

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 10th March 2014**

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

SKIPTON NORTH  
SKIPTON EAST  
SKIPTON WEST  
SKIPTON SOUTH  
63/2013/14200

CONSTRUCTION OF A FLOOD STORAGE RESERVOIR ON WALLER HILL BECK AND ASSOCIATED WORKS.  
INSTALLATION OF FLOOD WALLS AT GINNEL MEWS, DEVONSHIRE PLACE, MORRISONS SUPERMARKET AND SPINDLE MILLS.

WALLER HILL BECK; GINNEL MEWS; DEVONSHIRE PLACE; SPINDLE MILL; MORRISONS CULVERT, SKIPTON.

APPLICANT NAME: ENVIRONMENT AGENCY  
TARGET DECISION DATE: 11/04/2014  
CASE OFFICER: Jack Sykes

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**This application has been referred to the Planning Committee as the submission has been accompanied by an Environmental Impact Assessment**

**1. Site Description**

1.1 The proposed development covers 5 different but connected sites outlined below:-

**1.2 Waller Hill Beck**

This part of the application is Waller Hill Beck and adjacent agricultural land located to the east of Skipton between the A65 and A6069 (Otley Road). The site is within a valley that slopes down from the roads to the valley bottom and is primarily grassland.

This site lies outside of the development limits of Skipton in an area classified as Open Countryside by the Local Plan.

**1.3 Spindle Mills**

This part of the site includes Eller Beck, properties at Spindle Mill (a recent housing development accessed off the northern end of Coach Street), and the Springs Branch of the canal. The beck lies to the south of the application site before flowing into a culvert. A footpath access runs along the northern side of the beck to the rear of properties located on the Spindle Mill site.

This site lies within the development limits and Conservation Area of Skipton.

**1.4 Morrisons open Channel**

This site is an area of land between Morrisons and B&M stores to the south of Broughton Road. The site includes an open beck area between two culverts. Eller Beck is currently surrounded by a mixture of walls and fencing with pedestrian footpaths running along the northern and western sides of the site.

This site is within the development limits of Skipton.

**1.5 Ginnel Mews and Devonshire Place**

These sites are adjoining and lie to the south of Skipton town centre. To the western side of this section there are residential properties sited on the northern bank and a steep banking with footpath to the south. To the eastern end of the site the southern banking remains steep with an open grass area and playground to the north. A pedestrian bridge crosses Waller Hill Beck to the eastern edge of the site.

These sites lie within the development limits and conservation area of Skipton.

**2. Proposal**

2.1 The proposed development seeks to protect the centre of Skipton from flooding by constructing a flood storage reservoir at Waller Hill Beck and constructing flood walls at

locations within the centre of Skipton. The works proposed at each of the different sites forming part of the application are outlined below.

2.2 As part of the larger flood protection scheme it is also proposed to construct a flood storage reservoir at Eller Beck to the north of Skipton however as this application falls within both the Yorkshire Dales National Park and Craven District the application is being dealt with by North Yorkshire County Council.

### 2.3 **Waller Beck**

Construction of earth embankment dam with reinforced grass spillway channel, reinforced concrete inlet structure, concrete culvert.

- The dam would be constructed to a height of around 9.5m above the existing valley bottom with a length of around 105m. The upper areas of the dam would be grassed with a concrete inlet structure upstream to the base of the structure and a concrete spilling basin to the downstream side.

New construction access from the A65 and permanent maintenance access from the A6069 Otley Road.

Creation of BAP habitat, tree planting and landscaping

- Downstream of the proposed dam 250m of the beck will be restored to create a meandering form increasing the channel length and reducing the gradient of the channel. Reed habitats and pond areas will also be created in this area to create 0.2ha of BAP habitat.
- Upstream of the proposed dam 500m of the water course would be meandered to improve flow diversity and encourage overspill onto adjacent land to create 1.8ha of BAP habitat in the form of floodplain grazing marsh, reed beds and wet woodland.

### 2.4 **Spindle Mills**

Increase in wall height immediately upstream from Coach St culvert from approximately 0.39m to approximately 0.46m above the existing ground level. Due to the varying wall heights this would give an increase around 0.05m.

Pedestrian gate immediately downstream of low railing wall to the back of Spindle Mill raised to give a stepped access – the increase would be around 0.21m above existing ground levels

### 2.5 **Morrisons Open Channel**

Construction of a floodwall approximately 1.3m above ground level and 29m long along the right bank leading from the Broughton Road bridge parapet to the Morrisons culvert headwall.

The left bank flood wall would be constructed along the top of the existing river wall from the Broughton Road bridge to the Morrisons culvert headwall over a length of 46m. The wall would be constructed to a level of 0.6m above existing ground levels.

### 2.6 **Ginnel Mews**

Construction of a reinforced concrete flood wall over a length of 11.5m. The existing wall is approximately 0.9m above the ground level with the proposed floodwall constructed up to 1.11m above ground level.

The low section of flood wall is almost level with ground levels and over a length of 14m the wall would be raised by approximately 1.09m.

The pedestrian bridge would be raised, by 0.52m, and replaced with steps and a ramp providing access.

Downstream of the pedestrian bridge the boundary wall to the playground would be replaced by a reinforced concrete wall on the right bank following the existing line of the wall over approximately 60m. the existing wall has a height of between 0.6m and 1.01m

above ground level with the new wall height approximately 0.5m above ground levels with a fence on top for safety. The wall and fence would be of a similar height to the wall currently in place.

## 2.7 **Devonshire Place**

Construction of floodwall to the rear of the residential properties with the overall height raised from approximately 0.8m above existing ground levels to 0.88m.

Upstream of the culvert near the cladded garage the flood wall would be constructed to a maximum height of 1.84m above existing ground levels.

## 3. **Planning History**

3.1 Two other applications are presently under consideration by NYCC for works to develop the Skipton Flood Alleviation scheme. These applications comprise one application for the purposes of the extraction of clay from a borrow pit at land at Waller Hill Beck and another for the construction of a flood storage reservoir at Eller Beck.

3.2 The Borrow Pit application would if permitted allow for the removal of clay from the site at Waller Hill Beck to use in the construction of the dams at both Eller Beck and Waller Hill Beck.

## 4. **Planning Policy Background**

4.1 National Planning Policy Framework

4.2 Saved Local Plan policies ENV1, ENV2, ENV10

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

5.1 Embsay with Eastby Parish Council has no objections to make and consider that the development would have a negligible impact on the villages of Embsay and Eastby.

5.2 Skipton Town Council has no objection to the proposed development.

## 6. **Consultations**

6.1 Craven District Council's **Environmental Health** department has raised no concerns with the proposed development.

6.2 The **Highways Authority** has recommended that should permission be granted for the development vehicles must turn left into site and left out of site on the temporary A65 access and recommend a number of conditions relating to the access onto the public highway.

6.3 **Natural England** has no objection to the proposal, which is accompanied by An Environmental Impact Assessment, but had made some general comments on detailed biodiversity considerations.

6.4 The **Airedale Drainage Board** has stated that although the proposals do not actually take place within the drainage board area they broadly support the aims of the development and have no objection to the proposal.

6.5 The **Canal and River Trust** has no comments to make on the proposed development.

6.6 The **Historic Environment Team at NYCC** notes that the development has the potential to encounter archaeological remains and as such they support the proposals in the Environment Statement that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works. They note that the geophysical survey for the flood storage reservoir area identified no anomalies of archaeological interests other than former field system evidence and has concluded that the archaeological potential of the site is low. A condition is suggested regarding the provision of a written scheme of investigation.

6.7 **Yorkshire Water** has the following comments to make:-

- They have no infrastructure in the main part of the site however Devonshire Place/Ginnel Mews have foul and surface water sewers and water mains within the red line site boundary which are likely to be affected by defence works.
- YW request that plans are provided showing the site surveyed position of all sewers and water mains in relation to the works being carried out. They also request a method statement to show how Yorkshire Water assets will be protected during the proposed works.
- If planning permission is to be granted a condition should be attached regarding the protection of the sewers and water mains in the area.

6.8 The **Yorkshire Dales National Park** has no comments to make on the proposed development.

6.9 The **Arboriculturist** employed by Craven District Council has made the following comments:-

- Mitigation measures and prestart checks should be conditioned to be implemented as per the report.
- Bat boxes should be provided as per the report.
- Whilst there are tree losses there would be environmental gain by tree planting and BAP (Biodiversity Action Plan) habitat creation and on balance the officer supports the application.

#### **Waller Hill Beck Works**

- Construction of access road – appears the entrance has been chosen at a point where there is a gap in the line of frontage trees but one would have to be removed. If the construction of the road is within the root protection zone of any tree to be retained a no-dig specification should be conditioned.
- Construction of dam – would require removal of six small trees growing on the banks of the beck whose loss would be acceptable. Mitigating planting should be conditioned. Significant biodiversity gain through the creation of two hectares of wetland habitat meeting BAP standards.
- All mitigation in the environmental statement should be conditioned to be implemented.
- The areas marked for disposal of excavated material are shown to extend right up to the Otley Road boundary which is unacceptable as such works would be within the root zones of the line of trees along the frontage. No material should be tipped or spread within the RPAs.

#### **Town centre sites**

- Some trees would be affected and are proposed to be removed but as the trees are not in good condition with some dead or others having poor form and/or irremediable faults. Their loss is therefore acceptable and replanting should be conditioned where possible.

### 7. Representations

7.1 Six letters of representation have been received however three of these responses refer to works proposed at Eller Beck and their effect on the golf course and farming land within the vicinity. These works are somewhat connected but that part of the Flood Alleviation proposals are under consideration by the NYCC and as such comments regarding the golf course and the farming land around Eller Beck are not relevant to this application. Those responses have been forwarded to NYCC who are dealing with this element of the scheme. Comments raised by the letters of representation of relevance to this proposal are summarised below:-

### **Town centre sites**

- 7.2 One respondent is strongly against the construction of the huge flood walls as they are within a very beautiful part of inner Skipton and could look awful.
- 7.3 Pleased that the Environment Agency is looking to improve flood defences in the area around the Ginneel.
- 7.4 The footbridge crossing the Beck at Ginneel Mews provides daily access to town for numerous pedestrians who may not be able to manage such access using neighbouring bridges. It is questioned as to whether the closure of the bridge would be prioritised to take the minimum amount of time. However they are pleased that there would be a ramp to the footbridge.
- 7.5 Concerned that the access to the playground would now be directly next to the river. A sprung gate is suggested to this entrance to make it difficult for younger children to run out of the playground and also stop people using the ramps for skateboards or bicycles.
- 7.6 The flood defence wall is understood to remain at its current length and flood waters would flow around the end of the wall onto the parking lot and back towards the houses. Continuing this wall to the bowling green would keep the waters on the river side of the defences
- 7.7 The extended footpath from the bowling green wall through the playground would encourage people to take shortcuts through the playground to the foot bridge increasing the risks to the children.
- 7.8 The only vehicular access to the site is via a private road which is not suitable for heavy machinery and lorries. The respondent seeks reassurance that the access would be reinstated as soon as possible at the end of the works and that access would be available throughout the construction process to those using the lane.
- 7.9 The "work area" indicated on the plans includes a parking space belonging to the Meeting House which is regularly used by visitors to the facility.
- 7.10 The respondent also requests that the works are completed in as short a time as possible to avoid disruption to the recreation facilities.

### **Waller Hill Beck Flood Storage site**

- 7.11 The owners of the land upon which the flood storage reservoir at Waller Beck is proposed object to the application and state they were not consulted by the applicant. Should the development go ahead it would have significant viability implications for the farming business, significant visual and value impacts on their property and significant impacts on the future use of the land. The applicant has not consulted with the landowner and submitted the application without their knowledge. A post application meeting has been held but none of the fundamental details required in order to understand the impact have been provided.
- 7.12 The applicant is proposing to carry out the work over a period of 2 years and with restoration to the land the area will potentially be out of production for four years. The application area covers the majority of the farm and the development would cause a substantial amount of disturbance to the family and their business. The farm would have no land to graze their stock on or produce silage from potentially making the farming business economically unviable.
- 7.13 The submission does not include adequate details regarding the construction of the temporary access from the A65. The access is currently used for residential and agricultural use but no proposals have been put forward as to how this is going to be dealt with.
- 7.14 There are also inadequate details provided for the permanent maintenance access from the A6069 Otley road.



- 7.15 The application states that 750m of the river would be meandering however the applicant has confirmed to the landowner that only 250m will be meandered. The respondent requests that correct revised plans are submitted.
- 7.16 The applicant proposes to create 1.8ha of BAP habitat in the form of floodplain grazing marsh, reed beds and wet woodland without the consultation of the landowner and this will severely restrict the use of the land for agricultural purposes.
- 7.17 The respondent considers that the development would have a substantial visual impact on the landscape and would not be able to be used for agriculture as part of the area would become a BAP habitat.
- 7.18 The loss of the trees proposed has not been agreed with the landowner and neither has the replacement planning or installation of bat boxes. Insufficient detailing has also been submitted regarding the planting scheme.
- 7.19 No details have been provided as to what the site compound incorporates with no details of any soil to be removed, details of temporary surfacing, temporary buildings. Length of period on site, site restoration, aftercare program etc. not submitted.
- 7.20 No details have been supplied as to the area for the temporary stockpile and double handling area such as how the soil would be stripped, managed and stored have not been provided.
- 7.21 The cumulative impact of traffic movements from the site where there would be removal of the clay from the site has not been counted. *Officer's Note: the borrow pit application is a separate application to be considered by NYCC.*
- 7.22 The proposed site would be on land included in an entry level stewardship agreement and the development would therefore have a significant effect on agri-environment schemes.
- 7.23 The applicant has failed to detail the proposed hours of operation on the site.
- 7.24 Whilst the application states that site clearance works would be required prior to the commencement of development there is no detail as to what these works would entail.
- 7.25 The visual impact of the development is flawed and does not incorporate the residential properties within the vicinity. A landscape and visual impact assessment should be completed incorporating the properties on Low Skibeden Farm and photomontages.
- 7.26 No noise level surveys have been undertaken and there would be significant noise disturbance during the construction phase.
- 7.27 There is insufficient detail regarding measures for controlling and suppressing dust or minimising the spread of materials and waste onto the public highway.
- 7.28 The respondent believes that the drains from the highway run across the site and would be affected by the scheme but no drainage surveys have been undertaken.
- 7.29 Details of reinstatement, restoration plans and aftercare operations have not been provided.
- 7.30 The submitted application only includes a cursory examination of the impact of the development on heritage assets. There is the potential for the development to threaten archaeology on the respondents land and also little consideration has been given to the impact of the works on the many listed buildings in Skipton town centre.

## 8. **Summary of Principal Planning Issues**

- 8.1 Principle of the development
- 8.2 Visual impact of the development
- 8.3 Impact of the development on the amenity of neighbouring properties
- 8.4 Protected species
- 8.5 Archaeological interests

8.6 Highway issues

9. **Analysis**

**PRINCIPLE OF THE DEVELOPMENT**

9.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development – an economic role, a social role and an environmental role. The NPPF identifies that these roles should not be undertaken in isolation as they are mutually dependent and economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.2 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Large scale development would not normally be permitted outside of development limits unless there is an overriding need for the development. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9.3 The proposed developments within Skipton are not considered to be covered by a particular local plan policy and as such significant weight should be given to the NPPF for these parts of the scheme. The alterations to the flood walls and the other alterations for flood protection are considered to be acceptable in principle under the guidance of the NPPF which does not advise against such development with these alterations broadly meeting the definition of sustainable development.

9.4 The proposed development at Waller Hill Beck would be of some size and would not be considered as small scale. However this element of the proposed flood protection scheme is considered to be of significant benefit to the surrounding area and could only realistically take place outside of development limits. The creation of a flood storage reservoir is considered to be a form of sustainable development supported by the NPPF and is also considered to be acceptable in principle under the guidance of Saved Policy ENV1 of the Local Plan as it is accepted that there is an overriding need for this development to be located in open countryside.

**VISUAL IMPACT OF THE DEVELOPMENT**

9.5 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

9.6 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.

**Spindle Mills**

9.7 The works within this area would involve the rebuilding and increasing in height of the flood wall by around 0.05m. The pedestrian access will also be raised to give a stepped access with the access gate reinstated.

9.8 The flood walls would be stone clad. The works proposed, once completed, would have a minimal impact and would not be considered to be to the detriment of the character or appearance of the surrounding area.

### **Morrison's Open Channel**

- 9.9 The works to this location would involve constructing reinforced flood walls along the existing wall and fence lines. To the western side of the channel the flood defence wall would be constructed to a height of 1.3m above the existing ground levels and to the east the wall would be constructed to a height of around 0.6m above existing ground levels with hand railing where necessary. The walls would be constructed to a good level of finish with a suggested wall finish submitted. There is similar walling within the area and the overall height increase of the walling would not be detrimental to the character or appearance of the surrounding area.

### **Ginnel Mews**

- 9.10 To the north east of the pedestrian bridge a stone flood wall would be constructed to replace an existing wall. The works here would increase the flood wall height to around 1.11m above the existing ground level. The wall and fence around the playground would be rebuilt to a height of 0.5m above existing ground levels with a fence on top for safety. The pedestrian bridge would also be replaced and raised with access via steps and ramps. The stone clad flood walls would be of a similar height to those currently in situ and as such would not be to the detriment of the surround area. Details of the proposed replacement bridge and associated ramps are somewhat unclear and therefore a condition is recommended asking for further information on this aspect of the proposal. However, it is considered to be perfectly possible to undertake the alterations to the bridge without having an unacceptable impact on the appearance on the surrounding area.
- 9.11 The proposed works to Ginnel Mews are therefore considered to have an acceptable visual impact on the surrounding area.

### **Devonshire Place**

- 9.12 These works would entail the construction of a stone clad flood defence wall along the northern bank of Waller Beck. To the south of the residential properties the overall wall height would be approximately 0.08m higher than the present wall. Closer to the culvert to the west the present wall does not project above the banking and it is proposed to build a wall adjacent to the cladded garage with a maximum height of 1.84m above the ground level. Adjacent to the residential properties the increase in height of the wall would be minimal and due to the quality of the finish would not have a detrimental impact on the appearance of the surrounding area. Whilst the wall to be constructed adjacent to the garage would be relatively high, views of the wall would be screened from the north by the garage and from the south would be viewed in relation to the metal sheet clad garage.
- 9.13 The proposed alterations to the flood defences around Devonshire Place are therefore considered to be visually acceptable.

### **Waller Hill Beck**

- 9.14 The largest part of the construction would be the building of the dam which would tie into the valley slopes and would have a height of approximately 9.5m from the original valley bottom. The upper regions of this construction would however be grassed and which would help the structure sit in to the predominantly open valley and ameliorate some of the visual impact of its bulk.
- 9.15 To the lower parts of the structure a concrete stilling basin would be constructed downstream with a concrete inlet upstream of the dam. Whilst these would normally be considered somewhat out of character with the open countryside it is considered that in this case that the impact on the surrounding area would be outweighed by the gain of flood protection to the urban area. Furthermore the harm caused would be mitigated by the relatively limited visibility of the concrete parts of the development (that are located within the valley bottom), and the provision of landscaping to help screen the proposal.

- 9.16 Access would also be required to parts of the development and this would be provided by a new vehicular access from Otley Road. This part of the development is considered to be necessary and minimal and would have a limited impact on the character and appearance of the surrounding area.
- 9.17 The scheme also proposes the realignment of the Beck and also the creation of habitat areas. Located at the bottom of the valley these improvements would have limited impact on the surrounding area and would help assimilate the rest of the development into the landscape whilst upgrading habitat in the area.

### **Summary of Visual Impact**

- 9.18 It is considered that the majority of the works would have a minimal impact on the character and appearance of the surrounding area and as such would be acceptable. The works to the dam and culvert at Waller Beck would have some visual impact on the surrounding area however a landscaping scheme has been proposed and the structure has been designed relatively sensitively. It is considered that any detrimental impact of this structure on the surrounding area would be outweighed in the planning determination by the significant benefits to the town of Skipton in terms of flood protection.

### **IMPACT OF THE DEVELOPMENT ON THE AMENITY OF NEIGHBOURING PROPERTIES**

- 9.19 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.

#### **Spindle Mills**

- 9.20 As noted in the assessment of the visual impact the works proposed within this location are considered to be relatively minor. Although there are residential properties located in close proximity to the north of the proposed works it is not considered due to the minor nature of the works proposed that the development would result in any unacceptable detrimental impact on residential amenities in the area.

#### **Morrisons Open Channel**

- 9.21 These works would take place in a predominantly employment area with the closest residential properties located a significant distance from the site. It is therefore considered that the proposed development in this location would not be to the significant detriment of the amenities of any residential property.

#### **Ginnel Mews**

- 9.22 The works to the flood walls, pedestrian bridge and its access are not substantial developments in terms of size with the flood walls of a similar height and the bridge and associated works also set away from residential properties to the north. Given the relatively minor alterations, once the work is completed, it is not considered these works would be to the detriment of residential amenities.

#### **Devonshire Place**

- 9.23 Whilst the new flood wall would be constructed in parts close to residential properties to the north given that the completed wall would be 8cm higher it is not considered that this small height increase would have a detrimental impact on the amenities of these properties. To the west of this section where a taller wall is required it would be adjacent to an employment premises and as such would not impact significantly on any residential amenities.

#### **Waller Beck**

- 9.24 The nearest residential properties are located at around 350m to the north west and 400m to the north east from where the culvert would be constructed. The realignment of the beck and also the temporary site compounds are not considered to cause substantial unacceptable permanent impact on their amenities. The residential properties are also set higher in the valley and would be above the level of the built works. Given the separation

distance and nature of the relationship between the main built works and the nearest residential properties it is not considered that the works would result in any unacceptable impact on the amenities of neighbouring residents in terms of overshadowing or obstruction of windows.

- 9.25 It is noted that residents have concerns over the dust and noise during construction however should this become unacceptable it would be dealt with under statutory nuisance legislation and ultimately this is a temporary issue that on completion of the works would not occur.
- 9.26 The proposed works in this location are therefore considered to have an acceptable impact on the amenities of neighbouring residents.

### **PROTECTED SPECIES**

- 9.27 When determining planning applications LPAs should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for than planning permission should be refused.
- 9.28 As part of the environmental impact assessment a detailed flora and fauna study was carried out.

### **Waller Hill Beck Flood Works**

- 9.29 The Flora and Fauna survey gave the following results:-
- Two trees to be removed were found to have a low bat roost potential.
  - Occasional passes and some foraging were recorded by common pipistrelles however no bats were recorded emerging from the trees within the site.
  - Reptiles are not considered to be a constraint for the development.
  - Area is unlikely to be subject to ground nesting or wintering birds due to the grazing of cattle on the land and the close proximity of the roads.
  - No white clawed crayfish found although recommended that manual hand searches were undertaken prior to work commencing.
  - Small fish species may be present in the beck
  - No badger setts or field signs of badgers were found
  - Some mitigation is proposed in the creation of habitats and replacement planting to compensate for any ecological losses
- 9.30 The proposed works at Waller Beck, subject to appropriate mitigation, are not considered to have a substantial detrimental impact on protected species that could not be adequately mitigated against. As such the development would meet the requirements of the NPPF in this respect.

### **Town centre sites**

- 9.31 The habitat survey for the town centre sites did not identify any badger setts or field signs and considered that the development would not have a significant impact on any badgers in the area. The survey also did not identify any suitable habitats for otters that may use the water network in Skipton. No signs of water voles or suitable habitats for them were also found. Bats were identified around some of the bridges within the town centre however no roosts were found.
- 9.32 The works to the town centre are not considered to have a significant detrimental impact on protected species however, as suggested, a bat work method statement should be submitted prior to the commencement of works.

### **ARCHAEOLOGICAL AND HERITAGE INTERESTS**

- 9.33 The proposed development would be partially within the conservation area and in proximity to a number of listed buildings. It is however considered that the developments within the

town centre would have a limited visual impact on the surrounding area and as such would not be detrimental to the character of the conservation area or the setting of any listed buildings.

- 9.34 The application has been submitted with a geophysical survey and the NYCC Historic Environment Team has noted that there are no anomalies of archaeological interest and have stated that the archaeological potential of the site is low. The NYCC support the recommendation for a programme of mitigation to be submitted but do not object to the development.

### **HIGHWAY ISSUES**

- 9.35 Saved Policy T2 states that developments would be acceptable provided they are well related to the highway network and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.36 The works within the centre of Skipton would have limited impact on the highways network. The works to Ginnel Mews would alter the pedestrian route slightly and may require diversion during construction however on completion of works this would not be to the detriment of users.
- 9.37 During the construction phase of the works to the proposed dam area at Waller Beck the main access would be temporarily located onto the A65 to the north. The Highways Authority has stated that access from the A65 should only be made by vehicles turning left into the site and left out of the site. Details of construction traffic have been requested by the HA to be submitted prior to the commencement of works. On completion of the works vehicular access to the dam site would be from the A6069 to the south and this is not expected to result in a significant flow of traffic to and from the site.
- 9.38 It is therefore considered that proposed development, subject to conditions, would not have a significant detrimental impact on highway safety within the vicinity meeting this requirement of Saved Policy T2 of the Local Plan.

### **IMPACT ON TREES**

- 9.39 Saved Policy ENV10 states the Council would seek to safeguard trees or hedgerows protected by a preservation order, trees within a conservation area or any trees which do or will when mature contribute significantly to the landscape diversity, setting of nearby existing or proposed buildings, wildlife habitat or visual amenity. Where the council approves the loss of such a tree or hedgerow it would require suitable replacement planting either within the same site or on land within the applicant's control.
- 9.40 The proposed development would require the removal of some trees both in the centre of Skipton and at the Waller Hill Beck site. Within the town centre sites the trees proposed to be lost are not in a good condition and as such their loss is acceptable. Alternative planting is also conditioned to be introduced where appropriate.
- 9.41 To the Waller Hill Beck Site a small number of trees would need to be removed for the construction including a single tree to create an adequate access. Again these trees are not of significant quality or condition and the submission includes proposals to replace the trees with new planting.
- 9.42 It is therefore considered that the loss of the trees would not be to the significant detriment of the area with alternative planting proposed. As such the development would meet this requirement of Saved Policy H10 of the Local Plan.

### **OTHER ISSUES**

- 9.43 It is noted that the proposed development would be on land owned by a number of different people or groups. Whilst the land ownership is not material to the merits of the planning application the applicant should ensure that should the works be approved they have the correct consents to carry out the work.
- 9.44 Concerns have been raised by a respondent regarding the speed of the works to a town centre site and access to the area during construction. The council cannot control how long

the works would take but would expect the applicant to carry out the works efficiently to avoid extra costs. The applicant should also respect access rights at all times during and after the construction period, however the control of this falls outside of the planning system.

- 9.45 A respondent has raised concerns that people will use the playground as a shortcut to the foot bridge and increase risks to children using the facility. Whilst the development may lead to an increase in people taking a shortcut through the playground it is not considered that this would be to the substantial detriment of the safety of children and could justifiably be a reason to refuse permission.
- 9.46 Concerns have been raised about the consultation carried out by the applicant prior to the submission of the application. The extent of pre-application consultation undertaken by the applicant with landowners is not a reason to warrant refusal of the development.
- 9.47 As noted by a respondent the development would undoubtedly have an impact on the farm business that uses the valley. However the Council consider that the loss of grazing land would be outweighed by the protection of the town by Skipton. Any financial compensation that would be due to the landowner is not a matter for the Local Planning Authority to be involved with.
- 9.48 Concerns have also been raised that the development would affect drains however Yorkshire Water has requested conditions and informatives that seek to ensure the protection of drainage infrastructure.

## 10. **Recommendation**

### 10.1 **That the application is approved 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 Environmental Statement and drawings TW\_101, WH\_101, TW\_102, TW\_103, WH\_103, TW\_MS\_103, TW\_SM\_103, TW\_DP\_103, TW\_GM\_103, WH\_206, WH\_302, WH\_303, WH\_501, WH\_601, WH\_602, WH\_603 and WH\_604 received by the Local Planning Authority on the 17<sup>th</sup> December 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 permission and for the avoidance of doubt
3. No works shall commence on the construction of the flood walls to the town centre sites until full details of the external appearance of the walls including the materials and details of the coursing and pointing have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to their first installation on site, and in accordance with the submitted plans, details of the coping stones for the flood walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and retained as such thereafter.  
REASON for 3 and 4: In the interest of the character and appearance of the surrounding area.
5. No development shall commence until details of the landscaping of the sites 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 first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area

6. No development, including site clearance, shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

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

7. Notwithstanding the details on the approved plans and supporting information no fences shall be installed to the Waller Hill Beck, Morrisons Culvert, Devonshire Place or Ginnel Mews sites until details of the fencing including its design, height and finish have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

REASON: In the interests of the amenity of the area

8. Notwithstanding the details on the approved plans and supporting information no installation of the new bridge, access ramps and stairs to the bridge at Ginnel Mews shall occur until full details of the installation including the design, size, finish and construction of the bridge and the associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

REASON: In the interests of the amenity of the area

9. Prior to the commencement of development to the town centre site developments a Bat work method statement shall be submitted to and approved in writing by the Local Planning Authority (as recommended in the report by bl-ecology dated the 21<sup>st</sup> August 2013). The development shall then be carried out wholly in accordance with the approved document.

REASON: To ensure the development does not unacceptably impact on any bats.

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

- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (ii) 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.
- (iii) 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.

REASON: In accordance with policy T2 and in the interests of road safety.



11. 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 160 metres measured along both channel lines of the A6069 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- REASON: In accordance with policy T2 and in the interests of road safety.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
- REASON: In accordance with policy T2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation.
- REASON: In accordance with policy T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. 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 HCV 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 policy T2 and in the interests of highway safety and the general amenity of the area.
15. No demolition/development shall take place/commence on the Waller Hill Beck site until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
  - b. Community involvement and/or outreach proposals
  - c. The programme for post investigation assessment
  - d. Provision to be made for analysis of the site investigation and recording

- e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- f. Provision to be made for archive deposition of the analysis and records of the site investigation
- g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall subsequently take place other than in accordance with the approved Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure accordance with Section 12 of the NPPF as the site is of archaeological interest.

16. Unless otherwise agreed in writing by the local planning authority, no obstruction shall be located over or within 3.0 (three) metres either side of the centre line of any sewers and water main(s), which cross the sites.

REASON: To ensure that the proposed development does not have an adverse impact on sewers within the vicinity and to allow for their continued maintenance.

17. Prior to the commencement of development to the works on the Waller Hill Beck storage reservoir site, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details.

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

18. Unless conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved by a further application, the proposed development shall be carried out wholly in accordance with the Environmental Action Plan submitted as part of the Environmental Statement.

REASON: To ensure the development does not have an unacceptable impact on the environment.

### **Informatives**

1. 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
2. The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act, 1981, and related European legislation and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species or its habitat and works affecting such a species or habitat are likely to require a licence with DEFRA (0117 372 8291

[www.defra.gov.uk](http://www.defra.gov.uk)) or Natural England depending on the protected species involved. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England. Applicants are also advised that it is a criminal offence to disturb any wild bird listed in Schedule 1 of the Wildlife and Countryside Act while it is (a) nest building, (b) at a nest containing eggs or young, or (c) there is a dependent young bird at the nest. The typical nesting period for British birds is mid February to mid July though this can begin earlier and run later. Typical affected habitats include scrub grassland and any sites containing trees but applicants are advised that birds may nest in any location that suits them.

3. The application sites are in a number of different ownerships and the applicants should ensure that they have the appropriate permissions to carry out the work prior to its commencement.
4. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
5. Yorkshire Water has advised that there is no company infrastructure in the main part of the site, however, Devonshire Place/ Ginnel Mews area has foul and surface water sewers (discharging into watercourse) and live water mains within the red line site boundary which are likely to be affected by defence works. They have therefore requested plans which show the site surveyed position of all sewers and water main(s) in relations to the works being carried out and Method Statements to show how Yorkshire Water assets will be protected during the proposed works on site.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

AIRE VAL W LOTH  
21/2013/14103

VARIATION OF CONDITION 6 TO PREVIOUS PLANNING APPROVAL REF:  
21/2008/2896 FOR PROPOSED EXTENSION TO DWELLING, CONVERSION  
OF BARN TO DWELLING WITH NEW DOUBLE GARAGE AND  
CONVERSION AND EXTENSION OF FORMER COTTAGE TO PROVIDE  
WORKSHOP FACILITIES

HIGH WEASEL GREEN FARM, MOORSIDE, CONONLEY .

APPLICANT NAME: MR NIGEL SYKES

TARGET DECISION DATE: 24/01/2014

CASE OFFICER: Jack Sykes

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**This application has been referred to Planning Committee as a very similar application was previously considered by the committee.**

1. Site Description

- 1.1 The application site lies on Stockshott Lane between the villages of Cononley and Lothersdale and forms part of a group of former farm buildings. The site contains the former farmhouse and attached barn (now converted to separate residential property) and a further detached stone barn to the northern end of the site that has been converted to a workspace. The barn conversion converted to a new dwelling and the workspace created in the detached barn are tied by a condition to use as a live/work unit. The buildings have been extended since conversion including an extension to the workshop.
- 1.2 The application site is located outside of development limits in an area classified as open countryside by the 1999 Craven District (outside the Yorkshire Dales National Park) Local Plan.

2. Proposal

- 2.1 Planning approval reference 21/2008/2896 authorised the 'Proposed extension to dwelling, conversion of barn to dwelling with new double garage and conversion and extension of former cottage to provide workshop facilities'. Permission is sought for the removal of condition 6 of that previous approval to allow the dwelling converted from the barn and the workspace to be occupied separately.
- 2.2 Essentially condition 6 binds the workshop and dwelling together where the residential unit cannot be occupied other than by someone working in the workspace. The full wording of the condition is set out below: -

*'The building to be used as a workshop and the proposed new dwelling formed from the existing barn shall be occupied and operated only for the dual purposes of a workshop and associated living accommodation. The dwelling shall not be occupied unless the workspace is used for business purposes and vice versa. The dwelling space and workshop space shall be occupied and operated by the same person or people and the workspace shall be operated to the extent that at least one occupant of the dwelling shall derive the equivalent of a full time income from the operation.'*

*Reason: This planning permission has been granted primarily to make provision for the generation of employment in this rural area and the dwelling space is regarded as being a necessary ancillary requirement. This permission specifically excludes the use of the residential part of the building unless the workshop space is being used to provide full time employment for at least one of the occupants of the living space.'*

3. Planning History
  - 3.1 21/2003/2896. Permission granted (14/4/03) for extension to dwelling, conversion of barn to dwelling with new double garage and conversion and extension of former cottage to provide workshop facilities.
  - 3.2 21/2006/6071. Permission refused (14/3/06) to rescind condition no 6.
  - 3.3 21/2006/6079 Permission granted (10/3/06) for retention of extension of domestic curtilage to accommodate new garage (re: planning application 21/2005/5822).
  - 3.4 21/2006/6840 Application refused (5/2/07) at Planning Committee and subsequently refused on appeal (21/8/07) to rescind condition 6 of permission ref. 21/2003/2896.
  - 3.5 21/2010/10397 Permission granted (20/5/10) for two storey extension to existing offices to provide additional office accommodation.
  - 3.6 21/2010/10410 Permission refused (14/6/10) for single storey extension to form porch and utility.
  - 3.7 21/2010/10825 Permission granted (8/9/10) for single storey extension - resubmission of 21/2010/10410.
4. Planning Policy Background
  - 4.1 National Planning Policy Framework
  - 4.2 Saved Policies EMP8, EMP9 and H8 of the Local Plan
5. Parish Council Comments
  - 5.1 None received
6. Consultations
  - 6.1 The **Highways Authority** do not wish to impose restrictions on any grant of permission.
  - 6.2 Craven District Council's **Environmental Health** Department have no concerns with the proposed development.
7. Representations
  - 7.1 None received.
8. Summary of Principal Planning Issues
  - 8.1 Principle of the development.
  - 8.2 Visual impact of the development.
  - 8.3 Impact of the development on the amenities of neighbouring properties.
  - 8.4 Highway Issues.
9. Analysis
  - 9.1 The original development was approved under Saved Policy EMP9 of the Local Plan. This consent granted permission for the conversion of a barn and outbuilding into a residential unit and separate but connected workshop. The majority of live/work units approved within Craven are within the same structure however in this case two separate traditional buildings were converted to create two buildings that would be joined by condition to effectively become a live/work unit.
  - 9.2 As live/work units are normally within the same structure this is a relatively unusual situation where the applicant seeks to sever the bond between the live and work elements of the development.
  - 9.3 It is noted that recent changes to permitted development rights would allow the change of use of agricultural buildings to certain employment uses subject to a prior approval process (for buildings in excess of 150sqm). However the building in question is no longer in

agricultural use and this permitted right would not apply but the spirit of its intentions is noted.

- 9.4 The Council is also aware that the government is consulting on permitted rights for agricultural buildings to be converted to residential properties however as this has not been effected this is considered to have very little, if any, weight in this planning determination.

#### **Principle of the development**

- 9.5 The National Planning Policy Framework is supportive of sustainable development and in particular recommends that LPAs “support the sustainable growth and expansion of all types and business and enterprise in rural areas. In terms of housing the NPPF states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as the need for a worker in that area, where it would be the optimal use of a heritage asset, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where the development would be of an exceptional quality or innovative design.
- 9.6 Saved Policy H8 would allow the conversion of traditional rural buildings for residential use provided that every reasonable attempt has been made to secure suitable business reuse and the application is supported by a statement of the efforts that have been made.
- 9.7 Saved Policy EMP8 states that permission would be granted for the conversion of buildings to employment generating uses provided that the proposal accords with all relevant policies and a number of further criteria are met.
- 9.8 The workshop and living accommodation are linked by a planning condition. It is considered that the Council could only approve the application to remove the condition should it be established that both the workshop and dwelling house could each be approved individually. As such the principle of each element will be considered separately.

#### The workspace

- 9.9 The National Planning Policy Framework is supportive of sustainable development and in particular recommends that LPAs “support the sustainable growth and expansion of all types and business and enterprise in rural areas. As noted previously there are also limited, but not applicable, rights to convert agricultural buildings to employment premises.
- 9.10 Saved Policy EMP8 states that permission would be granted for the conversion of buildings to employment generating uses provided that the proposal accords with all relevant policies and a number of further criteria are met.
- 9.11 The use of the workshop for separate employment use is considered to be broadly supported by guidance contained in the NPPF and Saved Policy EMP8 of the Local Plan subject to the development meeting further requirements.

#### The residential accommodation

- 9.12 The NPPF is supportive of live/work units and recommends that LPAs should “facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.” Local planning authorities should also avoid isolated homes in the countryside unless there are specific circumstances. However at the heart of the NPPF is the golden thread of sustainable development that should run through decision taking.
- 9.13 Saved Policy H8 states that the conversion of traditional rural buildings for residential use would only be permitted where the applicant has made every reasonable attempt to secure suitable business reuse and the application is supported by a statement of the efforts that have been made.
- 9.14 Evidence has not been provided that the residential unit and associated workshop have been offered for sale as one entity and the application has not been submitted with a statement of the efforts that have been made to continue to use the live/work unit as approved. It is noted that the application has been submitted with accounts for the business and comments that the business would be relocated if the work space and living accommodation could not be separated due to the need to release funds in support of the

business. However these personal circumstances can only be given little weight in planning determinations. Should the application be approved it would not in itself guarantee that the business would remain in this location as it still could be relocated at any point. However should the business be relocated there has been no evidence submitted to indicate that the live/work unit would not be filled by an alternative user and that the property would remain vacant. The property offers a good standard of residential accommodation and workshop space and there may be a demand for it if marketed appropriately.

9.15 Whilst very limited weight should be given to potential applications the Council may receive in the future, there are reservations that should the workshop and residential space be separated a future application for conversion of the workshop to a further residential dwelling may be forthcoming. As the application has not been submitted with evidence showing that every reasonable attempt has been made to a secure business reuse of the whole site, the development would not meet the requirements of Saved Policy H8.

9.16 The NPPF is also broadly supportive of live/work units and advocates the promotion of live/work units in paragraph 51. The site is considered to be in an isolated location away from any development limits of a settlement and the facilities that such a destination would offer. The site is not readily accessible to pedestrians and is considered to be an unsustainable location for development. The proposed separation of the live and work elements to create a separate residential unit is therefore considered to create a residential space that would be contrary to the guidance contained within both the NPPF and Saved Policy H8 of the Local Plan.

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

9.17 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

9.18 Saved Policy H8 requires that the conversion of traditional rural buildings to residential use are not in an area where conversion would cause harm to the character and appearance of the area and the character, appearance or positive contribution of the building to the landscape makes it worthy of retention for further use. Any scheme of alterations should be kept to a minimum so as to retain the essential character of the building and the surrounding area.

9.19 Saved Policy EMP8 requires that conversion of buildings to employment uses should be of a scale and type appropriate to the locality and what not adversely alter the appearance or character of the surrounding area. They should also be of a good standard of design and blend into the locality in terms of design and materials. Proposals should also not have an adverse impact on the visual amenity of the area.

9.20 No external alterations are proposed as part of the development. The separation of the workspace and living accommodation may create additional vehicular activity around the site but would be unlikely to create an increase in domestic activity or paraphernalia.

9.21 It is therefore considered that the proposed development would not result in any unacceptable visual impact on the character or appearance of the surrounding area meeting this requirement of the NPPF and Saved Policies H8 and EMP8 of the Local Plan.

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

9.22 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.

9.23 Saved policy EMP8 requires that employment developments do not have an unacceptable impact on neighbour amenities.

9.24 No external alterations are proposed to the buildings as part of this application. Should the application be approved the workshop and associated living accommodation would be potentially in different ownership. However the buildings have some degree of separation

and the workshop is restricted by the original approval to B1 uses which should have minimal impact on the amenities of neighbours. There is also a reasonable separation distance between the workshop and living accommodation providing further amelioration of any conflict. Aside from the properties within the application site there are no close properties that would be adversely impacted on by the development.

- 9.25 The proposed development would therefore be acceptable in terms of the impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policy EMP8 of the Local Plan.

### **Highway Issues**

- 9.26 Saved Policy H8 requires that any conversion of rural buildings to residential use do not create conditions prejudicial to highway safety.
- 9.27 Saved Policy EMP8 requires that employment developments do not create conditions prejudicial to highway safety and is served or capable of being served by cycle/pedestrian routes and is served or capable of being served by public transport.
- 9.28 The Highways Authority have been consulted on the proposed development and do not consider that there would be an unacceptable impact on highway safety within the vicinity.
- 9.29 With the separation of the living accommodation from the workspace there would be likely to be an increase in traffic to and from the site. The workshop is in a location where the site is not served by cycle/pedestrian routes nor are there good public transport links. As such the development would fail in this respect to meet the requirements for employment development under Saved Policy EMP8. However given the recent changes to permitted development rights that do not require agricultural buildings to have appropriate transport links for converting to employment use it is considered unreasonable to insist on good pedestrian and cycle links. The workshop is in a roadside location and would therefore be well located to the highway network.
- 9.30 Although in some conflict with the local plan policies given recent changes to national guidance the proposed development is considered to be acceptable in terms of its impact on highway safety.

### 10 Recommendation

- 10.1 That the application is refused for the following reasons.

#### Reasons for refusal

1. The application has not been submitted with any evidence to demonstrate that every reasonable attempt has been made to secure business reuse of the whole site and as such the proposal would not meet this requirement of Saved Policy H8 of the Local Plan. The resulting creation of a separate residential unit is considered to be contrary to guidance contained within the NPPF given that this isolated residential property is not considered to be a sustainable form of development demanded by the National Planning Policy Framework.

### Statement of Positive Engagement: -

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



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

**BENTHAM  
08/2013/14196**

*RESIDENTIAL DEVELOPMENT OF TWO DETACHED BUNGALOWS (ALL  
MATTERS RESERVED)*

*LAND OFF LAKEBER DRIVE, HIGH BENTHAM.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 12/02/2014

CASE OFFICER: Jack Sykes

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**This planning application has been referred to Planning Committee as the applicant is Craven District Council.**

1. Site Description

1.1 The application site is a council owned area of land within High Bentham. The site is within a predominantly residential area and is surrounded by residential properties. Currently the site has an authorised use as a garage and parking area with 12 garages erected on the site (it is understood the garages have not been available to rent in recent years). There are no public rights of way through the site although a number of properties that back onto the site have created access points to the land. The application indicates that the only formally acknowledged vehicular and pedestrian access though the site is to No. 22 Banks Way.

1.2 The application site lies within the development limits of Bentham.

2. Proposal

2.1 Outline permission is sought for the erection of two detached bungalows with all matters reserved. Submitted drawings indicating the access into the site, the siting of bungalows and the design are all provided for illustrative purposes only.

3. Planning History

3.1 Planning Ref. 08/2009/9943 Permission was refused at Planning Committee (21/10/09) for outline approval for 2 new dwellings with associated car parking (approval sought for access and layout). Permission was refused for the following reasons:-

*1. The proposed scheme is considered to be detrimental to the amenity of neighbouring properties adjoining the site due to the relationship between the proposed dwellings and the existing properties. As such the proposed development is considered to be contrary to Saved Policies H3 and H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.*

*2. The proposed development will result in an adverse impact on residential amenities within the area due to an increase of on street parking resulting from vehicles being displaced from the existing garage site. As such the proposed development is considered to be contrary to saved policies H3 and H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan."*

3.2 Planning Ref. 08/2009/9839. Outline application withdrawn for construction of 2 family dwellings with associated car parking.

4. Planning Policy Background

4.1 National Planning Policy Framework.

4.2 Saved Policy H3, H20 and Appendix F of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Town Council Comments

5.1 Bentham Town Council has made the following points:-

- Better scheme than previously submitted but still have some concerns.
- The Council had received representations regarding the proximity of the development with a 12 foot retaining wall and agreed that the limited gap could affect the foundations of the wall as well as reducing the light to the rear of the proposed dwelling.
- The Council also had some concerns over the problems that would be caused by moving the vehicles that currently park on the site into the surrounding streets. In particular they were concerned about emergency vehicle access onto Banks Rise and Lakeber Avenue.
- The Town Council did not object to the application but asked that their concerns were addressed.

## 6. Consultations

- 6.1 **United Utilities** have no objection to the proposed development subject to conditions regarding the public sewer that crosses the site, that each property should also have a separate metered supply, and if possible the site being drained on a separate system with only foul drainage connected into the foul sewer.
- 6.2 Craven District Council's **Environmental Health** Department have raised no concerns with the proposed development.
- 6.3 The **Highways Authority** has accepted that there would be a traffic generation trade off and do not wish to impose restrictions on any grant of permission.

## 7. Representations

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

### **Car parking**

- 7.2 A neighbour considers that a far better use of the land would be for car parking and a play area for local residents which would reduce on street parking.
- 7.3 A neighbour states that they have lived at their address for 15 years and have always parked to the rear of their property. By stopping them parking to the rear of the house it would result in a loss of privacy to the rear garden and they would have to park their cars on Banks Way or on the public car park.

### **Impact on amenities**

- 7.4 The erection of the bungalow would impact on light entering a neighbour's garden.
- 7.5 The elevated bungalow would look down into neighbouring property.
- 7.6 The development would affect future sales of existing resident's property. (Officer Note: This claim is not a material planning consideration).

### **Other issues**

- 7.7 The respondent has no idea from the submitted plans the parameters of the buildings and as such they are not plans.
- 7.8 The same issues that were previously expressed with the previous application are still relevant.
- 7.9 The development would be close to a retaining wall and the neighbour states that they would not be held liable for any damage or repairs to other properties should the foundations be disturbed.
- 7.10 The respondent also considers that the garages should be taken down professionally by an appropriate company so that there is no risk to the neighbourhood.
- 7.11 The respondent also asks for assurance that the council will not give further planning permission should the plans be accepted to change the development from single storey to two storey properties.

7.12 A neighbour states that they would require 5-6ft space to maintain the retaining wall between their house and the proposed dwellings if needed in order to erect scaffolding or place ladders as the need may arise.

7.13 A respondent claims a right of way over the application site having had unrestricted use of the footpath for 20 years.

## 8. Summary of Principal Planning Issues

- Principle of the development.
- Visual Impact of the development.
- Impact on neighbouring amenities.
- Highway Issues.
- Previous refusal.

## 9. Analysis

9.1 The proposal is an outline application for 2 bungalows with all matters reserved. Although details have been provided as to the possible layout and design of the properties these are indicative only.

### **Principle of the development.**

9.2 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. This presumption means that LPAs should approve development proposals that accord with the development plan without delay. Where the plan is absent, silent or out of date LPAs should grant permission unless the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework or where specific policies in the Framework indicate development should be restricted.

9.3 Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that within the development limits of named local service centres, such as Bentham, residential development would be permitted where it involves the redevelopment of land where it meets a number of criteria.

9.4 The application site is located within the development limits of Bentham towards the centre of a residential estate in a location where the amenities, services and transport links of the town are readily accessible for potential occupiers to walk to. The development of the site is in principle considered to be a form of “sustainable development” and as such would accord with this requirement of the NPPF. Saved Local Plan policy H3 allows for the redevelopment of land for housing within development limits and the proposal is considered to accord with this requirement.

9.5 The proposed development of the land is therefore considered to be acceptable in principle under the guidance of the NPPF and Saved Policy H3 of the Local Plan.

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

9.6 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

9.7 As noted previously the layout and design of the development has not been sought approval of within this application with the submitted details are indicative only.

9.8 There are a variety of properties in the area with predominantly two storey dwellings located down the hill to the west and single / 1 ½ storey properties to the east. Given the irregular street form and variety of property designs in the area it is considered that the proposed bungalows would be acceptable in principle.

- 9.9 The application site is a tired garage site used for informal parking and as such has little visual amenity value to the surrounding area. Whilst there would be limited public views of the site it is considered that the development of the site for two dwellings would have some benefits in terms of amenity on the surrounding area.
- 9.10 Although an outline application, with all matters reserved, the residential development of the site is considered to be acceptable in principle in terms of the visual impact of the development.

#### **Impact on neighbouring amenities**

- 9.11 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy H3 states that residential developments will only be acceptable where they do not have a detrimental impact on neighbouring amenities. Whilst Saved Policy H20 and Appendix F refer to household extensions the principles contained within this guidance should be considered in order to minimise the impact on neighbouring dwellings.
- 9.12 Approval is not sought for the design or layout of the development and as such limited consideration of the impact of the development on the amenities of neighbouring properties can be given at this stage.
- 9.13 Comments received regarding concerns over the impact of the development on their dwellings are noted however it is considered that as all matters are reserved this would be considered under the reserved matters application where full details of the development would be required.
- 9.14 However Council officers consider that two single storey properties are capable of being constructed on the site without a significant detrimental impact on the amenity of surrounding properties in terms of overlooking, overshadowing or obstruction of windows.

#### **Highway Issues**

- 9.15 Saved Policy H3 states that residential development should not create conditions prejudicial to highway safety. Access and layout are not sought for approval as part of this application. However the Highways Authority has been consulted and has raised no objection to the development.
- 9.16 The decision of the Council not to allow the use of this land for rented garaging is not a decision for the Local Planning Authority (it is a decision for the Council acting in its capacity as land owner). The decision for the Planning Committee to make is whether the impact of the development proposal would have an unacceptable impact on highway and pedestrian safety. It is acknowledged that the use of this area of land for housing is likely to result in additional competition for parking on the roads in the area, but it is recommended that the application proposal cannot justifiably be held to have an unacceptable impact on highway safety. The Highway Authority has also raised no concerns.
- 9.17 It is understood that residents have parked on this area of land in the past without the benefit of formal consent from the Council and that also access has been taken from the land to the rear of some of the properties. Property Services consider however that only 22 Banks Way has a right to vehicular access across the site and this would be maintained through the suggested layout.
- 9.18 In summary, whilst full consideration of the impact of the development on highway safety would be considered when full details have been received under a reserved matters application the principle of the development of the site is considered to be acceptable in terms of highway safety.

#### **Previous refusal**

- 9.19 The previous outline application (Planning Ref. 08/2009/9943) was recommended for approval by the planning officer and refused at planning committee for two reasons:-
- The impact on the amenity of neighbouring properties due to the relationship between the proposed dwellings and the existing properties.

- The adverse impact on residential amenities due to the increase of on street parking due to vehicles being displaced from the site.

- 9.20 Since this refusal the National Planning Policy Framework has been introduced and is broadly encouraging of sustainable development. This previously refused application sought approval of the layout and access compared to the current application which has all matters reserved. As noted earlier in the report, Officers consider that development of the site could occur without significant detriment to the amenities of neighbouring residents but full assessment of this can only comprehensively occur at the reserved matters stage when more details are provided.
- 9.21 Officers did not consider that the loss of the parking area, and the impact that this would have on the amenities of neighbours, was a sufficient reason to refuse the development. Loss of the parking area would not in Officers view result in an unacceptable standard of residential amenity or cause unacceptable highway safety problems. In conclusion, the development of the site is therefore considered to be a sustainable form of development that is encouraged by the NPPF.

### **Other Issues**

- 9.22 Concerns have been raised about the potential for the development to impact on the foundations of others retaining walls, and liabilities should damage to property be caused. Liabilities would be a private matter to be resolved between the relevant adjoining landowners. However if the development impacted on land stability this could be an issue for the Local Planning Authority. At this stage the details of what is proposed are unknown and an informative is therefore recommended advising that this issue may need to be addressed depending on the final development proposal. Requests have also been made for maintenance strips to be provided to repair existing retaining walls, but such rights of access are not for the Local Planning Authority to negotiate or make provision for.
- 9.23 A comment has been made that the garages should be taken down professionally by a competent person or company so there is not risk to the local neighbourhood. It is understood this comment was made due to concerns about asbestos, and any relevant requirements to meet these concerns are covered by separate legislation.
- 9.24 Finally a respondent has asked for assurance that should planning permission be given the council will not give any further planning permission to change the development from single storey to two storey properties. Whilst this permission is specifically for two single storey dwellings any future applications for alternative development proposals will have to be considered on their merits.

## **10. Recommendation**

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

### **Conditions**

1. No development shall commence until approval of the details of the layout, scale and appearance of the building(s), all access arrangements and the landscaping/boundary treatments (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. The approved plans comprise the site location plan received by the Local Planning Authority on the 18<sup>th</sup> December 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 permission and for the avoidance of doubt.

3. The permission hereby granted is an outline approval for two single storey bungalows.

REASON: For the avoidance of doubt with the application only being assessed for the development of 2 single storey dwellings on the site.

4. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

REASON: The application site is of varying heights and to protect the appearance of the locality and in the interests of the amenities of local residents.

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

REASON: To secure proper drainage.

6. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

REASON: To secure proper drainage and to prevent flooding.

7. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

REASON: To ensure proper drainage of the development.

8. Any built development shall not be constructed within an access strip (6m wide and 3 metres either side of the centre line of the sewer) to the public sewers that cross the site in accordance with the minimum distance specified in the current issue of "Sewers for Adoption". A modification of the site layout or a diversion of the affected public sewer at the applicant's expense may be necessary. To establish whether a sewer diversion is feasible the applicant should discuss at an early stage with United Utilities as there may be a lengthy lead in period if any such works are acceptable.

9. INFORMATIVE: No deep rooted shrubs or trees should be planted within the vicinity of the public sewers and overflow systems.

10. INFORMATIVE: A separate metered supply should be fitted to each unit at the applicant's expense with all the internal pipework complying with current water supply (water fittings) regulations 1999.

11. INFORMATIVE: The applicant should contact United Utilities Sewer Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

12. INFORMATIVE: The garages may contain asbestos and removal of such material from the site should be carried out in an appropriate manner by a suitably qualified company.

13. INFORMATIVE: The application site is on sloping land with retaining walls to the boundary. Any development should be carried out in a fashion that does not impact on these structures. Should the proposed development require works that are close to retaining walls the Council may require a method statement indicating how the properties would be constructed to maintain the integrity of the retaining walls.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

**INGLETON & CLAP  
45/2014/14334**

*DEMOLITION OF 16 NO. EXISTING GARAGES AND THE ERECTION OF 6 NO NEW DWELLINGS FOR AFFORDABLE RENT WITH ASSOCIATED PARKING - RE-SUBMISSION OF 45/2013/14182 DUE TO INACCURATE LAND OWNERSHIP CERTIFICATE.*

*LAND OFF BURNMOOR CRESCENT, INGLETON.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 08/04/2014

CASE OFFICER: Jack Sykes

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**The application has been referred to the planning committee as the applicant is Craven District Council.**

1. Site Description

- 1.1 The application site is a council owned area of land close to the centre of Ingleton. There are currently 16 single storey garages on the site. There are no public rights of way through the site although there are existing private access routes across it.
- 1.2 The Craven Heifer public house lies immediately to the north west of the site with the residential Burnmoor Crescent to the east and south. Burnmoor Crescent is a residential street with predominantly semi-detached properties on it. The garden space to the south of the application site is attached to St Mary's Vicarage.
- 1.3 The application site is located within the development limits of Ingleton and is immediately adjacent to the Conservation Area.

2 Proposal

- 2.1 Permission is sought for the demolition of the garages and the erection of 6 no new dwellings with associated parking. The dwellings are to be 4 no. 1 bed flats and 2 no. 2 bed dwellings.
- 2.2 The application under consideration is a re-submission of the exact same proposal submitted under Planning Ref. 45/2013/14182. The only exception is that the current application has been submitted with Craven District Council as the applicant, whereas the previous proposal was submitted with Muir Group as the applicant. As the original application failed to serve notice on the Council as the relevant land owner, and incorrectly stated that the land was no longer within the ownership of the Council, the application was treated as invalid and the process began again with the new application being re-publicised.
- 2.3 The application proposes that the dwellings would be 100% affordable to be provided for rent. Whilst no longer officially the applicant it is envisaged that if permitted the permission will be implemented by the Muir Group.

3 Planning History

- 3.1 45/2013/14182 Application invalidated. Demolition of 16 garages and erection of 6 no dwellings for affordable rent with associated parking.
- 3.2 45/2009/9845 Planning permission refused in 2009 for the construction of 4 dwellings and associated car parking for the following reason:-  
*"The proposed redevelopment of the site would result in the loss of a valuable amenity which in turn would lead to displacement of vehicles resulting in on street parking to the detriment of vehicular movement in the vicinity of the site and in particular in Burnmoor Crescent. As such the proposed development would not accord with the requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan."*
- 3.3 5/45/582 (4/12/95) Permission granted for erection of single domestic garage.



- 3.4 5/45/543 (6/9/93) Permission granted for erection of single domestic garage on Council garage plot at Burnmoor Crescent.
- 4 Planning Policy Background
- 4.1 National Planning Policy Framework
- 4.2 Saved Policy H3, H20 and Appendix F of the Craven District (Outside the Yorkshire Dales National Park) Local Plan
- 4.3 Officer's Note: Whilst Saved Policy H20 and Appendix F refer to household extensions it is considered the guidance contained within this policy are of some assistance to this determination.
- 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 considered to be in accordance with the NPPF).
- 5 Parish Council Comments
- 5.1 Ingleton Parish Council commented, on the earlier invalidated application ref 45/2013/14182, that the proposal had changed to include a higher proportion of one bedroom flats but members assumed this was in response to local demand. The Parish Council supported the application.
- 6 Consultations
- 6.1 Craven District Council's **Environmental Health** department has raised no objections to the proposed development but have suggested that regard should be had for the incorporation of a sustainable drainage system. They have also suggested that operation times of the demolition and construction are restricted to limit the impact on neighbouring properties.
- 6.2 **Yorkshire Water** has stated that a water supply can be provided and that the application should be referred to United Utilities for sewerage comments.
- 6.3 **North Yorkshire Police's Architectural Liaison Officer** has made the following comments:
- Recommend that the houses actually attain Part 2 of Secured by Design rather than just conform to the principles of Secured by Design.
  - The unofficial footpath and the remote car parking area are not good features for reducing car crime in the future.
  - A planning condition is suggested for the construction phase to ensure security of the site
- 6.4 In addition to these consultation responses the following comments have also been received in response to the recently invalidated application ref 45/2013/14182:-
- 6.5 **United Utilities** has no objection to the proposed development provided that a number of conditions are attached. In accordance with the NPPF surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application to prevent foul flooding and pollution of the environment. UU request a condition to be attached requiring the developer to confirm how surface water would be managed. The site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. UU state that their records show that they are not responsible for the water network in the vicinity of the development.
- 6.6 The **Highways Authority** has noted that a revised drawing was submitted (7307-100 rev C) on the 14<sup>th</sup> January and the HA accept a traffic trade off against the existing garages. The access road would not be adopted. The Highways Authority has also recommended other conditions / informatives.

## 7 Representations

- 7.1 At the time of writing 6 representations have been received in response to the current application. 6 representations were also made to the recently invalidated application reference 45/2013/14182 and many of these previous comments have simply been re-iterated for the current application (which is an identical proposal). Comments made to both applications are summarised below. At the time of writing this report the statutory consultation period for the application has not yet lapsed (it lapses on the 7 March 2013). Any further representations received will be reported to the Planning Committee.
- 7.2 The decision made for planning application reference 45/2009/9845 still applies.
- 7.3 Nothing has changed since the previous decision with no roads altered or buildings removed.
- 7.4 The respondent is already living in their kitchen as they value their privacy and if houses are built opposite the respondent would be totally surrounded by houses.
- 7.5 The development would be intolerable even without the loss of light or sunshine into their garden.
- 7.6 It is questioned where all the cars that are parked on the site will move to. Perhaps to the estate of old people's bungalows next to the garage site.
- 7.7 The path which leads from the estate through the site is the main road which is not included on the plans and no allowances have been made for it which would upset a great many people.
- 7.8 The site is not suitable for building houses on.
- 7.9 The previous application was for 4 dwellings with the new application for 6 dwellings which would mean there would be more vehicles on the road causing even more problems.
- 7.10 Other reasons given for the earlier application are still valid today with the "core strategy needs" fulfilled, building dwellings so close to a public house, loss of a popular garage and parking amenity to the locals and reduction of accessibility to some of the neighbouring properties.
- 7.11 Building houses in such close proximity gives people a loss of sense of privacy that Muir group say they would like to foster.
- 7.12 After canvassing local opinion the locals really want is less houses being built not turning Ingleton into a town and somewhere to park their cars and not having to fight for spaces.
- 7.13 If the site was to be well marketed to residents the respondent is sure it could generate a good steady and safe income for the Council for many years. Whilst it would need some initial refurbishment there would be hardly any upkeep costs as there are no services to the site.
- 7.14 The need is for more garages not more housing with the garages only empty because Craven District Council have evicted the tenants five years ago in an attempt to sell the land for housing. The respondent was part of a community group that attempted reach an agreement with the council to manage the garages but the Council refused to conclude the agreement offering no reason.
- 7.15 Parking is a huge problem on Burnmoor which if the garages were brought back into use would help alleviate this problem. Access is potentially restricted and putting lives at risk for ambulances, fire engines and refuse collections.
- 7.16 There has been significant building in Ingleton and a number of properties are still empty.
- 7.17 Burnmoor Crescent is occupied by elderly and vulnerable people and the proposed development essentially aimed at younger people would lead to conflicting interests and needs causing friction and disruption on the estate.

- 7.18 There is a conflict of interest for Craven District Council as the council are engaged in a fire sale of all assets regardless of the consequences for the affected communities and contrary to government directive to meet local needs.
- 7.19 A respondent also includes copies of communications between them and the Council regarding their attempts to run the garage site.
- 7.20 Two of the letters come from the landlord and owners of the Craven Heifer making the following comments:-
- 7.21 The Kitchen extractor fan is on from 8am to 9pm daily which is noisy and the residents would be likely to complain about noise and smell.
- 7.22 People leaving the public house and walking through the new development may cause disturbances to the new residents. The walkway has been used for a large number of years and if blocked off businesses would suffer.
- 7.23 Should the car parking facility be taken away residents may start parking on the pub car park stopping potential customers visiting the pub.

## 8 Summary of Principal Planning Issues

- 8.1 Principle of the development
- 8.2 Visual impact of the development
- 8.3 Impact on neighbouring amenities
- 8.4 Highway Issues

## 9 Analysis

### **Principle of the development**

- 9.1 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (para 49).
- 9.2 Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that within the development limits of named local service centres, such as Ingleton, residential development would be permitted where it involves the redevelopment of land where it meets a number of criteria.
- 9.3 The application site is located within the development limits of Ingleton in an area that has easy access to the facilities and services of the town. The development of the site is therefore considered to be a sustainable form of development supported in principle by the NPPF. The proposed development would also meet the requirements of Saved Policy H3 in that it would be a small scale development involving redevelopment.
- 9.4 The proposed development is therefore considered to be acceptable in principle under the guidance of the NPPF and Saved Policy H3 of the Local Plan.

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

- 9.5 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
- 9.6 Saved Policy H3 states that small scale housing development would be acceptable should it result in the loss or damage of spaces identified as important to settlement character, should not have an adverse effect on areas or buildings of historical interest and should not damage the character of existing residential areas.
- 9.7 There are range of properties within the area with two storey properties located to the east and west and bungalows to the north. The proposed development would be 2 storey and a block of development to the centre of site. The size of the development is commensurate with the development within the vicinity and as such is considered acceptable.

- 9.8 In terms of materials the dwellings would be constructed of concrete roof tiles, walls of stone and render and white uPVC windows. Properties to Burnmoor Crescent are predominantly rendered with a touch of stonework with properties to the west predominantly stone finished. The walls, with a mixture of stone and render, would be considered to be acceptable. Given the modern nature of the properties along Burnmoor Crescent the materials to the windows and roof of the development are also considered acceptable.
- 9.9 The application site is located between more traditional dwellings to the west and the modern residential estate to the east and north. The block of properties provide a small terrace of 6 units but have been designed with a number of features within the elevations to break the visual bulk of the development. The use of appropriate materials within the design helps to assimilate the features into the units. The proposed development is therefore considered to be appropriate to the locale.
- 9.10 The proposed development would provide 2 houses and 4 flats to the centre of the site. Each house would have a separate small garden area with a shared garden area provided to the four flats. The development would be to the centre of the site and would enable appropriate landscaping of the site to help ameliorate the development into the surrounding area. The development has also factored in bin storage sufficient for each unit and appropriate collection.
- 9.11 The proposed development is considered to be acceptable in terms of design, materials scale and proportion to respect the character and appearance of the surrounding area meeting this requirement of Saved Policy H3 and the NPPF.

#### **Impact on neighbouring amenities**

- 9.12 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy H3 states that residential developments should not impact on the amenity of existing residential areas.
- 9.13 The proposed dwellings are considered to be set at sufficient distance from existing dwellings to avoid any unacceptable obstruction of neighbouring windows.
- 9.14 Policy no3 in Appendix F states that except in special circumstances development would not be acceptable where it includes windows to habitable rooms with an unrestricted view within 21m of any habitable room windows to neighbouring residences. Also only in exceptional circumstances would development be acceptable that includes first floor clear glazed windows within 10.5m of the rear boundaries of any residential properties.
- 9.15 The public house lies to the north west of the site and it is not considered that there would be any unacceptable overlooking to this direction. The southern side elevation of the proposed development only includes windows to bathrooms from which there would be no unacceptable overlooking. To the east the front elevations of the dwellings would be a minimum of 8.42m from the rear boundaries of the neighbouring residences. Whilst this is within the 10.5m indicated by Appendix F the rear gardens to the garden areas to these existing properties are somewhat overlooked by each other already. The dwellings to the east that are set parallel with the proposed dwellings would be in excess of 21m referred to by Appendix F with the dwellings that are within 21m (Nos 11 and 9) at such an angle that the new dwellings would not unacceptably overlook habitable rooms.
- 9.16 To the north the single storey neighbouring properties are at an angle to the proposed dwellings but their rear boundary would be a minimum of 5.7m from the new units. Two windows are proposed to be stationed in the first floor of the northern elevation of the new units to a bedroom and a secondary window to a lounge. The bedroom window would be located further from the properties and due to the nature of its use it is not considered that it would cause unacceptable overlooking of neighbouring amenity space or habitable rooms. The lounge room is however in closer proximity to neighbouring curtilages and windows and although at a slight angle to residences it is considered necessary to require that this window is obscure glazed to protect neighbouring amenities.

- 9.17 The development is orientated in a broadly north-south direction and given the separation distance to properties to the east it is not considered that overshadowing would be of substantial concern to this direction. The application has been submitted with a solar shading examination illustrating the effect of potential shading at certain times and hours of the year. Some shading of the rear amenity space of the properties to the north would occur later in the day when the sun is low in the sky in the spring and summer months. It is considered that the development would not however result in an unacceptable loss of sunlight to the rear amenity space or habitable rooms of neighbouring properties.
- 9.18 Comments have been received about the proximity of the public house and the potential for disturbance and nuisance to any new residents. Concerns about a fan extracting from the building have been highlighted. However, Environmental Health has been consulted on this application and has raised no objections.
- 9.19 In conclusion, the proposed development is not considered to result in an unacceptable impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policy H3 of the Local Plan.

### **Highway Issues**

- 9.20 Saved Policy H3 requires that developments do not create conditions prejudicial to highway safety. Saved Policy T2 is permissive of development proposal 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. The proposed housing development would provide sufficient parking spaces for the development with a space per unit and also a small number of visitor spaces.
- 9.21 The application site is also located close to the centre of Ingleton where there would be a good degree of access to the travel links and facilities afforded by the settlement. The proposed development is therefore considered to provide sufficient parking provision to meet its own requirements.
- 9.22 Constructing housing on the application site will remove an area of land that has been used by local residents for parking. The decision of the Council not to allow the use of this land for rented garaging and parking is not a decision for the Local Planning Authority (it is a decision for the Council acting in its capacity as land owner). The decision for the Planning Committee to make is whether the impact of this development proposal would have an unacceptable impact on highway and pedestrian safety. It is acknowledged that the use of this area of land for housing is likely to result in additional competition for parking on the roads in the area, but it is recommended that the application proposal cannot justifiably be held to have an unacceptable impact on highway safety. The Highway Authority has also been consulted and raised no concerns.
- 9.23 Concerns have also been raised that a walking route through the site and the adjacent pub grounds could be blocked. There is no definitive public right of way through these sites, however the submitted plans indicate that the existing access route is to be retained. Ultimately, it will be a matter for the relevant landowners whether access across these sites continues.
- 9.24 Finally concerns have been raised about access for emergency vehicles to the site, however there is no technical evidence to support this concern and no objections have been raised by the Highway Authority.
- 9.25 In conclusion, the development proposal is not considered to have a significant detrimental impact on the surrounding area in terms of highway safety meeting this requirement of Saved Policy H3 of the Local Plan.

### **Previous refusal**

- 9.26 The previous outline application (Planning Ref. 45/2009/9845) was recommended for approval by the planning officer and refused at planning committee for the following reason:-

- 9.27 The adverse impact on residential amenities due to the increase of on street parking due to vehicles being displaced from the site.
- 9.28 Since this refusal the National Planning Policy Framework has been introduced that is broadly encouraging of sustainable development, and has further encouraged Local Planning Authorities to increase housing land supply.
- 9.29 In the consideration of the previous application, Officers did not consider that the loss of the parking area, and the impact that this would have on the amenities of neighbours, was a sufficient reason to refuse the development. The recommendation made to the Planning Committee for this development proposal is unchanged in that the loss of the parking area would not in Officer's view result in an unacceptable standard of residential amenity or cause unacceptable highway safety problems. In conclusion, the development of the site is therefore considered to be a sustainable form of development that is encouraged by the NPPF.

#### **Other Issues**

- 9.30 Comments have been made that the garages could continue to provide an income for the Council and should be maintained. Others have indicated that they have previously expressed an interest in managing the garages on behalf of the Council, but have not been allowed to do so. These are not matters of relevance to the Planning Committee decision on the merits of the development proposal and such issues are a matter for the Council acting in its capacity as landowner.

#### 10 Recommendation

- 10.1 That the application is approved 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 drawings 100 rev C, 101 and 200 Rev A received by the Local Planning Authority on the 11<sup>th</sup> February 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.  
**Reason:** To specify the permission and for the avoidance of doubt
3. The window to the kitchen/living/dining area of flat 4 in the first floor northern elevation of the development hereby approved shall be obscured to level 5 and be non-opening. Once in place the glazing shall be retained as such thereafter.  
**Reason:** To protect the amenity of the occupants of the nearby residential properties and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
4. The development shall not begin until a scheme for the provision of 100% affordable housing 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 100% 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:** The application has been assessed as wholly for affordable housing and therefore the development needs to make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

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

**Reason:** To secure proper drainage

6. No development shall take place until details of the proposed surface water drainage arrangements, which where possible should be based on Sustainable Drainage (SuDS) principles, have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

**Reason:** To secure proper drainage and to prevent flooding.

7. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

**Reason:** To ensure proper drainage of the development

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

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

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

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

10. Prior to the commencement of development details of proposed ground levels, proposed floor levels of any dwellings, paths, drives, and parking areas, and the height of any retaining walls or boundary fencing within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed strictly in accordance with the approved plans.

**Reason:** 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.

11. No work shall commence on any external walling of the proposed building until such time as a sample panel of walling, of at least 2m<sup>2</sup> area, showing the natural stone to be used, the

method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

**Reason:** To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

12. No occupation of the units hereby permitted shall commence until details of the 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 first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

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

13. No development, including site clearance, shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme or immediately adjacent to the site has been submitted to, and approved in writing by, the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

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

14. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

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

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (iii) 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.
  - (iv) That part of the access(es) extending **45 metres** into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding **1 in 20**.



**Reason:** In the interest of highway safety

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

- (i) have been constructed in accordance with the submitted drawing (Reference **Drawing No. 7307/100 (rev C)**)
- (ii) are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

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

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

### **Informatives**

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

2. No construction works should be carried out on the site outside of 7:30 am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday.

3. Adequate security must be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials.

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

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

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

4. There should be no access or egress by any vehicles between the highway and the application site until precautions have been taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. These facilities should include the provision of wheel washing facilities where necessary. These precautions shall be made available before any excavation or depositing of material in connection with the

construction commences on the site and be kept available and in full working order throughout the implementation of the development.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

AIRE VAL W LOTH  
21/2014/14335

CONSTRUCTION OF FOUR 2 BEDROOM DWELLINGS WITH ASSOCIATED  
CAR PARKING.

MEADOW CROFT, CONONLEY.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 08/04/2014

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site comprises a parcel of land 1,214 sq mtrs in area, situated on the north edge of the present built-up area of Cononley. The site is predominantly open in character with 10 garages situated along the north east boundary.
- 1.2 There are no significant changes in levels across the site except for an area to the south of the garages which very gently rises towards the southwest. Otherwise there are no special landscape features contained within the site. However, there are some trees along the northwest boundary.
- 1.3 The surrounding area to the northwest and south of the site is residential in character with land to the north east open countryside. Access to and from the site is from Meadow Croft.
- 1.4 The application site lies adjacent to the designated conservation area of Cononley, with a public right of way running along Shady Lane which is located to the northwest of the site.
- 1.5 The site lies adjacent to the development limits of the village of Cononley as allocated in the adopted local plan (1999).

2. Proposal

- 2.1 The proposal seeks permission for the construction of 4no. 2 Bedroom dwellings with associated car parking. The dwellings comprise of 2no. 2 bed detached bungalows and 2no. 2 bed semi-detached dwellings.
- 2.2 The application under consideration is a re-submission of the exact same proposal submitted under Planning Ref. 21/2013/14242. The only exception is that the current application has been submitted with Craven District Council as the applicant, whereas the previous proposal was submitted with the Accent Foundation as the applicant. As the original application failed to serve notice on the Council as the relevant land owner the application was treated as invalid and the process began again with the new application being re-publicised.
- 2.3 The application proposes that the dwellings would be 100% affordable. Whilst no longer officially the applicant it is envisaged that if permitted the permission will be implemented by the Accent Group.
- 2.4 The proposal is supported by the following documentation:-
  - Design and Access Statement;
  - Affordable Housing Pro-forma;
  - Arboricultural Report;
  - Phase I: Habitat and Protected Fauna Survey;

- Phase I: Desk Top Study Report.

2.5 The buildings would comprise of a rough stone plinth with a smooth art stone string course at ground floor cill level with render above and concrete interlocking roof tiles. Proposed window materials would be white uPVC with art stone surrounds and proposed external doors would be glazed uPVC.

2.6 Boundary treatments would comprise low roughstone walls with smooth art stone coping with railings above. Submitted details state that the existing boundary treatments comprising of a row of trees, a hedge and stone wall would be retained.

### 3 Planning History

3.1 21/2013/14242 - Construction of four 2 bedroom dwellings with associated car parking – Invalidated 2014.

### 4 Planning Policy Background

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

4.2 Saved Policies ENV1, ENV2, H12 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4.3 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 considered to be in accordance with the NPPF).

### 5 Parish Council Comments

5.1 Cononley Parish Council: The Parish Council have provided the following comments objecting to the proposal. The proposal fails to follow the building line of Shady Lane, with the proposed two storey building disrupting the run of bungalows. The proposal would adversely affect the level of privacy that the occupiers of Skipton Road currently experience. Recommend that any grant of permission should be on condition of securing additional parking spaces on Meadow Croft for at least 15 vehicles including a disabled space.

### 6 Consultations

6.1 **CDC Arboricultural Officer:** No objection in principle.

6.2 "No trees on the site are currently protected; however, the proposal states that all trees on site are to be retained. A site visit was undertaken on 19<sup>th</sup> February 2014 to assess the potential for protecting the trees during construction. The submitted tree survey states that a root protection scheme would be implemented to ensure that the trees on site are not damaged during construction. It is therefore recommended that appropriate conditions are attached to secure the protection of trees during the construction period.

6.3 **CDC Strategic Housing:** "the proposal would provide 100% affordable housing on this site and as such accords with the Council's interim affordable housing position and national guidance.

6.4 **NYCC Highways Authority:** Has raised no objections and stated that planning permission should be granted subject to conditions (see section 11 of this report).

6.5 **Yorkshire Water:** No objection in principle and recommend several planning conditions to ensure the 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.

6.6 **Architectural Liaison Officer:** No objection to the proposal but would recommend that the houses actually attain the Secured By Design Certification and not just conform to the principles of Secured By Design (SBD). Also that the site attains street lighting due to its location adjacent to open fields.

## 7 Representations

7.1 Five letters of objection have been received (3 letters from the household at No. 28 Skipton Road). All representations submitted to the previously invalidated application have been remade to this current application. The comments have been summarised below:

- Concern that there has been some concealment of the proposed development.
- Concern over the lack of adequate community consultation undertaken.
- The proposal has not taken into account any of the concerns raised at the consultation meeting held on the 7<sup>th</sup> November e.g. that the need for affordable housing is tailored to the needs of residents within the village; the proposal would result in the loss of the recycling centre and that a two storey dwelling would be out of character with properties located along Shady Lane which are single storey.
- Proposal fails to acknowledge a right of access through the Yorkshire Housing development.
- The proposed site is outside of the defined development limits of Cononley.
- Section 5 of the application contains an inaccuracy. It states that no pre-application advice was sought, however, a joint consultation meeting was held on the 7<sup>th</sup> November between Craven District Council, the developer and residents.

**Officer Note:** Section 5 of the application form refers to pre-application advice with the Local Planning Authority and not pre-application consultation that was undertaken by Accent and CDC's Strategic Housing with the local community.

- The proposal disregards the views of the local parish who have stated that this site is unsuitable for development.
- There has been no consultation with the Parish concerning the needs of householders or their families in the village in relation to affordable housing.
- The application form states that the proposal would only result in the loss of 2 spaces. This is incorrect as the remaining spaces would only serve the new residents and not the existing resulting in a loss of 10 spaces.
- The proposed development would result in a loss of privacy to properties situated along Skipton Road.
- The proposal would have a detrimental affect on the visual appearance of the area.
- The proposal fails to follow the current building line along Shady Land.
- The proposal would be over-bearing, out of scale and character compared with the existing development in the vicinity of Shady Lane.
- Concern that the proposal would have a negative impact on the trees on the site.
- The proposal lacks any details concerning proposed street lighting.

7.2 One letter of observation has also been received. Comments summarised below:-

- Suggest that any proposed parking spaces are designated permit holders/residents spaces only.

7.3 At the time of writing this report the statutory consultation period for the application has not yet lapsed. Any further representations received will be reported to the Planning Committee meeting.

## 8 Summary of Principal Planning Issues

8.1 Principle of providing affordable housing on this site;

- 8.2 Impact on the character and appearance of the local area;
- 8.3 Impact on the amenities of local residents;
- 8.4 Highway safety issues;
- 8.5 Other issues.

## 9 Analysis

### **Principle of development.**

#### **The NPPF**

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.4 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 Cononley. Cononley is one the local service centres 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 village centre and other nearby major centres. The proposal shows that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively and efficiently.
- 9.5 The replacement local plan remains at an early consultation stage, with adoption not anticipated until 2015. 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.
- 9.6 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.

### **Saved Local Plan Policies**

- 9.7 The application site lies outside of the existing development limits of Cononley, therefore, saved LP Policy ENV1 is relevant. 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.
- 9.8 However, saved LP Policy H12 allows for small scale residential developments, on sites which would not otherwise be released for housing subject to providing affordable housing and satisfying the set criteria. The proposal is for 100% affordable housing and as such, it is considered that the proposal accords with advice in paragraphs 28, 50, 54 and 55 of the NPPF, in the provision of affordable housing through rural exception sites, enhancing and maintaining the vitality of rural communities, and supporting a prosperous rural economy.
- 9.9 Saved Local Plan ENV2 seeks to ensure that any development acceptable in principle outside of 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 serious harmful change to the character and appearance of the area. These aims are broadly in line with the NPPF, and if the proposed residential development is held to be 'sustainable development' for the purpose of the NPPF then the proposal is capable of being assessed against ENV2.

### **Housing land supply**

- 9.10 Paragraph 47 of the NPPF, under the heading "*Delivering a wide choice of High Quality Housing*", stresses the need to boost significantly the supply of housing. The paragraph also states that LPA's should '*identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5%.*'
- 9.11 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6<sup>th</sup> November 2013. The summary is based on an emerging housing target of 160 dwellings per annum which is a figure that is yet to be subject to full public examination and concludes that the current housing land supply provides 26 dwellings more than the requirement assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.12 The latest household projection figures from the Department for Communities and Local Government indicate that the Council may require a slightly higher housing requirement than currently proposed and this is likely to impact on the Council's HPS. The Planning Policy team are presently working on establishing whether there is a need to identify an amended figure with a view to taking the matter to the Council's Policy Committee for a decision in the near future. Even if it remains the case that the Council considers that it can still identify a five year housing requirement, in the absence of an adopted Local Plan or formally adopted land allocations, this is not an NPPF compliant 5 year housing supply and is not a reason that is sufficiently strong by itself to resist development on the site. The proposal is a very minimal development that would not substantially affect the overall housing situation and it should be noted that the proposals would still make a small contribution in a sustainable manner.
- 9.13 In conclusion, where plans are out of date and where a NPPF 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the NPPF. This small scale development of 4 dwellings is considered to contribute to the NPPF's aim of supporting the viability of rural communities and in the

context of the NPPF the development is sustainable. It is therefore recommended that development on this site should be accepted in principle.

#### **Impact on the character and appearance of the local area.**

- 9.14 The NPPF also makes it clear that the government attaches great importance to high quality design of the built environment, and considers this aspect to be indivisible from good planning. To achieve this LPA's should consider using design codes, although policies should avoid being unnecessarily prescriptive or detailed. The NPPF also makes it clear that although visual appearance and the architectural design of buildings is important, high quality design goes beyond just aesthetic considerations.
- 9.15 The NPPF refers to '*good design*' and at paragraph 57 emphasises the importance of planning positively for the achievement of '*high quality and inclusive design for all development*'. The application site lies adjacent to the designated conservation area of Cononley. It is therefore important to assess whether the proposal would have an acceptable visual impact on the surrounding area.
- 9.16 Within the surrounding area to the north, northwest and south is a mixture of properties ranging in ages, scale and style, with two storey properties adjacent to bungalows.
- 9.17 The proposed dwellings have been designed to respect the existing plot size with footprints and garden area being of a proportionate size, thus ensuring that the proposal would not appear overtly dominant. In terms of form and appearance the proposed buildings have been designed to reflect properties situated along Meadow Croft, through the buildings basic form and simple window and door openings. It is acknowledged that the proposal would be visible when travelling along Shady Lane. However, due to the modest scale, design, use of appropriate materials and existing boundary treatments it is not considered that the proposal would have a negative visual impact on the adjacent conservation area or surrounding area.
- 9.18 In terms of materials the proposed dwellings would be constructed from a stone plinth and rendered finish above to the walls, concrete interlocking tiles to the roof, and white uPVC windows and doors. Art stone surrounds to window and door openings are also proposed to help add visual interest. These materials are considered to sit well within the surrounding area with many of the surrounding properties constructed from similar materials.
- 9.19 The proposed development is considered to be of an acceptable scale, proportion, design and materials to respect the surrounding area. The development is therefore considered to meet the requirements of the NPPF and Saved Local Plan Policies.

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

- 9.20 Within the Core planning principles at paragraph 17 of the NPPF it states 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".
- 9.21 Properties within the surrounding area would be situated at acceptable distances from the proposed dwellings and are separated by a mixture of existing trees/shrubs along the northern boundary and new boundary treatments comprising of low level stone wall with railings above. It is considered that due to the separation distance that the proposal would not appear overbearing or significantly reduce the level of daylight to the occupiers of these properties.
- 9.22 It is acknowledged that the proposal would see the introduction of windows to the rear elevations of house types A & C which would face across towards the rear amenities area of properties off Skipton Road. However, due to the existence of natural screening and the separation distances involved it is not considered that the proposal would result in any unacceptable loss of privacy to the occupiers of these properties. The proposal would also see the introduction of a window to the southwest elevation of house type D and as a result there would be more direct overlooking of the rear amenity area of No. 15 Meadow Croft. However, it is accepted that there is a degree of existing mutual overlooking of neighbouring gardens. Furthermore, due to the topography of the land and the existence of



a 1.2m boundary fence along the boundary of No. 15 it is considered that the proposal would not result in any unreasonable overlooking to the occupiers of this property.

- 9.23 In terms of other properties to the south east it is considered that there is adequate spacing between these properties and the proposed dwellings to ensure that the proposal would not result in any loss of privacy or overshadowing. Finally it is considered that the relationship between the new dwellings themselves is also acceptable.

#### **Highway Safety.**

- 9.24 Saved Policy H3 states that residential development should not create conditions prejudicial to highway safety. Saved Policy T2 is permissive of development proposal 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. The Highways Authority has been consulted on this development proposal and has raised no objections to the development subject to conditions.
- 9.25 Constructing housing on the application site will remove an area of land that has been used by local residents for parking. The decision of the Council not to allow the use this land for rented garaging and parking is not a decision for the Local Planning Authority (it is a decision for the Council acting in its capacity as land owner). The decision for the planning committee to make is whether the impact of this development proposal would have an unacceptable impact on highway and pedestrian safety.
- 9.26 The application site would utilise an existing access onto Meadow Croft as the current use of the site for garages. The site has 10 garages on site and it is not considered that the proposed four dwellings would create any significant increase in traffic flow compared to that potentially caused by the existing 10 garages.
- 9.27 It is understood that residents have parked on this area of land in the past and that the use of this area of land for housing is likely to result in additional competition for parking on roads in the area. However, it is recommended that the application proposal does not have an unacceptable impact on highway safety and furthermore, the Highway Authority has been consulted and has raised no concerns.
- 9.28 In relation to comments received that the proposed development may affect a private right of access onto the adjacent Yorkshire housing estate. It is considered that this is not a material planning consideration and would be a private matter between the relevant land owners.
- 9.29 In summary, it is considered that the proposed development would not give rise to any significant adverse impact upon highway safety such to warrant a refusal.

#### **Other Issues**

- 9.30 The application has been accompanied by a Phase 1 Habitat and Protected Fauna Survey and it is recommended that the development is implemented in accordance with its recommendations. A respondent has raised a concern regarding the possible impact on the development on the 'flight path' of bats, but despite the concerns raised there is no evidence that the proposal would have an effect on the commuting and foraging habitat and potential roosting sites of bats.
- 9.31 A comment has been made in relation to the lack of detail concerning relocation of the recycling collection point from site. These details have not been supplied by the applicant and whilst they will need to be addressed need not be done through the planning process and is certainly not a reason to refuse the planning application.
- 9.32 Concerns have been expressed about the potential impact of development on the existing trees. The proposal has been assessed by the Arboriculturist employed by the Council and the spacing between houses and trees in the layout, and the tree root protection measures proposed, are adequate measures to safeguard the trees on the site.

9.33 Finally, the application has been accompanied by a desk top contaminated land investigation. The report identifies that other than the existing garages the land has no previous uses and therefore it does not appear that there is any previous contamination.

## 10 Recommendation

10.1 The statutory consultation period for this application does not lapse until after the 14 March 2014 and therefore the recommendation is that: -

10.2 Members resolve to be mindful to approve planning permission and delegate to Officers the issuing of the final decision notice subject to no new issues raising relevant material planning considerations being received.

### 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 of Drawing No's 3215 (1) 002G, (2) 001/A, 003/B, 004/A, 010/B, 012/B & 013/B received by Craven District Council on 11<sup>th</sup> February 2014. 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 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:

- (vi) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% 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;
- (vii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (viii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (ix) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (x) 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:** The application has been assessed as an affordable housing exception site and therefore the development needs to make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

4. Prior to the first use of building materials on the site details and/or samples of all new materials to be used in the external surfaces of the buildings, including proposed external walling and roofing materials, the colour of the render, and the design and colour of all

window frames, doors, rainwater goods, and the details of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved plans.

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

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

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

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

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

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 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 during the carrying out of the development.

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

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

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

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

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

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

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

- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.

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

**Reason:** In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any superseding order, the areas shown on Drawing no. 3215(1)002G (Site Layout) for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**Reason:** In accordance with policy T2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

13. Notwithstanding the details shown on the approved plans full details on the proposed boundary treatments including height, materials, specifications of materials and/or planting shall be submitted to the Local Planning Authority for approval.

**Reason:** To ensure the external appearance of the development is satisfactory in the interests of visual amenity

14. Prior to the commencement of development details of proposed ground levels, proposed floor levels of any dwellings, paths, drives, and parking areas, and the height of any retaining walls or boundary fencing within the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed strictly in accordance with the approved plans.

**Reason:** 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.

15. The development hereby permitted shall be implemented in accordance with the recommendations of the Phase 1 Habitat and Protected Fauna Survey dated 23 October 2013 that was prepared by Whitcher Wildlife Ltd.

**Reason:** In the interests of minimising ecological harm and for the avoidance of doubt.

16. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

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

## **Informatives**

1. All bats and their roost are fully protected under Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulations 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 [consulted@naturalengland.org.uk](mailto:consulted@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.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Country Council, the Highway Authority, is available at the County Council's offices. The local offices of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.
4. Applicants are advised to contact the County Councils Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
5. The garages may contain asbestos and removal of such material from the site should be carried out in an appropriate manner by a suitably qualified company.
6. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

## **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.

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

**SUTTON  
66/2013/14186**

*OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 2  
THREE BEDROOMED SEMI DETACHED DWELLINGS WITH ASSOCIATED  
PARKING (ALL MATTERS RESERVED).*

*LAND ADJACENT TO 13 HARPER GROVE, SUTTON-IN-CRAVEN.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 12/02/2014

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to a parcel of land approximately 440 sq metres situated to the south east of the centre of Sutton. The site lies to the east of Harper Grove with residential properties to the north, west and south of the site. Land to the east is agricultural land.
- 1.2 The site slopes gently downhill to the northwest. The site is an area of grassed open space that is open in character with a traditional stone wall along the eastern boundary.
- 1.3 The application site is within the development limits of Sutton. The site is not recognised as Important Open Space by the proposals map from the 1999 Craven District (Outside the YDNP) Local Plan.

2. Proposal

- 2.1 The application seeks outline planning permission for residential development (a pair of 3 bedroomed semi-detached dwellings) with all matters reserved for future consideration.
  - The proposal is supported by a Design and Access Statement.
- 2.2 Indicative drawings have been submitted with the application to illustrate how the site might be developed.
- 2.3 The proposed principle means of access would be directly off Harper Grove, an indicative layout has been submitted to show the proposed vehicle access/exit from the site.
- 2.4 The application is for two private dwellings with no affordable housing. The development proposal is below the Council's adopted threshold where a contribution towards affordable housing is sought.

3. Planning History

- 3.1 None

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – March 2012 (NPPF).
- 4.2 Saved Local Policies H3 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

- 5.1 Sutton Parish Council: "No adverse comments".

6. Consultations

- 6.1 **NYCC Highways Authority:** No objection subject to planning conditions relating to the construction of access/verge crossings and the retention of parking spaces.

6.2 **Yorkshire Water:** No objection, but recommend several planning conditions to ensure that the site is properly drained, including the discharge of surface water.

## 7. Representations

7.1 Six letters of objection have been received (2 letters from No. 8 Harper Grove & 2 letters from 13 Harper Grove). Comments have been summarised below:-

- The site relates to land which is currently used by the residents to exercise their dogs and children to play as such the proposal would result in the loss an important amenity area.
- The proposal would result in the loss of social parking.
- There is already a lack of parking spaces within the site with local residents parking on the verge and this proposal would further compound the problem.
- Concern that there is sufficient space available for buses, patient travel and delivery vans to travel along Harper Grove.
- Concern that Emergency vehicles would struggle to park along Harper Grove.
- The six existing garages to the southwest of the site are in consent use and therefore need access at all time of the day.

**Officer note:** The development proposal does not impact on these garages.

- The estate is not suitable for heavy vehicles.
- Concern that the construction workers vehicles would impede access along Harper Grove due to the lack of available parking.
- Concern that the site would increase the possibility of flooding between houses.
- Question the stability of this plot due to the appearance of a sink hole at the adjacent property.
- Concern over the impact of the proposal on the existing drainage system.
- Proposed housing would not aesthetically fit with the character of the estate as a result of the proposed materials and the lack of setback from the public highway.
- The proposal is contrary to Planning Policy Statement 3 – Housing.

**Officer note:** This planning policy has been cancelled and superseded by the NPPF.

- Proposal would result in a loss of privacy, loss of sunlight and views to residents opposite the site.
- The proposal would contrive the Human Rights Act in particular Protocol 1, Article 1 & Article 8 of the Act in the right to peaceful enjoyment of all their possessions.
- The proposal would result in an unacceptable level of noise and disturbance during construction and would have a negative impact on public safety.
- Proposal would have a detrimental impact on highway safety.
- Question the need for housing?

## 8. Summary of Principal Planning Issues

8.1 The principle of development

8.2 Loss of open space

8.3 Visual impact.

8.4 Impact on amenity.

8.5 Highway safety.

8.6 Flooding and drainage issues.

## 9. Analysis

### **Principle of development.**

- 9.1 The main thrust of the NPPF is an 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 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. 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 NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 9.2 The application site is located within the development limits of the village as identified in the adopted local plan. As such, redevelopment for small scale housing at this location with well-located access to local facilities is considered in principle to accord with the aims of the NPPF to provide sustainable development.
- 9.3 The development also falls to be considered against Local Plan Policy H3. This states that infilling, small scale conversions, small scale development of neglected, derelict or underused land or the redevelopment of land or premises “will normally be permitted within development limits, subject to certain criteria being met”. The application site is clearly an “infill” site (as defined by saved policy H3) and given the size of the site (440 sq m) firmly falls within the category of “small scale” development. The proposal is therefore supported in principle by Policy H3, subject to meeting the detailed criteria of that policy.
- 9.4 In conclusion, it is considered that the proposed redevelopment of the site for residential purposes would contribute to the NPPF’s aim of supporting the viability of rural communities and in the context of the NPPF the development is sustainable. It is therefore recommended that development on the land should be accepted in principle.

### **Loss of Open Space**

- 9.5 The land is a sloping grassed area. Its value is in its use as an informal amenity area (rather than being of any use for sporting purposes), and it also contributes to the visual amenity of the area. Development on the site will inevitably result in the loss of a significant proportion of that open space and that retained would be of significantly less value for actual active use (e.g. for children playing on or by dog walkers). The site was not identified in the 1999 local plan as being a site of any strategic importance as open space or wider amenity value.
- 9.6 The loss of this open space inevitably does have an impact on the area, but it is recommended that the impact is not so significant to justify refusal of the development proposal. Furthermore there are other benefits such as the development will make a small, but meaningful contribution towards meeting the Council’s housing supply requirements without having to extend out into open countryside locations.

### **Visual impact.**

- 9.7 It should be noted that the external appearance, landscaping, layout and scale elements of the proposals are reserved matters and therefore cannot form part of the assessment of the current planning application.
- 9.8 The NPPF states that LPAs should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factors’, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA’s should aim to



address the connections between people and places and the integration of new development into the built environment.

- 9.9 Saved Policy H3 states that residential development should not damage the character of existing residential areas. Housing development should not have an adverse effect on areas of buildings or historic of architectural interest. In addition, the General Development Principles of the Local Plan state that all developments should respect the density, scale, height, proportion, massing and materials of surrounding buildings.
- 9.10 Although this application is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposals is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.11 The application sites lies on the eastern edge of a built up area which is characterised by housing of a suburban character to the north, west and south. However, opposite the site on the eastern side of the application site is agricultural land which is separated from the application site by a stone wall. As such the application site visually relates more directly to the existing built-up area and forms a natural continuation of the existing building line.
- 9.12 Whilst the proposal is in outline form details concerning the potential development are included within 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, however, the proposed 2 dwellings are considered to reflect the character of the surrounding built-up area of this part of the village.
- 9.13 In summary, 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.

#### **Impact on amenity.**

- 9.14 Within the Core planning principles of the NPPF paragraph 17 it states 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.
- 9.15 The submitted indicative plan demonstrates that there is adequate spacing within the layout and neighbouring properties to meet acceptable separation standards for privacy and light. The details of the dwellings and landscaping treatment are reserved for future considerations. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be adversely affected in terms of overlooking or overshadowing.

#### **Highway Safety.**

- 9.16 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.17 Local residents have expressed concern at the likely effects on the existing roads, especially at peak times. In addition, concern has been expressed with regard to parking on the roadside. However, there is no technical evidence to support these concerns. Based on the submitted proposal the highway authority recommends conditional approval of the planning application and, in the absence of any highway constraints, the proposal would accord with the NPPF and saved Local Plan Policy T2.

#### **Flooding and drainage issues.**

- 9.18 The application site is not located within an area identified as being of risk of flooding by the Environmental Agency. However, local residents have expressed concern over the potential increased risk of flooding.

**9.19** However, the consideration with regard to the application site is the impact of surface water drainage (as well as foul water) from the presently undeveloped land following development. Following consultation with Yorkshire Water who state that subject to the compliance with appropriate planning conditions that there is no reason why the development of this site would cause any problems within the surrounding area.

**Other Issues.**

9.20 Concerns have been raised over the stability of the land. The Council's Building Control department have verbally not raised any specific concerns regarding this matter and the stability of the dwellings themselves will be considered under Building Regulations legislation. However, to ensure there are no issues with respect to the stability of the wider site and adjacent land it is considered that this matter could be adequately addressed by a planning condition requiring a report from an appropriately qualified person in respect of the stability of the land to be undertaken before development commences.

9.21 Comments have been made that the development will infringe the Human Rights of neighbouring occupiers. The planning merits of the development proposal have been fully considered in the public interest, and in the opinion of Officers the human rights of neighbouring occupiers are not infringed.

9.22 Finally concerns have been raised with respect to disruption and disturbance during the construction period. Some disturbance or disruption with such a development is inevitable, however it is not a reason to withhold planning permission. An informative is recommended suggesting suitable hours of working at the site.

10. Recommendation

10.1 To grant outline planning permission 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 3 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):** To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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.

**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. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site.
- Reason:** To allow sufficient access for maintenance and repair work at all times.
6. 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.
7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority.
- Reason:** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
8. Prior to the commencement of the development hereby approved full engineering details and an earthworks design report (to ensure ground stability within and adjacent to the application site) that has been undertaken by an appropriately qualified and competent person shall be submitted to the local planning authority. All subsequent works shall be undertaken in accordance with the submitted details.
- Reason:** In order to ensure the stability of the ground conditions in the interests of safety and land stability.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirement:
- (v) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
  - (vi) Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (vii) 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 specification of the Highway Authority and maintained thereafter to prevent such discharges.
  - (viii) The final surfacing of any private access within 4.5m of the public highway shall not contain any loss materials that is capable of being drawn on the existing or proposed public highway.

**Reason:** In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

### **Informatives**

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

2. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

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.

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

**GLUSBURN  
32/2013/14187**

*OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 2  
THREE BEDROOMED SEMI DETACHED PROPERTIES WITH ALL  
MATTERS RESERVED.*

*LAND OFF BURNROYD AVENUE, GLUSBURN.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 12/02/2014

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to a plot of land approximately 540 sq m situated within the centre of the present built up residential area of Glusburn. The site is currently occupied by 7 garages with parking and turning area to the south of the garages and is broadly level.
- 1.2 The surrounding area to the south, east, west and north is residential in character with the only current vehicle access to the site off Burnroyd Avenue.
- 1.3 The application site is within the development limits of Glusburn and lies within Flood Zone 2 & 3 as identified by the Environment Agency.

2 Proposal

- 2.1 The application seeks outline planning permission for residential development (a pair of 3 bedroomed semi-detached dwellings) with all matters reserved for future consideration.
- The proposal has been supported by a Design and Access Statement.
  - Flood Risk Assessment.
- 2.2 Indicative drawings have been submitted with the application to illustrate how the site might be developed.
- 2.3 The proposed principle means of access would be off Burnroyd Avenue, an indicative layout has been submitted to show the proposed vehicle access/exit.
- 2.4 The application is for two private dwellings with no affordable housing. The development proposal is below the Council's adopted threshold where a contribution towards affordable housing is sought.

3 Planning History

- 3.1 None.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – March 2012 (NPPF).
- 4.2 Saved Local Policies H3 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

- 5.1 Glusburn Parish Council: No comments received at the time of compiling this report.

6 Consultations

- 6.1 **Environment Agency:** The proposal is acceptable subject to a condition requiring the implementation of measures detailed within the submitted Flood Risk Assessment.

- 6.2 **NYCC Highway Authority:** No objection to the proposal subject to appropriate conditions.
- 6.3 **Yorkshire Water:** Comment that the buildings would be located over a main water pipe which could jeopardise Yorkshire Water ability to maintain the network. If planning is granted then a condition is required requiring no development within 3 metres of the water main or alternatively that the main is diverted. Conditions are also recommended to ensure satisfactory drainage of the site.

## 7 Representations

7.1 One letter of objection has been received. Comments are summarised below:-

- Loss of garages would increase on street parking.
- Concern that emergency vehicles will not be able to travel along Burnroyd Avenue unimpeded.
- The statement that the garages are derelict is incorrect as 5 of the 7 garages are occupied.
- Concern over the proposals impact on the already stretched sewage and drainage system.
- What will happen with the Fire Hydrant?

## 8 Summary of Principal Planning Issues

8.1 The principle of development

8.2 Visual impact.

8.3 Impact on amenity.

8.4 Highway safety.

8.5 Flooding and drainage issues.

## 9 Analysis

### **Principle of development.**

- 9.1 The main thrust of the NPPF is an 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 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. 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 NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 9.2 The application site is located within the development limits of the village as identified in the adopted local plan. As such, redevelopment for small scale housing at this location with well-located access to local facilities is considered in principle to accord with the aims of the NPPF to provide sustainable development.
- 9.3 The development also falls to be considered against Local Plan Policy H3. This states that infilling, small scale conversions, small scale development of neglected, derelict or underused land or the redevelopment of land or premises “will normally be permitted within development limits, subject to certain criteria being met”. The application site is clearly an “infill” site (as defined by saved policy H3) and given the size of the site (540 sq m) firmly falls within the category of “small scale” development. The proposal is therefore supported in principle by Policy H3, subject to meeting the detailed criteria of that policy.
- 9.4 In conclusion, it is considered the redevelopment of the site for residential purposes would contribute to the NPPF’s aim of supporting the viability of rural communities and in the

context of the NPPF the development is sustainable. It is therefore recommended that development on the land should be accepted in principle.

### **Visual impact.**

- 9.5 It should be noted that the external appearance, landscaping, layout and scale elements of the proposals are reserved matters and therefore cannot form part of the assessment of the current planning application.
- 9.6 The NPPF states that LPAs should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factors', securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.7 Saved Policy H3 states that residential development should not damage the character of existing residential areas. Housing development should not have an adverse effect on areas of buildings or historic of architectural interest. In addition, the General Development Principles of the Local Plan state that all developments should respect the density, scale, height, proportion, massing and materials of surrounding buildings.
- 9.8 Although this application is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposals is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.9 The application site lies to the southern end of Burnroyd Avenue within an established residential area, characterised by housing of a suburban character. Currently on the site are 7 garages with an area of hard standing and turning area to the south. The proposal is to demolish the existing garages and replace with two three bedroom semi-detached dwellings with associated car parking. It is therefore considered that the proposal would visually relate well with the existing built-up residential area.
- 9.10 Whilst the proposal is in outline form details concerning the potential development are included within the Design & Access Statement. This demonstrates that the site is capable of development to a satisfactory layout and scale.
- 9.11 In summary, 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.

### **Impact on amenity.**

- 9.12 Within the Core planning principles of the NPPF paragraph 17 it states 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.
- 9.13 The submitted indicative plan demonstrates that there is adequate spacing within the layout and neighbouring properties to meet acceptable separation standards for privacy and light. The details of the dwellings and landscaping treatment are reserved for future considerations. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be adversely affected in terms of overlooking or overshadowing.

### **Highway Safety.**

- 9.14 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an

existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.

- 9.15 The decision of the Council not to allow the use of this land for rented garaging is not a decision for the Local Planning Authority (it is a decision for the Council acting in its capacity as land owner). The decision for the Planning Committee to make is whether the impact of the development proposal would have an unacceptable impact on highway and pedestrian safety. It is acknowledged that the use of this area of land for housing is likely to result in additional competition for parking on the roads in the area, but it is recommended that the application proposal cannot justifiably be held to have an unacceptable impact on highway safety. The Highway Authority has also raised no concerns
- 9.16 In addition, concern has been expressed that emergency vehicles would not be able to travel along Burnroyd Avenue. However, there is no technical evidence to support these concerns. Based on the submitted proposal the highway authority recommends conditional approval of the planning application and, in the absence of any highway constraints, the proposal would accord with the NPPF and saved Local Plan Policy T2.
- 9.17 Further consideration of the impact of the development on highway safety will be undertaken when full details are received under a reserved matters application. However in principle the development of the site can be undertaken without an unacceptable adverse impact on highway safety.

#### **Flooding and drainage issues.**

- 9.18 The application site lies within Flood Zone 2 & 3 as identified by the Environment Agency and has been supported by a Flood Risk Assessment. The Environment Agency has been consulted and has stated that subject to appropriate conditions that the site is suitable for development.
- 9.19 A local resident has expressed concern over potential foul drainage issues should the proposal be granted permission. While there remain third party concerns on this matter, the view of Yorkshire Water is that the proposal is acceptable subject to appropriate conditions.

#### **10 Recommendation**

- 10.1 To grant outline permission 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:-
- (e) appearance;
  - (f) landscaping;
  - (g) layout; and
  - (h) 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 3 years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.



**Reason (for 2 & 3):** To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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.

**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. Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site. Or alternatively, measures to divert or otherwise formally close the water main that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local planning authority.

**Reason:** In the interest to maintain the public water supply.

6. No development shall take place until details of the proposed means of disposal of foul and surface water drainage (which should where possible be based on Sustainable Drainage (SUDS) principles), including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure that the development can be properly drained.

7. 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 completion of the approved foul drainage works.

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

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WDP ref:KL2533/SA and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 300mm above existing ground levels.
2. The flood proofing/resilient measures detailed within the FRA are incorporated into the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

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

- (ix) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- (x) Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

- (xi) 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 specification of the Highway Authority and maintained thereafter to prevent such discharges.
- (xii) The final surfacing of any private access within 4.5m of the public highway shall not contain any loss materials that is capable of being drawn on the existing or proposed public highway.

**Reason:** In accordance with policy T2 and to ensure a satisfactory means of access to the site for the public highway in the interests of vehicle and pedestrian safety and convenience.

### **Informatives**

1. The garages may contain asbestos and removal of such material from the site should be carried out in an appropriate manner by a suitably qualified company.
2. 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 treatments 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.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Country Council, the Highway Authority, is available at the County Council's offices. The local offices of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.
4. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

### **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.