

**PLANNING COMMITTEE MEETING AGENDA**

**Friday 27 September 2013**

**CONTENTS**

**SKIPTON AREA**

**APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE**

<b>WARD AND APPLICATION No.</b>	<b>PROPOSED DEVELOPMENT AND SITE ADDRESS</b>	<b>REPORT AT PAGE No.</b>
<i>SKIPTON NORTH 63/2013/13748</i>	<i>OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (INCLUDING MEANS OF ACCESS).  LAND BOUNDED BY A65, WHITE HILLS LANE &amp; RAIKES ROAD, SKIPTON.  APPLICANT NAME: R N Wooler &amp; The Trustees Of The Tarn Moor Estate TARGET DECISION DATE: 21/10/2013 CASE OFFICER: Roger France</i>	<i>2 – 22</i>
<i>GARGRAVE &amp; MALHAM 30/2013/13664</i>	<i>ADDITION OF A NEW CONDENSER UNIT TO RH ELEVATION, RELOCATE EXISTING ATM MACHINE AND NEW AUTO DOORS.  UNITED CO-OPERATIVES LTD, GARGRAVE LATE SHOP, 23 HIGH STREET, GARGRAVE.  APPLICANT NAME: Mr Martin Dooney TARGET DECISION DATE: 22/08/2013 CASE OFFICER: Andrea Muscroft</i>	<i>23 – 27</i>
<i>SKIPTON NORTH 63/2013/13754</i>	<i>LISTED BUILDING CONSENT REQUIRED FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED FASCIA SIGNS  TOWN HALL, HIGH STREET, SKIPTON.  APPLICANT NAME: Craven District Council TARGET DECISION DATE: 13/09/2013 CASE OFFICER: Andrea Muscroft</i>	<i>28 - 30</i>

---

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

*SKIPTON NORTH  
63/2013/13748*

*OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (INCLUDING  
MEANS OF ACCESS).*

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

APPLICANT NAME: R N Wooler & The Trustees Of The Tarn Moor Estate

TARGET DECISION DATE: 21/10/2013

CASE OFFICER: Roger France

---

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

1. Site Description

- 1.1 The application site comprises a triangular shaped plot of land 2.45 hectares in area, situated on the northern edge of the present built-up area of Skipton, some 2km from the town centre. The site is predominantly grassland pasture and is bounded by Raikes Road to the east, White Hills Lane to the southwest, and the A65 Northern By-pass to the north.
- 1.2 The surrounding area to the east and south is residential in character; to the west beyond White Hills Lane and to the north side of the A65 is open countryside. The site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999).
- 1.3 A public right of way crosses the west side of the site, between White Hills Lane and the by-pass. The only current vehicle access to the site is from two agricultural field gates, one on Raikes Road and one on White Hills Lane.
- 1.4 There are no significant changes in level across the site except for a small area on the northwest corner, although site levels generally fall from northwest to southeast. Otherwise there are no special landscape features contained within the site, which is grazed by sheep. However, there are hedges and occasional trees along the boundaries to White Hills Lane and Raikes Road, and a large group of trees outside the site on the embankment to the cutting containing the by-pass.
- 1.5 The site lies outside any areas of special environmental control and falls outside a flood risk area (i.e. is classified as Zone 1 - minimum risk).

2. Proposal

- 2.1 The application seeks outline planning permission for residential development. The only detail to be considered for approval in the application is the means of access to the site. The other matters, i.e. the layout, scale of development, appearance and landscaping are reserved for further consideration and approval. However, an indicative layout plan showing 50 dwellings has been provided to illustrate how the site might be developed.
- 2.2 The proposed principal means of access is off Raikes Lane, and an indicative junction layout has been submitted for a location roughly midway between the

present Grassington Road and White Hills Lane junctions. A second separate short private drive (serving 4 houses) from White Hills Lane is also shown on the indicative layout plan. The present public right of way across the site is shown maintained by the footway to the internal road.

2.3 The application proposes that 40% of the dwellings will be affordable.

2.4 The Planning application is supported by a Design & Access Statement, a Transport Statement, a Flood Risk Assessment; Foul Water Drainage Strategy, an Arboricultural Report, and an Affordable Housing Pro-forma.

### **3. Planning History**

3.1 63/2000/443: Outline application for residential development. The application was withdrawn on 25 October 2000 and was, therefore, not determined.

### **4. Planning Policy Background**

4.1 The National Planning Policy Framework.

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; ENV10 'Protection of Trees & Woodland'; and T2 'Road Hierarchy'.

4.3 However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". While the Local Plan (LP) Policies are broadly in line with the Framework they were adopted in 1999 and were not prepared under the aforementioned Act. Consequently, they are superseded by the more recently published (and therefore more up-to-date) national planning policy, and as the LP carries limited weight the application needs to be principally assessed against the National Planning Policy Framework.

4.4 In March 2012 the Council's adopted an 'Interim Affordable Housing Policy that requires a 40% provision, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is held to be in accordance with the NPPF).

### **5. Parish/Town Council Comments**

5.1 Skipton Town Council: The Town Council have provided the following statement. "Due to the Chairman declaring a pecuniary interest in this application as a Managing Trustee of Tarn Moor Estate and other Members of the Committee declaring non pecuniary interests as Custodian Trustees they are unable to make comment."

5.2 Stirton Parish Meeting: The Acting Chairman and Clerk of the Parish Meeting have submitted separately a number of comments regarding concerns about traffic safety within White Hills Lane, in particular the effect of traffic generation and vehicle speeds. Reference is made by the Clerk to Government guidance from the Dept. of Transport (and copies of publications attached to the representations) and the figures contained in the applicant's Transport Statement are queried. In summary the representations ask that dangers to pedestrians, cyclists, and horse riders from fast moving traffic on rural roads is taken into consideration. Other matters raised are the loss of "prime" grazing land, the "pre-empting" of the new local plan preparation, and the impact of "urban sprawl".

## 6. Consultations

- 6.1 **NYCC Highways:** “There are no valid highway reasons for us to recommend refusal of this application.” Conditional approval is recommended (see list of conditions in Section 11 of this report).
- 6.2 **NYCC Archaeology:** The County Archaeologist’s observations are that there are “no known archaeological constraints” to development.
- 6.3 **NYCC Education Authority:** Comments awaited (and will be reported at the meeting).
- 6.4 **Environment Agency:** We have reviewed the information submitted and we wish to make the following comments:

Flood Risk: The applicant has stated that surface water will be discharged to Yorkshire Water Sewer. Therefore, all details regarding surface water drainage (discharge rate, associated attenuation storage, drainage design & layout) must be agreed with Yorkshire Water before development commences. If surface water is not to be discharged to Yorkshire Water Sewer, then we would ask to be re-consulted regarding the application.

Foul Drainage: A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further

- 6.5 **Yorkshire Water:** No objection in principle and recommend several planning conditions to ensure site is properly drained, including the discharge of surface water. A number of general observations are made regarding surface and foul water drainage design requirements and it is noted that because of the height of the site some pressure reduction issues may need to be resolved by the developer.
- 6.6 **Natural England:** Further to the information provided it is not considered that the application would result in significant impacts on statutory designated sites, landscapes or species and no specific comments are made. (Under the Standing Advice issued by Natural England it is expected that the Local Planning Authority will consider the possible impacts resulting from the proposal on protected species, local wildlife sites, bio-diversity enhancements, and local landscapes).
- 6.7 **CDC Strategic Housing:** “The applicant has confirmed his intention to provide the Council’s target percentage of affordable housing on this site; i.e. 40% subject to financial viability. He has submitted Heads of Terms that demonstrate his willingness to work with the Council to agree type, size, tenure and integration of the affordable homes, which will provide a mix of housing for first time buyers and others in housing need. The proposal, to include on site affordable housing provision, accords with the Council’s interim affordable housing position and national guidance. The standard PINS condition should apply.

It has been suggested that affordable housing should be provided off site; however this does not comply with either local or national policy. The National Planning Policy Framework requires affordable housing to be integrated with market housing in order to promote mixed and sustainable communities,

permitting off site provision only where it can be 'robustly justified'. There is no justification in local or national policy to commute provision off-site in this case.

The SHMA 2011 identifies an annual shortfall of 134 affordable homes in Skipton”.

- 6.8 **CDC Environmental Health:** (Environmental Protection): Regard should be had for the incorporation of a sustainable drainage system (SUDS) provision as detailed in the NPPF, and a scheme should be submitted and approved by Craven District Council prior to the commencement of construction. No known contaminated land implications regarding the site.
- 6.9 **CDC Sports Development Officer:** “The site has included some informal open space along the northern edge and this would part meet the above requirements. The application also outlines that they would make an off-site contribution for the improvement of the neighbouring public open space / recreation ground. This existing open space is in need of some improvements to make the playing field fit for purpose and to improve the quality and quantity of the play equipment to meet the additional need of the development. Due to the adjacent recreation ground being across White Hills Lane, consideration needs to be given towards children, young people and adults access the site across White Hills Lane. It is noted that highway footpath improvements will be made along Raikes Road and White Hills Lane, but consideration needs to be given for the safe crossing of White Hills Lane to access the Recreation Ground. The Sports Development Officer is satisfied that this outline application meets the policy requirements of SRC2 and can be finalised at detailed planning application stage.
- 6.10 **Ramblers Association:** “As it stands at the moment we have no comments to make. If this land is appropriate for housing, which it seems to be, this appears to be a well laid out application.”
- (NB. There are further comments about the permissive status of the existing footpath and support for a formal Public Right Of Way being made, and a request for further additions/improvements outside the site, but these matters fall outside the scope of the planning application).
- 6.11 **Campaign to Protect Rural England:** No objections are made in principle. Reference is made to the desirability of protecting existing trees and hedges and the adjacent Site of Importance for Nature Conservation that applies to the by-pass; and the loss of grazing (although it is noted it is Grade 4 land).

## 7 Representations

- 7.2 The planning application has resulted in 127 letters of representation in objection and 1 in support.
- 7.3 The objections are wide ranging and are summarised as follows:-
- The additional traffic generated will lead to congestion and traffic safety issues on local roads near to the site, adding to already increased traffic levels following the construction of the new HML offices. The local roads and nearby junctions are not of sufficient technical standard to cope with the development and the new access is too close to existing junctions. There are no pavements/footways on Raikes Road and White Hills Lane and there is a recreation ground nearby used by children. The application is contrary to Local Plan Policy T2.
  - The traffic data in the Transport Study report underestimates traffic levels and the impact of development.

- The development would harm the rural character of the site and the market town character of Skipton, reducing the town's attraction. The land should be retained as open countryside as an attractive approach to the town and as green space. The application is contrary to Local Plan Policy ENV1 as the site is outside the development limits.
- Development will lead to an added burden on local infrastructure and services that are already inadequate, including drainage/sewage systems, schools, hospitals, doctors, and dentists.
- Development will lead to localised surface water flooding. There has been past flooding in the area and development will lead to increased run off and flood risk.
- There is no need for additional houses in Skipton because of the number of empty dwellings/properties for sale in the town and other planning permissions recently granted.
- Further residential development should not be allowed until the new local plan is adopted. Development on greenfield sites should not be allowed.
- The Council's housing land availability calculation figures are flawed by the methodology used and further development is not needed at present.
- The development will destroy hedges, trees, and vegetation that are natural habitats.
- Loss of grazing land.
- The footpath is used by dog walkers.
- The development will be affected by pollution from the by-pass and residents will fly-tip onto the by-pass embankment.
- The development will lead to further light pollution.
- The new houses will cause loss of privacy, light and amenity for existing residents overlooking the site.
- The development is out of keeping with the housing style and density of the area. Existing houses will be de-valued by the development. Low density housing would better drive the economy.
- The houses should be orientated to have rear gardens backing onto the hedges.
- There is no need for further social housing; this has been provided for elsewhere. Aged persons houses are needed.
- Development will disturb archaeology; there is a Roman road in the area.

7.4 The letter of support is on the grounds that houses are needed, that the land has little value in its current use, and there would be little or no impact on the surrounding area. The site lends itself to development as it utilises land between the residential area of the Raikes and the natural boundary to the town formed by the by-pass.

7.5 Included within the representations against the application proposals are two particular objections that require further comment.

- 1) Firstly, there are lengthy objections from one correspondent in the form of two documents that comprise a 34 page 'Planning Objection' and a further 22 page document (submitted directly to the Council's Chief Executive and Solicitor)

entitled 'A Necessary Compass'. The latter document contains a particularly individual and personal interpretation of both the law and planning procedure as well the Coalition Government's new National Planning Policy Framework. A particular thread within these two documents is references to the 'legality' of the sale of the land and the role of the Tarn Moor Estate as a registered charity, in addition to a number of general planning objections that are broadly contained within Para 7.2 above. The views and conclusions expressed in the latter document regarding the law and planning are not shared by the professional legal and planning officers of the Council and, in particular, it is considered that the rights of the land owners to sell the land is not a material planning consideration and should not form part of the consideration of the planning application. The general planning issues relevant to the consideration of the application, including the relevant guidance contained in the NPPF, are addressed in the Analysis section of this report.

- 2) Secondly, a further correspondent has expressed a strong opinion that the methodology used to calculate the Council's Housing Position Statement (see Para's 9.12 to 9.20 below) is "fundamentally flawed in that the 20% allowance for non-development of sites has been counted for twice, once in coming up with the proposed need as defined in the NPPF (adding on additional 20%) and again in tailoring the number of houses on sites in development or at planning (deducting 20%). If this error is corrected the figures show that CDC has a surplus of 142 dwellings at that time and that Skipton town gas a surplus of 33 houses, i.e. that no more development is needed at this time." In response, it can be confirmed that the Spatial Planning Manager (Planning Policy Team) firmly disagrees with this assertion that the calculations are flawed and has met the correspondent to explain the methodology used (albeit having to "agree to disagree"). Members are advised to accept the advice of the Spatial Planning Manager. Nonetheless, even with the correspondents figure, for the reasons outlined in this report it is the officer view that there would be insufficient reasons to withhold planning permission in the context of guidance contained in the NPPF.

## 8 Summary of Principal Planning Issues

- 8.2 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan, whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.
- 8.3 The effect of residential development on the character and appearance of the landscape setting of the town or the quality of the surrounding countryside.
- 8.4 The impact of development on the local highway network, traffic movement, and vehicle and pedestrian traffic safety.
- 8.5 The impact of development on the living conditions and general amenities of neighbouring residents.
- 8.6 The impact of development on drainage and flood risk.
- 8.7 Other matters raised in representations.

## 9 Analysis

### 1. PLANNING POLICY & THE PRINCIPLE OF DEVELOPMENT.

- 9.2 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the

Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.3 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

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

#### **The National Planning Policy Framework: -**

##### **(i) Sustainable development**

9.5 The NPPF's overarching presumption in favour of sustainable development is based on the general acceptability of the proposals against "three dimensions", which according to the Framework has three broad roles: "economic, social and environmental". The guidance advises that these roles should not be undertaken in isolation because they are mutually dependent; i.e. the guidance states economic, social and environmental gains should be sought jointly and simultaneously.

9.6 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless "specific policies in this Framework indicate development should be restricted". A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets. In this case, the site falls outside any area of special environmental protection and is in a location on the edge of the existing built up area of Skipton. Skipton is the main service centre within the District and education, community, public transport and other facilities are readily accessible within the area, and within potential walking and cycling distance. There are existing public transport links to the town centre and other nearby major centres. The indicative proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively and efficiently.

9.7 The replacement local plan remains at an early consultation stage, with adoption not anticipated until 2014. Therefore, the process still has some way to progress and carries limited weight. Nonetheless, the scale of the scheme is sufficient to make a contribution to the required 5 year land supply for the District, but not so



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

- 9.8 As such, it is held that the proposal is in line with the objectives of the NPPF in that it has economic benefits, reflects the general need and demand for housing in the area, and the development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives in the new local plan. Therefore, having regard to the advice in the Framework, taken overall the proposal is considered to be a sustainable form of development.

**(ii) Saved Local Plan: -**

- 9.9 The following saved Policies of the Local Plan (LP) are relevant:

(i) Saved Policy ENV1 (Development in the Open Countryside):

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

- 9.11 This proposal is for the development of some 2.5 hectares which cannot be considered small scale and, therefore, fails to accord with Saved Local Plan Policy ENV1. However, the NPPF’s presumption in favour of sustainable development, and the need to demonstrate a 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can be now be given to saved Policy ENV1.

(ii) Saved Policy ENV2 (Requirements for Development in Open Countryside):

- 9.12 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF, and if the proposed residential development is held to be ‘sustainable development’ for the purposes of the NPPF then the application proposals are capable of being assessed against Policy ENV2.

**(iii) Housing land supply**

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

- 9.14 The housing target for Craven District Council (outside the Yorkshire Dales National Park) under the Yorkshire and Humber Plan was to provide 250 additional dwellings per year, giving a five-year target of 1250. With the Coalition Government's clear intention to revoke the RSS under the Localism Bill, local planning authorities were advised in a letter from the Chief Planning Officer dated 6<sup>th</sup> July 2010 that "local authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets" In other words , the Council would need to develop its own locally determined housing figure for the total number of new homes to be planned for in the new Craven Local Plan and to express this as an annual minimum housing target.
- 9.15 Following completion of the North Yorkshire and York Strategic Housing Market Assessment in November 2011 and a study on Craven's population estimates and projections in March 2012, the Council produced a background paper titled "Towards a Locally Determined Housing Target for the Craven District (outside the Yorkshire Dales National Park)" and a discussion paper on "Shaping a Spatial Strategy and Housing Figure". These papers formed the basis for engagement with parish/town councils and other stakeholders to start the process of developing a new housing target. On 8<sup>th</sup> October 2012, following consideration of the outcomes and feedback from the parish/town council and stakeholder workshops, the Craven Spatial Planning Sub-Committee resolved that a housing figure of 160 dwellings (minimum) per annum for that part of the Craven District outside the Yorkshire Dales National Park be adopted as the draft housing figure for the purposes of wider public consultation.
- 9.16 The Council's Policy Committee on 13<sup>th</sup> November 2012 subsequently resolved that in the event of the Yorkshire and Humber Plan Regional Spatial Strategy being revoked, the emerging housing target of 160 dwellings per annum for that part of Craven outside the Yorkshire Dales National Park be adopted for development control purposes for establishing a five year supply of housing land.
- 9.17 The emerging housing figure of 160 dwellings per annum has an up-to-date evidence base and has been subject to initial community and other stakeholder engagement and is scheduled to be subject to wider public engagement at the present time. Consequently, the new emerging target can carry some limited weight. Nonetheless, it is a minimum figure in the middle of the target range and could be subject to future change through the continuing local plan process. The Council produces a regular Housing Position Statement to show the five-year housing land supply within the District. The Housing Position Statement is calculated by looking at sites with planning permission for housing which are either under construction or have yet to be started, and housing sites which were allocated in 1999 in the Craven District Council Local Plan and remain available for development.
- 9.18 The Council's latest Housing Position Statement sets out the following summary of housing supply as at 22 August 2013:

Outstanding Planning Permissions not started = 764 units

Units under Construction = 360 units

Allocated Sites = 40 units

Total = 1164 units

However, it is recognised that some sites may never be developed due to constraints. Historically, planning authorities have applied a 20% slippage rate to account for sites not coming forward from the supply pipeline in the absence of robust land availability assessments. This means that the housing land supply at 22 August 2013 after taking account of slippage (i.e. minus 233) is 931 units.

9.19 A 5 year land supply calculation in compliance with the NPPF (i.e. 5 years +20%), based on the new emerging housing target of 160 per annum would give a 5 year housing requirement of 960 dwellings (5x 160 +20%) . The current housing land supply of 931 dwellings falls short of this requirement by 29 dwellings.

9.20 Nevertheless, the Council's emerging draft housing target of a minimum of 160 dwellings per annum could be subject to change through the local plan process and it is firmly considered that, at this stage in the local plan making process, that the Council is not in a sufficiently robust position to demonstrate that a NPPF compliant five year land supply is currently in place. In particular, it has been demonstrated in appeals nationally that despite the revocation of the RSS the evidence base used to inform it remains a material consideration. The regional evidence base for the RSS for Yorkshire and Humber identified a higher annual housing figure for Craven than the current emerging housing target which therefore leaves the evidence base open to challenge until resolved through the Local Plan process.

9.21 Therefore, the absence of a demonstrable 5 year land supply adds weight in principle to the acceptability of the development of this site under the NPPF's presumption in favour of sustainable development.

#### **(iv) Replacement Local Plan**

9.22 The Council has engaged in discussions with parish/town councils and other stakeholders on shaping a spatial strategy and housing figure for the Craven District outside the National Park. As mentioned in the previous section, the emerging housing target arising from this work is 160 dwellings per year. Ideas for approaches for the distribution of the housing figure have also been the subject of these discussions. At meetings of the Craven Spatial Planning Sub-Committee on 8<sup>th</sup> and 30<sup>th</sup> October 2012, following consideration of the outcomes and feedback from the parish/town council and stakeholder workshops, it was agreed that a sub area approach to the distribution of the draft housing figure be approved for consultation purposes, with Skipton being the main focus for receiving site allocations in the 'South Sub area'. The contribution that each settlement may make to each sub area housing target was also agreed as a guide for the site allocations process and subsequent public consultation.

9.23 It was agreed that the draft 'South Sub area' housing target is 99 dwellings per annum with a guide figure of 69 dwellings per annum to be provided in Skipton. However, it must be borne in mind that this is a draft figure at this stage and may be subject to change. Nevertheless, using this figure as a guide, it means that a rolling 5 year supply of land (plus 20%) of 414 dwellings needs to be maintained for Skipton.

9.24 As part of the site allocations process, the Council is carrying out an update of its Strategic Housing Land Availability Assessment (SHLAA) with the purpose of identifying potential deliverable sites that could be considered for allocation in the local plan and to maintain a rolling five year supply of deliverable sites for housing. The update is being prepared with the aid of a Housing and Employment Market Partnership (external organisations and the Council). The application site is included in the SHLAA.

9.25 Whilst work on the update to the SHLAA is on-going, initial indications are that there is insufficient land potentially available on brownfield land or land within development limits to maintain a rolling 5 year supply of land and that greenfield sites will be required to be considered for allocation in the forthcoming Local Plan to ensure that a continuous supply of land for dwellings is maintained.

**(v) Affordable Housing Considerations**

9.26 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. The proposal is potentially for 50 dwellings, with 40% provision equating to some 20 dwellings. The Strategic Housing Market Assessment (SHMA) 2011 provides evidence of affordable housing need in the District, and identifies an annual shortfall of 134 affordable homes in Skipton. This proposal should provide a significant number of affordable units on the application site to meet affordable housing needs, and this contribution is a material consideration.

**(vi) Conclusions**

9.27 In conclusion, the application proposal is not in accordance with saved policy ENV1 of the development plan (the Local Plan adopted in 1999). However, the development plan is significantly out of date and Policy ENV1 has been overtaken by more up to date national policy. As little weight can be given to either the existing adopted local plan policies or the emerging Local Plan the application falls to be determined against the NPPF.

9.28 The Framework contains a presumption in favour of sustainable development and this means 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 whole.

**2. IMPACT ON LOCAL ROAD NETWORK AND HIGHWAY SAFETY**

9.29 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

9.30 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.

9.31 There are representations from local residents concerning traffic safety issues stemming from traffic generation, road and junction geometry, and local road conditions/vehicle speeds. However, there is no technical evidence to support these concerns; on the basis of the submitted proposals the County highway authority has indicated that it recommends conditional approval of the planning application. In the absence of any technical highway constraints, the proposals accord with NPPF advice and saved Local Plan Policy T2.

**3. IMPACT ON LOCAL LANDSCAPE CHARACTER & APPEARANCE**

9.32 The application site does not fall within any area of special environmental designation. However, paragraph 109 -113 of the NPPF requires that "good design should contribute positively to making places better for people."

- 9.33 The site lies on the edge of the built-up area and the surrounding area to the southwest and east is characterised by housing of suburban character, but the open countryside to the north falls within *Type 10 'Pasture with Wooded Gills and Woodland'* under the Craven District Council's Landscape Appraisal (October 2002). This is described as "rolling pastoral landscape with distinctive pockets of woodland and wooded gills following the topography"; and "distinctive settled character containing a number of linear settlements, villages and hamlets in valleys."
- 9.34 In assessing 'Sensitivity to Change' the Landscape Appraisal notes that the areas most vulnerable to landscape change are valley sides (when highly visible), and woodland areas. In this case, however, the site is a section of relatively level ground on the edge of the town. Furthermore, it is isolated from the main areas of countryside by the town's northern by-pass, and has clearly defined physical boundaries on all three sides. As a result, visually, the site relates more directly to the existing built-up area and forms a natural rounding off of the existing developed area. In particular, by being confined within defined boundaries development within this site would not represent sporadic development that would be harmful to the open countryside that lies beyond the existing urban edge.
- 9.35 The application proposal is in outline form but details of the potential development are included in the Design & Access Statement. This demonstrates that the site is capable of development to a satisfactory layout and scale. The submitted layout is in indicative form only, but the suggested development of 50 houses would equate to a density of 20 dwellings per ha, which is a low density development reflecting the character of existing built development in this part of town.
- 9.36 The site contains boundary trees and hedging and the proposals allow for adequate measures to retain/ safeguard the amenity value of the trees on the site, and elements of the hedging (to be reserved matters).
- 9.37 In conclusion, the application has demonstrated that the impact on the character and appearance of the area would not be significant and would be limited to the immediate surroundings, not extending into the wider rural landscape to any significant degree.

#### 4. EFFECT ON NEIGHBOUR AMENITY

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

#### 5. ECOLOGY & WILDLIFE

- 9.40 Concerns have been expressed in representations about the loss of wildlife habitats, although no protected species are recorded.
- 9.41 The NPPF identifies as part of its core principles the need to conserve and enhance the natural environment, furthermore that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

- 9.42 In this case the site will result in the loss of 2.5 hectares of habitat, and the nature of the land as grazed pasture, common in the surrounding landscape, is of low ecological and ornithological value. Hence development will not lead to the loss of any significantly important vegetation. Tree and hedge removal is also sufficiently limited in extent that impacts will not be significant from an ecological perspective. Consequently, the magnitude of the 'negative effect' from development in terms of habitat loss is minor in its impact.
- 9.43 Therefore, despite the concerns raised, the site has no special features and the land is not of any value that could justifiably form a reason to refuse planning permission having regard to the wider guidance contained in the NPPF.

## 6. CONCLUSIONS

- 9.44 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 decisions on planning applications must be made in accordance with the statutory development plan unless material considerations indicate otherwise. In respect of the Saved Policies of the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan, because the application proposal is outside development limits and is not small in scale, it does not accord with Policy ENV1. However, the development plan is significantly out of date and Policy ENV1 has been overtaken by more up to date national policy (the NPPF).
- 9.45 The NPPF contains an overarching presumption in favour of sustainable development in decision making. 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."
- 9.46 The NPPF states there are "three dimensions to sustainable development", which are three broad roles: 'economic' (to support growth), 'social' (to meet community needs) and 'environmental' (to protect and enhance the natural, built and historic environment). The guidance advises that these roles should not be undertaken in isolation because they are mutually dependent; i.e. the guidance states economic, social and environmental gains should be sought jointly and simultaneously.
- 9.47 The Council's latest Housing Position Statement (August 2013) illustrates that the District does not at this point in time have a demonstrable five year supply of deliverable housing sites as required by the NPPF. In these circumstances, regard should therefore be had to advice in paragraph 47 of the NPPF which states that where Local Planning Authorities cannot demonstrate an up to date 5 year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the NPPF including the considerations in paragraph 14 and the overarching presumption in favour of sustainable development.
- 9.48 In this case it is held that the proposal represents a sustainable form of development. The application site has no special environmental designation and is located on the edge of the main town within the District. Education, community and other facilities are readily accessible and there are public transport services nearby. Although the application is in outline sufficient details have been submitted to indicate that the proposal is capable of providing high quality housing, including a beneficial provision of affordable housing of an appropriate mix to meet identified local housing needs. The proposed layout and supporting documentation also indicates that development would not have a significant adverse impact on the character or appearance of the surrounding area, or cause

any unacceptable harm to the living conditions of existing local residents. There is no evidence that the development would be detrimental to highway safety in the locality, or cause significant harm to bio-diversity or increase flood risk.

- 9.49 Therefore, taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained in Paragraph 14 of the NPPF, and there are no grounds to withhold planning permission. As development would assist in meeting a shortfall in the currently identified housing requirement for the District this further justifies granting permission for the development.

## **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;
- (c) layout; and
- (d) scale

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

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

2. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

**Reason (for 2 & 3):** Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years.

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated June 2013 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

7. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, the erection of fencing for the protection of the retained trees and hedgerows shall be undertaken. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of Craven District Council.

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

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

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

**Reason:** In the interest of satisfactory and sustainable drainage.

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

**Reason:** To ensure that the site is properly drained.



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

The scheme shall include:

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

**Reason:** To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

11. No development shall take place until either:

- (i) Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance.
- (ii) (Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary
  - (b) dimensions of any carriageway, cycleway, footway, and verges
  - (c) visibility splays

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

The development shall only be carried out in full compliance with the approved drawings and details.

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

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

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

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

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

- a) The details of the access shall have been approved in writing by the Local Planning Authority.
- b) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- c) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- d) That part of the access extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
- e) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
- f) The final surfacing of any private access within 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.
- g) Provision of tactile paving.

All works shall accord with the approved details.

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

15. 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 90 metres measured along both channel lines of the major road (Raikes Road) from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

16. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 120 metres measured along both channel lines of the major road (White Hills Lane) from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

18. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- 1) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 2) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a) Provision of tactile paving
- b) Footways on Raikes Road and White Hills Lane (see illustrative site layout, and Appendix D of the Transport Assessment), footpath steps adjacent to bridge on White Hills Lane and rationalisation of 30mph (Raikes Road)

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

19. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 18:

- a) Footways on Raikes Road and White Hills Lane (see illustrative site layout, Appendix D of the Transport Assessment)
- b) footpath steps adjacent to bridge on White Hills Lane and
- c) rationalisation of 30mph (Raikes Road)

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

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

- a) tactile paving
  - vehicular, cycle, and pedestrian accesses
  - vehicular and cycle parking
  - vehicular turning arrangements
  - manoeuvring arrangements
  - loading and unloading arrangements

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

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

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

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

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

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

## INFORMATIVES

1. No works are to be undertaken which will create any obstruction, either permanent or temporary, to the public right of way adjacent to the proposed development. Applicants are advised to contact the County Council's Access & Public Rights of Way Manager at County Hall, Northallerton, on 0845 8 727374 to obtain up to date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the construction period.
3. "All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of

Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ”

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

#### Statement of Positive Engagement

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

---

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

GARGRAVE  
&MALHAM  
30/2013/13664

ADDITION OF A NEW CONDENSER UNIT TO RH ELEVATION, RELOCATE  
EXISTING ATM MACHINE AND NEW AUTO DOORS.

UNITED CO-OPERATIVES LTD, GARGRAVE LATE SHOP, 23 HIGH  
STREET, GARGRAVE.

APPLICANT NAME: Mr Martin Dooney

TARGET DECISION DATE: 22/08/2013

CASE OFFICER: Andrea Muscroft

---

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

1. Site Description

- 1.1 The application site comprises a small food supermarket (the Co-op) located on the south east side of Gargrave High Street. The building is two storey with a hipped blue slate roof to the main frontage, and flat roof two storey and single storey extensions to the rear. Access to and from the site is directly off the High Street with the store car park located to the east of the main building. A service yard is located to the rear of the building.
- 1.2 The application site is within the development limits and conservation area of Gargrave.

2 Proposal

- 2.1 The application, as originally submitted, sought permission for external alterations to the Co-op comprising:-
- Installation of additional condenser unit to the south west side elevation;
  - Relocation of existing ATM to north east side elevation;
  - Relocation of customer entrance to north west front elevation;
  - Installation of automatic doors and roller shutters.
- 2.2 The roller shutters were subsequently omitted from the scheme following concerns over the potential visual harm to the character of the conservation area. A revised plan and design and access statement were received by Craven District Council on the 1<sup>st</sup> August 2013 omitting this element from the original proposal.
- 2.3 The proposal was supported by an Acoustic Noise Assessment that sought to address any noise disturbance issues associated with the condenser unit. However, following discussions with the applicant's agent due to concerns raised over the potential for noise disturbance, revised plans were received on the 27<sup>th</sup> August 2013 detailing an acoustic enclosure positioned around the condenser.
- 2.4 The application does not propose any changes to the existing gross floor space or to the car parking/access arrangements.
- 2.5 Finally it should be noted that since this application was originally submitted the proposed works have already been undertaken.

3 Planning History

- 3.1 30/2009/9761 – Permission granted to replace existing double manual doors with double automatic Bi-fold doors.
- 3.2 30/2009/9336 (12/3/09) Permission granted for display of externally illuminated and non-illuminated advertisement signs.
- 3.3 30/2008/8644 Application undetermined for extension and alterations to existing store including combined condenser housing, and retention of recycling facilities in current position.
- 3.4 30/2005/5536 (27/9/05) Application approved for fascia and entrance sign, poster frames, tray panel signs and window graphics.
- 3.5 30/2002/2124 (11/06/02) Application approved for retention of installed 1m satellite dish for connection to ATM.
- 3.6 30/2001/1162 (11/05/01) Application approved for removal of double fronted entrance doors to front elevation and replace with display window.
- 3.7 30/2001/1121 (17/05/01) Application withdrawn for ATM surround and projecting sign.
- 3.8 30/2001/1119 (11/05/01) Permission granted for installation of 24 hour cash point.
- 3.9 5/30/33/e (12/9/95) Permission granted for the retention of satellite dish antenna to rear roof.
- 3.10 5/30/33/d (14/8/91) Permission granted for external illumination of 2 no. existing fascia signs.
- 3.11 5/30/33/c (4/3/91) Permission refused for 2 no. single sided signs (internally illuminated).
- 3.12 5/30/33/b (24/6/85) Permission granted for erection of 1 no. illuminated and 2 no. non illuminated signs.
- 3.13 5/30/33/a (16/7/82) Permission granted for the change of use of 1st floor to office premises.
- 3.14 5/30/33 (22/8/75) Permission granted for use of first floor premises for a children's playgroup centre (small room).
- 3.15 5/30/32 (22/8/75) Permission granted for use of largest of rooms on first floor of Co-op for the display and sale of antiques.

#### 4 Planning Policy Background

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

#### 5 Parish/Town Council Comments

- 5.1 Gargrave Parish Council: Object to the application for the following reason:

*The potential noise levels of the proposed condenser and its impact on neighbouring properties due to its close proximity to these properties.*

#### 6 Consultations

- 6.1 CDC Environmental Health: Environmentally Health originally suggested that an acoustic enclosure be placed around the proposed condenser units to reduce potential noise nuisance problems. The enclosure was subsequently installed prior to permission being granted. Environmental Health has subsequently commented that following a site visit on the 4<sup>th</sup> September they are satisfied that there would not be a noise nuisance from the new condenser unit to the neighbouring property, especially since the acoustic barrier has been installed.



## 7 Representations

7.1 The proposal was advertised in the Local Press, site notices were displayed within the surrounding area, and letters of notification sent out directly to neighbouring residents.

7.2 One letter of objection has been received. The comments are summarised below:-

- *Object to the proposed location for the condenser as it would be placed opposite our front door, bathroom and bedroom window;*
- *The noise level from the proposed condenser would be very disruptive to our property;*
- *The potential noise disturbance would have a negative impact on the quality of our life;*
- *Concern that the noise assessment hasn't taken into account the drop in background noise which occurs in the evening, thus the noise from the condenser would be amplified.*
- *Were alternative locations considered?*

## 8 Summary of Principal Planning Issues

8.1 Impact of the development on the character and appearance of the conservation area.

8.2 Impact of the development on the amenity of neighbouring properties.

## 9 Analysis

### **A. VISUAL IMPACT OF THE DEVELOPMENT ON THE SURROUNDING CONSERVATION AREA.**

9.1 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (in this instance a conservation area), great weight should be given to the asset's conservation. It also states that its significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.

9.2 PPS 5: Good Practice Guide also states that special attention should be paid to ensure the preservation or enhancement of the character or appearance of the conservation area.

9.3 The application site is located in the centre of the designated conservation area at Gargrave. Development within the conservation area typically comprises traditional terraced cottages of differing ages and styles with traditional stone boundary walls. Whilst the village has experienced some level of development in recent years, these developments on the whole have been sympathetic to the historical character of the village. As such the village conservation area has managed to maintain much of its historic character and it makes a positive contribution to the District.

### **Creation of the new shop front entrance, Relocation of the ATM, and installation of automatic doors.**

9.4 The proposal is to undertake a number of external alterations to improve the shopping experience of visitors. The building is modern in design, in comparison to adjacent buildings within the conservation area, and has more limited architectural merit. The application proposes to create a new entrance to the High Street elevation comprising of an automatic door flanked by windows to the right. The new entrance would incorporate the existing windows and would see the relocation of the ATM which is currently located on this elevation to the north east side elevation. Essentially the main customer entrance and the ATM machine swap positions.

- 9.5 The High Street elevation is a prominent elevation, and the changes do have a visual impact on the character of the conservation area. However, due to the set back from the public highway, and the sympathetic design of the changes it is not considered that the development has a negative visual impact on the character and appearance of the surrounding conservation area.
- 9.6 With respect to the resited ATM, it is considered that the use of an existing opening would result in only minor changes to the north east elevation and as such would not have a negative impact on the overall appearance of the building or the surrounding conservation area.

**Installation of additional condenser unit.**

- 9.7 The proposal is to install a condenser to the south west elevation. The work has already been undertaken and this area was previously vacant with a fire escape leading to the first floor of the Co-op. Access to this area is via a pedestrian route located to the rear or via double gates which open on to the High Street. In addition, situated along the north western boundary is a traditional stone wall.
- 9.8 The proposed condenser would be approximately 1.6m in height x 4.7m wide and would be mainly screened by 2.5m high rectangular panels which would appear opaque. It is acknowledged that the proposal would not be fully screened from public views. However, due to the existing set back from the High Street and the proposals functional design it is considered that the proposal would only have a minimal impact on the character and appearance of the surrounding conservation area and would not be sufficient to warrant a refusal.
- 9.9 In conclusion it is considered that the external alterations to the building do not unacceptably affect the character and appearance of the surrounding conservation area or existing building and therefore the proposal meets the requirements of the NPPF and PPS5 Good Practice Guide.

**B. IMPACT OF DEVELOPMENT ON THE AMENITY OF NEIGHBOURING PROPERTIES.**

- 9.10 Within the overarching presumption in favour of sustainable economic development the NPPF seeks to strike a balance, securing high quality design and a good standard of amenity for all residents is a core planning principle.
- 9.11 In terms of the relocation of the shop front and the ATM, it is not considered that these external changes would result in any unacceptable conditions in terms of outlook, or the loss of privacy to the occupants of neighbouring properties than currently experienced.
- 9.12 Residential dwellings lie to the south of the proposed condenser unit and an adjoining neighbour has raised concerns about the impact of the development on them. In relation to concerns expressed over potential noise disturbance due to the installation of a condenser to the south east elevation. Environmental Health has been consulted and also further questioned by the Case Officer to seek confirmation that they are satisfied with the acoustic housing as installed. Environmental Health has confirmed that they have no objections to the development. If any noise nuisance complaint subsequently arises in the future it would be a matter that would need to be addressed through environmental health through a statutory nuisance complaint. It is not considered that the condenser or its housing would cause any other amenity problems, e.g. its size or position would not be overbearing to the adjacent neighbouring residential property.
- 9.13 It is therefore considered that the proposed development would not have a significant detrimental impact on the amenities of neighbouring properties meeting this

requirement of the General Development Principles of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

### **C. OTHER ISSUES**

- 9.14 Finally the question has been asked by an objector whether other locations have been considered for the condenser. The location of the condenser is that proposed by the applicant, but negotiations with the applicant have sought to ensure that the relationship with the adjoining neighbour is acceptable. The development is considered to be acceptable with respect to all other material planning considerations.

#### 10 Recommendation

- 10.1 To grant permission subject to conditions.

##### Conditions

1. The approved plans comprise of Drawing No.'s 2013040008-01/A, 2013040008-02, CP-GARG-001-002, CP-GARG-001-002/A, CP-GARG-001-003, CP-GARG-001-008 & 13245/100 received by Craven District Council on the 19<sup>th</sup> June, 1<sup>st</sup>, 14<sup>th</sup> & 27<sup>th</sup> August 2013.

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

2. The acoustic housing to the condenser unit shall be retained and maintained in position to ensure that it helps to acoustically insulate the condenser unit.

Reason: In the interests of helping to protect the aural amenities of the occupiers of adjacent dwellings.

##### Statement of Positive Engagement: -

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

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

---

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

*SKIPTON NORTH  
63/2013/13754*

*LISTED BUILDING CONSENT REQUIRED FOR THE INSTALLATION OF 2  
NO. NON-ILLUMINATED FASCIA SIGNS*

*TOWN HALL, HIGH STREET, SKIPTON.*

APPLICANT NAME: Craven District Council

TARGET DECISION DATE: 13/09/2013

CASE OFFICER: Andrea Muscroft

---

**The application is brought to the attention of the Planning Committee as it concerns 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.
- 1.2 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.
- 1.3 The application site is within the development limits and conservation area of Skipton.

2 Proposal

- 2.1 The proposal seeks listed building consent for the installation of 2 no. non-illuminated fascia signs (originally the application proposed 3 signs) to inform members of the public that there is no parking to the side of the Town Hall.
- 2.2 The signs comprise 2no. 297mm x 420 mm Aluminium composite signs – (CDC logo, black text on white background).
- 2.3 The signs will be secured to the side elevation of the town hall building adjacent to Jerry Croft.

3 Planning History

- 3.1 The site has been subject to a number of applications previously, but the following are of particular relevance: -
- 3.2 5/63/1645/B/LB – Display information and directional signs for Craven Museum – Approved 1994.
- 3.3 63/2001/1403 – Erection of notice board on the front elevation of Skipton Town Hall (Listed Building Consent) – Approved 2002.
- 3.4 63/2011/11648 – Erection of two wall mounted signs and one hanging sign for tourist information centre on exterior of building (Listed Building Consent) – Approved 2012.

4 Planning Policy Background

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

4.3 Circular 08/2009 'Arrangements for handling heritage applications – notification to the Secretary of State (England) Direction 2009'.

## 5 Town Council Comments

5.1 Skipton Town Council: - Objection – the Committee believe that this is an unnecessary defacement of a public listed building – Received on the 22<sup>nd</sup> August 2013.

## 6 Consultations

6.1 None

## 7 Representations

7.1 One letter of representation has been received. Comments have been summarised below:-

- *Concern that the fixing of the signs may harm the historical fabric of the building;*
- *Concern that the number of signs would have a negative impact on the High Street.*

## 8 Summary of Principal Planning Issues

8.1 Whether the proposed signs would negatively impact on the architectural and historical interest of the grade II listed building.

## 9 Analysis

9.1 Local Planning Authorities, in considering whether to grant listed building consent for development affecting a listed building, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.2 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9.3 The application site is a Grade II listed building situated within the designated Conservation Area of Skipton and is a prominent feature within the High Street. The proposed signs would only be visible when travelling along Jerry Croft and as such would not have any impact on the principal High Street elevation of the Town Hall.

9.4 The proposed signs would be mounted relatively low down on the side elevation of the town hall. The signs are functional in nature, small in size, and it is not considered that their existence has an unacceptable impact on the historic character or interest of the building.

9.5 A representation has raised concerns about the damage to the building. The signs are not to be erected on part of a building with any ornate detailing that could be damaged and fixings for the signs would be very minimal. If the sign was to be removed in the future a condition could be attached requiring remediation works once the signage is removed.

9.6 Skipton Town Council has raised objections to the signs, however it is considered that the signs, due to their scale and siting, would not harm the special architectural or historic interest of the Listed Building.

9.7 In conclusion, it is considered that the proposal would not detract from the special architectural and historic interest of the Town Hall, its setting, or cause harm to its significance. As such it is considered to meet the requirements of the NPPF and PPS5 Good Practice Guide.

9.8 As the proposal is for Listed Building works to a Local Authority building, under Circular 08/2009 there is a requirement for the Local Planning Authority to refer this application to the Secretary of State for determination. The LPA is unable to grant consent until the period of 28 days has expired without either the Secretary of State requiring referral of the application to him for a determination, or notify them that he does not require referral.

10 Recommendation

**10.1 Recommend approval and notify the Secretary of State that the Local Authority is minded to grant consent.**

Conditions

1. The proposed development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

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

2. The approved plans comprise Drawing No. 13754/2 (annotated by the case officer for clarification) received by Craven District Council on 16<sup>th</sup> July 2013, submitted photographs 13754/3 & 4 & Drawing No. 13754/1. Rev A (annotated by the case officer for clarification). 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. In the event that the signs to the side elevation of the Town Hall are removed, the area where the signage was attached to the building shall be restored and made good.

Reason: In order to preserve the exterior of the building once the signage has been removed.

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.