) continual appraisal of travel patterns and measures provided through the travel plan
 - (vi) improved safety for vulnerable road users
 - (vii) a reduction in all vehicle trips and mileage
 - (viii) a programme for the implementation of such measures and any proposed physical works
 - (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with Saved Local Plan Policy T2 and to establish measures to encourage more sustainable non-car modes of transport.

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

Reason: To secure proper drainage of the site.

23. The development shall incorporate a sustainable drainage system (SUDS) to be submitted to and approved in writing by Craven District Council prior to the commencement of development.

Reason: In the interests of amenity and to ensure that the site is adequately drained.

24. No development shall take place until:

1. 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 Annex B of PPS3 or any future guidance that replaces it.

The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision in the development and shall be, in matters of tenure and type, in accordance with the findings of the Housing Needs Assessment 2005 or any replacement thereof;
- b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) the arrangements for the transfer of the affordable housing to a registered provider or the management of the affordable housing if no Registered Provider is involved;
- d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be

used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Or,

Confirmation has been obtained in writing from the Local Planning Authority that due to the nature of the development a contribution towards affordable housing is not required.

2. The design and layout of the LAP and POS (to meet Craven District Council and Settle Town Councils requirements) has been submitted to and agreed in writing by the Local Planning Authority.
3. The applicant has entered into a legal agreement to secure:
 - a) Details of the maintenance of the on-site POS and LAP together with agreement of a commuted sum to cover the 10 year costs
 - b) The payment of a commuted sum for off-site provision of open space in lieu of the on-site provision required under Saved Local Plan Policy SRC2.

Reason: To ensure the proposed development provides a suitably managed level of affordable housing and open space.

Informatives:

1. No works are to be undertaken which will create an obstruction either permanent or temporary to the Public Right of Way adjacent to the proposed development.
2. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
3. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up to date information regarding the line of the route of the way, The applicant should discuss with the Highway Authority any proposals for altering the route.
4. 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 39(1) of the Conservation (Natural Habitats & c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.
5. Operating times of the site are limited from 7.30am to 18.00pm Monday to Friday, 8.00am to 13.00pm Saturday and no Sunday or Bank Holiday working.
6. The applicants should ensure that access to the pumping station at Brockhole View is retained at all times and should be aware that building over the public sewers on the site will not be allowed and should be dealt with either by retaining an access strip or by diversion of the sewer at the applicant's expense. United Utilities should be contacted to agree these details prior to the commencement of any works on site.

- 7, The applicant should note that the approved plans detail amendments to the boundary lines of the properties at Nos:1- 3 Brockhole View. These details must be complied with in order to fulfil the terms of condition No.2 above.

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.
- accepted additional information post validation.