

PLANNING COMMITTEE MEETING AGENDA

Monday 7th April 2014

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**WARD AND
APPLICATION No.**

PROPOSED DEVELOPMENT AND SITE ADDRESS

**SKIPTON WEST
63/2013/14114**

HYBRID PLANNING FOR EMPLOYMENT LED MIXED USE DEVELOPMENT COMPRISING OF OUTLINE CONSENT FOR A MIX OF B1, B2, B8, C1, A3, A4 AND A5 USES TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING ETC. DETAILED PLANNING CONSENT FOR COMPANY HEADQUARTERS AND DISTRIBUTION CENTRE (B8), EIGHT BUSINESS INNOVATION UNITS (B1, B2, B8), RETAIL SUPERMARKET (A1) INCLUDING PETROL STATION AND ASSOCIATED PARKING, RE-PROFILING OF THE EXISTING GROUND TO CREATE A DEVELOPMENT PLATEAU, INTERNAL ROADS AND FOOTWAYS AND ASSOCIATED ROADSIDE LANDSCAPING, A NEW ROUNDABOUT PROVIDING ACCESS TO THE SITE FROM THE A629 BYPASS, A NEW MINI ROUNDABOUT PROVIDING ACCESS TO THE SITE FROM CARLETON ROAD, A SUSTAINABLE DRAINAGE SYSTEM (SUD) INCLUDING TWO BALANCING PONDS, WATER PUMPING STATION AND ELECTRICITY SUB STATION, DIVERSION OF EXISTING AND INSTALLATION OF NEW SERVICES (SEWAGE, MAINS ELECTRICITY, GAS SUPPLY ETC)

*LAND NORTH OF A629 AND WEST OF CARLETON ROAD
SKIPTON*

APPLICANT NAME: Henry Boot Developments Ltd
TARGET DECISION DATE: 18/03/2014
CASE OFFICER: Neville Watson

This application is referred to Planning Committee because it is an EIA application accompanied by an environmental statement and has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

1. Site Description

- 1.1 The application site is located to the southern edge of the main built up area of Skipton. The application site extends to 15.45 hectares gross and currently comprises a number of agricultural fields which are used for the grazing of sheep.
- 1.2 The application site is bounded to the south /south west by the A629. Carleton Road and Skipton Crematorium & Waltonwrays Cemetery lie to the east of the site. There is a mix of employment land (predominantly on Ings Lane and Engine Shed Lane), grazing land and the playing pitches associated with Sandylands Sport Centre to the north. Skipton Town Centre lies approximately 1.3km to the north east of the application site.

1.3 Skipton Conservation Area lies immediately to the east of the application site (The cemetery and the Carleton Road frontage to the site).

1.4 The whole site is outside the development limit of Skipton.

2. **Proposal**

2.1 This is a hybrid application seeking both detailed planning permission and outline permission.

2.2 Detailed planning permission is sought for:

- Re-profiling of the existing ground to create a development plateau.
- A 6,795 sq. m. (gross) retail supermarket (Use class A1 shops), including petrol station, biomass boiler and associated parking.
- Eight commercial business units (total floor space 1,931 sq. m.) for B1. Business, B2 General industrial and B8 Distribution referred to in the application as the Business Innovation Units.
- A 6,994 sq. m. warehouse and associated offices. (Healthcare House).
- Internal roads, footways and associated roadside landscaping.
- A new roundabout providing access to the site from the A629 by-pass.
- A new mini-roundabout providing access to the site from Carleton Road.
- A sustainable drainage system including two balancing ponds.
- Water pumping station.
- Electricity sub-station.
- Associated landscaping.
- Diversion of existing and installation of new services (sewers, mains electricity and gas supply).

2.3 The proposed supermarket is located approximately 10 metres to the west of cemetery. The main store area (including canopy) extends to 92 m. x 76 m. x 6.5 m. There is also an attached service yard delivery building and plant room measuring 34 m. x 22 m. x 8 m. The southern and eastern elevations would be constructed in stone; the principal front elevation (west) would be glazed with stone panels with the service yard being metal clad. A metal canopy is proposed to the store over the front elevation. A petrol filling station is proposed to the north west of the store adjacent to the main access road to the supermarket. The operator is identified as Sainsbury's. The retail development is presented by the applicant as a higher value end user, enabling the opening up of the site for employment uses.

Officer note The proposed Sainsbury's store has a gross floor space of 6,795 sq. m. (3,756 sq. m. net). The Morrison's store has a gross floor area of 6,150 sq. m (3,084 sq. m. net). The Tesco's store has a gross floor area of 5,462 sq. m. (3,351 sq. m. net).

2.4 The proposed "business innovation units" are located adjacent to the northern boundary of the cemetery. Arranged in a court yard of 3 buildings, the closest of which is approximately 8 metres away from the cemetery wall, the new units are designed to accommodate B1 light industrial units, B2 general industry and B8 warehouse units. The buildings are of modern industrial design constructed with stone plinths with metal cladding above and profiled metal roofing. Block 1 measures 30 m. x 16.5 m. x 9.3 m. Block 2 (at right angles to cemetery wall) measures 50 m. x 22 m. x 9.8 m.

Block 3 (parallel to the cemetery wall) measures 35 m. x 12.6 m. x 8.7 m. The end users of these premises are not known at this stage.

- 2.5 The proposed warehouse and associated offices are located in the north west corner of the site. The building that includes three storey offices measures 118 m. x 55 m. x 13 m. is of modern industrial design constructed with a stone plinth and metal panels to the office (east) elevation. The other elevations are proposed to be constructed in profiled steel. The main service yard to the warehouse is in the north elevation, car parking to the east and a further area to the south identified for possible further expansion. The operator is identified as Healthcare.co.uk.
- 2.6 Outline planning permission is sought for a further 17,767 sq. m. of mixed use development comprising;
- A3 Restaurants and Cafes
 - A4 Drinking establishments
 - A5 Hot food takeaway
 - B1 Business
 - B2 General industry
 - B8 Storage
 - C1 Hotel and hostels
- 2.7 The full details of this part of the application are not presented for consideration at this stage. However, the proposed hotel, restaurant, drinking establishment and hot food takeaway are identified on the land to the east of the A629 between the proposed warehouse and the supermarket. The B1, B2 and B8 employment uses are located on the eastern part of the site.
- 2.8 The planning application is accompanied by an Environmental Statement, prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 together with appropriate drawings and the following range of supporting reports and appendices:
- Design and Access Statement
 - Planning Statement
 - Retail Impact Assessment
 - Statement of Community Involvement
 - Noise Assessment
 - Flood Risk Assessment
 - Ground Conditions Survey
 - Lighting Assessment
 - Extended Phase 1 Ecological Survey
 - Landscape and Visual Impact Assessment
 - Transport Assessment
 - Travel Plan
 - Sustainable Buildings Statement and Energy Statements.
- 2.9 Members are invited to view the above documents on the Council's website at

<http://www.planning.cravenc.gov.uk/fastweb/detail.asp?AltRef=63/2013/14114>.

Hard copies are available at Belle Vue Mills Reception.

3. Planning History

3.1 There is no relevant planning history.

4. Planning Policy Background

4.1 The National Planning Policy Framework (NPPF) and the new national Planning Practice Guidance (nPPG). Members can view this guidance online (see paragraph references in the report).

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan “saved” policies:

- Policy ENV1 ‘Development in the Open Countryside’
- Policy ENV2 ‘Requirements for Development in Open Countryside’
- Policy ENV10 ‘Protection of Trees & Woodland’
- Policy ENV18 ‘Light Generating Development’
- Policy EMP1 ‘Industrial Land Supply’
- Policy EMP5 ‘New Employment Development Outside Development Limits’
- Policy BE2 ‘Protection of Road Approaches to Skipton’
- Policy R1 ‘The Sequential Approach for New Retail Development’
- Policy R2 ‘New Retail Development’
- Policy T2 ‘Road Hierarchy’
- Policy T6 ‘Encourage provision of Effective Public Transport Services’

5. Parish/Town Council Comments

5.1 Skipton Town Council has the following comments:

5.2 Broadly, Skipton Town Council welcomes any proposals which strengthen employment opportunities within the Town and the Council is supportive of the aspects of this application which provide additional options for local business. However, this opinion is tempered by the associated retail proposals which the Council fear may have an unacceptable impact on the viability of Skipton Town Centre. The Council also has a small number of additional concerns regarding road links and the potential impact on the adjacent Waltonwrays Cemetery. The Council’s more specific comments are as follows:

Retail Assessment

5.3 The Town Council has significant reservations about some of the methodology and findings of the Retail Assessment which we believe is flawed in parts, uses some unreliable or out-dated data, and does not reflect other recent assessments undertaken in connection with other proposed

developments within the Town, in particular the Keelham Farm Shop application where the assessment showed the potential for a significant impact on the Town Centre.

- 5.4 The Town Council believes that any potential impact on the Town Centre resulting from this proposed development needs to be assessed in detail and extremely carefully and we would urge the Planning Authority to pay particular attention to this aspect of the application, commissioning its own data if necessary. Unless any elements of doubt relating to the potential impact on the Town Centre can be comprehensively addressed, the Town Council cannot support the application.

Road Links

- 5.5 The Council has some concerns about the ability of the road infrastructure leading to the proposed site from the Town Centre direction being able to cope with a substantial increase in traffic and footfall. Whilst the road and footway infrastructure within the site itself has been designed to be substantial (including cycle ways and wide footpaths) this is not the case on the approaches from Carleton Road. In particular, the width of existing footpaths is of concern given the proposals to encourage much greater use of these roads by Heavy Goods Vehicles. The Council also notes that there is no proposal to provide any additional safe crossing points on the approach roads.

Waltonwrays Cemetery

- 5.6 The Town Council has reservations regarding the potential noise impact on Waltonwrays Cemetery from both on-site traffic and other movements associated with the supermarket and from the additional traffic using the adjacent roadways from the Town Centre.
- 5.7 The Council also has some reservations about the provision of sufficient drainage protection to the Waltonwrays site – and we would urge the Planning Authority to consider this aspect of the application in detail and consult with other relevant authorities and experts as appropriate.

6. Consultations

- 6.1 The LPA employed a **Retail Planning Consultant** (Martin Tonks Planning) to provide an independent assessment of the impact of the development. He concludes that the development would have a significant adverse impact on Skipton town centre and the proposal should not be supported by the Council. A copy of his report dated January 2014 is attached at Appendix 1 to this report.
- 6.2 **Officer Note:** Members should be aware that the application was accompanied by a Retail Impact Assessment undertaken by the applicant's consultant England & Lyle dated November 2013. This document, together with England & Lyles rebuttal (dated 13 February 2014) of Martin Tonks' report and Martin Tonks' further comments in response to the rebuttal (25 March 2014) are all available to view on the Council's website at: -

<http://www.planning.cravendc.gov.uk/fastweb/detail.asp?AltRef=63/2013/14114>.

- 6.3 **The Highway Authority** has advised of the need for improvements to the local highway network with a developer contribution of £210k which would require the execution of a Section 106 Agreement. The applicants have agreed to the following works including a potential cycleway link between the west of the site and Ings lane; the replacement of the signs directing HGV vehicles on the A629 approach to the junction with Keighley Road; car parking bay markings to the north of Carleton Road; signage and road markings to reduce traffic speeds on the A629; widening works on the A629/A65 roundabout to mitigate the impact of the development and improvements to the Carleton Road/Carleton New Road junction. Additionally the S106 would also cover a public transport contribution of £140k to provide public transport facilities and a travel plan fund of £20k. Providing this S106 is entered into the Highway Authority has no objection to the development and has also recommended 12 conditions.
- 6.4 **Environment Agency** has reviewed a revised flood risk assessment (FRA) and has no objection to the proposed development providing mitigation measures identified in the FRA are carried out. This includes the provision of at least 58.6 cubic metres of compensatory flood storage for the loss of floodplain in the north west corner of the site and finished floor levels set no lower than 96.67m Above Ordnance Datum. The Environment Agency advises that any planning permission should include conditions and informatives to address flood risk, pollution prevention foul drainage and waste management.
- 6.5 **Airedale Drainage Commissioners.** Raised a number of issues in respect of drainage and recommended refusal on the basis of the original submission. However, they now advise that continuous negotiation has resulted in substantial progress being made and are optimistic that agreement can be reached and recommend conditions to secure approval of final details.
- 6.6 **Yorkshire Water Services** recommend conditions to protect the local aquatic environment and YW infrastructure.
- 6.7 **CDC Economic Development** supports the application (see analysis under Economic Benefits).
- 6.8 **CDC Arboricultural Officer** considers the industrial units too close to the northern boundary of the cemetery; the supermarket too close to the western boundary and the balancing pond too close to the southern boundary, all impacting on the root protection areas of the trees within the cemetery. The proximity of the buildings will require many of the trees to be pruned which will spoil the appearance of the trees and reduce their screening and enclosure effect.
- 6.9 **CDC Environmental Health Officer** recommends a condition to ensure that noise from the site (after construction) does not affect nearby dwellings.
- 6.10 **NYCC Historic Environment Team** acknowledges that a geophysical survey has identified evidence of extensive and varied archaeological activity within the site and recommends further evaluation prior to the determination of the application.
- Officer note:** Notwithstanding the advice it is considered that this issue could be dealt with by a condition.
- 6.11 **Natural England** advise on the basis of the submitted information the application does not appear to fall within the scope of the consultations that Natural England would routinely comment on. This should not be interpreted

as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites and landscapes.

- 6.12 **Yorkshire Wildlife Trust** advise that the land to be developed may not be of high conservation value at the moment but the planned woodland areas are mainly designed to screen the development rather than to benefit wildlife. It is recommended that a costed and funded Ecological Management Plan is conditioned to ensure that the development will provide some value for wildlife.
- 6.13 **Canal and River Trust** advise that the site is outside the consultation area and offer no comment.
- 6.14 **Police Architectural Liaison Officer** has advised on specific standards which have been adopted by Secure By Design.
- 6.15 The LPA employed a **Valuation Surveyor** to provide an independent assessment of the viability of the scheme. She concludes that on the basis of all the information available, it is currently necessary to include all the proposed non-employment uses to bring the site forward for development.

7 Representations

- 7.1 At the time of writing the report 149 letters of objection had been received including representations from local residents; local shops and businesses (including Morrison's, Tesco's, Rendevous and Herriot's Hotels and Skipton Properties); local sports clubs (including Skipton RUFC, Coulthurst Craven Sports Centre and Skipton Church Institute CC); Skipton Chamber of Trade and Commerce, Skipton Civic Society, CDC Asset and Project Management and CDC Bereavement services raising the following issues:
- Impact on Town Centre retailing
 - Better use for residential
 - Traffic impact
 - Impact on cemetery (views into and out of the cemetery)
 - Disruption during construction period (noise and disruption for visitors tending graves and services)
 - Inappropriate design of Healthcare House
 - Flood risk to businesses and sports facilities
 - Pedestrian safety to increased traffic particularly on Carleton Road
 - Height and scale of the development
 - Impact on town centre public houses and restaurants
 - No need for another supermarket
 - Access from by-pass to Carleton Road (rat run)
 - Impact of roundabout on traffic flows on by-pass
 - No contribution to sustainability
 - Adverse impact on Settle's economy
 - Development is not environmentally sustainable (habitats and visual amenity)
 - Unsustainable transport arrangements

- Noise and smells from Sainsbury's plant and bakery in close proximity to the cemetery
- Light pollution
- Building on green field
- Adverse impact on hotel trade
- Adverse impact on the conservation area
- Adverse impact on trees in cemetery
- Reliance on cemetery trees for screening many of which lose their leaves in winter and some that are in poor condition.
- Lack of landscaping (overdevelopment)
- Concern about the delivery of the employment uses
- Impact on the viability of the farm business
- Noise

7.2 Twenty eight letters of support have been received commenting on the following issues

- Benefit to the local economy
- Job opportunities
- Interest from local businesses to relocate
- Wider choice of shopping

8 Summary of Principal Planning Issues

- 8.1 Land use/principle- the policy context
- 8.2 Retail impact
- 8.3 Economic benefits
- 8.4 The financial viability of the scheme
- 8.5 Impact on the conservation area and the cemetery
- 8.6 Landscape, design and visual impact
- 8.7 Highway issues
- 8.8 Drainage
- 8.9 Other issues

9 Analysis

Land use/principle- the policy context

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"
- 9.2 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.

9.3 The local plan policies most relevant to this application and have been “saved” are Policy ENV1 ‘Development in the open countryside’; Policy ENV2 ‘Requirements for development in the countryside’; Policy R1 ‘The sequential approach for new retail development’ and Policy R2 ‘New retail development’ and Policy EMP5 ‘New employment development outside development limits and established industrial areas (excluding conversions)’. However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase 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”.

9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 14 advises that LPA’s should be *‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b) specific policies in this Framework indicate development should be restricted.’*

9.5 The main thrust of the new National Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated “three dimensions to sustainable development: economic, social and environmental” (referred to in the NPPF as the roles the planning system should perform paragraph 7). This 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.

9.6 To bring forward the development of this site for employment uses, the Council has recognised that viability is an issue with this site in its South Craven Employment Zone Study 2011. The Council subsequently considered the suitability of this site for development at a Policy Committee Meeting on 17th January 2012. The Policy Committee reached the following resolution that being: -

- Resolved** –(1) That the Council, subject to (3) and (4) below being satisfied, supports the development of the site for employment use.
- (2) That the Council acknowledges that in the current economic climate, the delivery of serviced employment land is unlikely to be viable without the incorporation of a “higher value” use in order to fund the provision of essential site infrastructure, such as flood alleviation measures, construction of access roads and upgrading of utility services.

(3) That the Council acknowledges that the option to deliver the most employment land would be the incorporation of food retail; however the Council also recognises that the impact on the vitality and viability of the town centre is as yet unknown and that acceptability of the proposal will be largely dependent on the outcome of a full shopping impact assessment demonstrating that there would be no significant adverse impact to the vitality and viability of the town centres.

(4) That the Council indicates its expectation that the development of the site would make a significant contribution to bringing forward the implementation of the flood risk reduction scheme for Skipton.

- 9.7 The Council's Policy Committee makes decisions on plans, policies or strategies which are considered to have a significant corporate impact, or which have a significant impact on the Council's resources. It does not have responsibility for the determination of planning applications (that is a matter for the Planning Committee). The resolution of the Policy Committee was to support the development of this site for employment use, including the inclusion of "higher value" uses such as food retail in order to fund the provision of essential site infrastructure, such as flood alleviation measures, construction of access roads and upgrading of utility services, but subject to certain matters being satisfied. These matters included the acceptability of the proposal being dependent on the outcome of a retail assessment demonstrating that there would be no significant adverse impact on the vitality or viability of the town centres. In summary, the decision of the Policy Committee was clearly not to support employment development on this site whatever the impact, but to support development subject to other matters being addressed.
- 9.8 The site was presented with other sites in the Council's SHLAA (Strategic Housing Land Availability Assessment) for informal public engagement during summer 2013. The site was not actively suggested as a preferred site allocation at that stage. It was picked out along with some other SHLAA sites as meeting certain criteria as being suited to economic development in an Employment Land Discussion Paper that was also subject to the summer 2013 public engagement. Progress on the new Local Plan for the District has not yet reached the stage of identifying preferred options for new employment sites. Feedback to the 2013 public engagement is currently being assessed along with sustainability appraisal and viability / deliverability evidence in the ongoing preparation of preferred site allocations in an emerging pre-publication draft Local Plan.
- 9.9 The site is also identified in the Council Plan for 2014-2018 under the corporate priority of 'Facilitate the development of business and employment sites subject to planning approval'. The Council Plan identifies 'Develop the South Skipton Employment Zone' as an objective to be delivered. The Council Plan is not prepared under the requirements of the Planning Acts, but its purpose is to identify the Council's strategic visions and aspirations for what it wishes to achieve. The commitment within the plan to supporting this site for development is subject to the relevant planning considerations first being judged to be acceptable.

Retail impact

- 9.10 The relevant retail planning guidance of significance to be applied to this application is that found at paragraphs 24 to 27 of the NPPF (as supplemented by the recently issued Planning Practice Guidance on Ensuring the Vitality of Town Centres (ID2b)). Paragraph 26 of the NPPF requires local authorities to assess applications for retail development outside town centres, which are not in accordance with an up-to-date local plan to require an impact assessment to consider the impact of the new store on the vitality and viability of the town centre. Paragraph 24 of the NPPF advises planning authorities to apply a sequential test, requiring applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused (paragraph 27 of the NPPF refers).
- 9.11 Saved policy R1 of the Local Plan sets out a requirement to undertake a sequential test and is therefore consistent with the NPPF in this respect. The policy also states that new retail development outside development limits will not be permitted and the development proposal is obviously contrary to this part of Policy R1. However, this part of R1 should not be given much weight in the decision making process as it has been superseded by the NPPF (paragraph 24). The NPPF directs main town centre uses, such as a supermarket, to town centres but does not preclude out of centre sites if no other sites are available.
- 9.12 Saved Policy R2 identifies detailed criteria that need to be satisfied. However, the weight that can be applied to this saved policy is limited as if the policy is interpreted strictly it only applies to development that meets R1 and does not apply its criteria to sites outside development limits. In particular, it is noted that the requirement of this policy for developments not to undermine the vitality and viability of existing shopping centres only applies to proposals within development limits.
- 9.13 The application includes a retail impact assessment commissioned by the applicant. The report has been assessed by a retail specialist instructed by the Council. It is important for Members to understand that the instruction to the Council's consultant was to provide an *independent* assessment of the merits of the proposal with no specific remit about the conclusions.
- 9.14 The Council's Retail Consultant Martin Tonks has advised that the proposed development is probably of a greater scale than is needed locally as there is insufficient retail capacity to support the superstore element. He does however agree on the information available to him that there are no sequentially better sites to accommodate the superstore although he is critical of the assessment undertaken by the applicant in this regard. In particular he raises concerns that there may be alternative out-of-centre sites that are more accessible and/or better connected to the town centre. However, despite these concerns raised by the Council's consultant, Planning Officers also accept there are no obvious alternative sites for the superstore development. In any case alternative sites would not deliver the "enabling" development of an access road and infrastructure. It is therefore concluded that the proposal satisfies the sequential assessment of site selection.
- 9.15 Having concluded that there are no sequentially better site Members must consider what is the likely impact of the proposed supermarket on the vitality

and viability of the town centre. The Council's consultant disagrees with the applicant's assessment on the issues of vitality and viability. He advises that excluding the edge of centre supermarkets the diversity of convenience stores in the town centre is not good. Martin Tonks comments that there are a growing number of charity shops in primary retail frontages in the town centre. In the Council's consultant's view the levels of trade diversion from the town centre will be materially greater than suggested by the applicant and in his judgement there is likely to be a significant adverse impact on the vitality and viability of the town centre. It is likely that the impact on town centre convenience stores will be even greater.

- 9.16 It is also considered that there will be indirect impacts on Skipton through the loss of linked trips to the town centre from the existing supermarkets and the cumulative impact from other out of centre retail proposals. The competition and choice that the proposal may bring to the town has to be balanced against the impact on the choice within the town centre. On this issue it is considered that impact on the viability will be negative and is likely to be significant adverse.
- 9.17 The significantly adverse impact is likely to manifest itself in the closure of some shops and businesses within the town centre and particularly convenience stores that rely on footfall from the two edge of town supermarkets. It is not expected that the vacated units would increase the vacancy rate above the national average but they are more likely to be occupied by service uses and shops/ businesses serving the tourist trade rather than local residents. As a result the diversity and consumer choice would greatly diminish and these are key indicators of vitality and viability.
- 9.18 In conclusion on this issue it is considered that the proposed development both in itself and cumulatively with existing commitments would result in a significant adverse impact on Skipton town centre with greatly reduced diversity and consumer choice. Given the conclusion of a significant adverse impact the NPPF specifically advises at paragraph 27 that the application should be refused.

Economic benefits

- 9.19 The development proposal offers the potential for significant economic development benefits. This is an important planning consideration as explained at Paragraph 19 of the NPPF that states 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.' Furthermore paragraph 21 of the NPPF states that planning policies should seek to address potential barriers to investment, including any lack of infrastructure and support existing business sectors whether they are expanding or contracting.
- 9.20 The Council's Economic Development team has explained the economic benefits of the proposal and they are re-iterated here for consideration in the planning judgement. The application insofar as it relates to development for B1, B2 and B8 uses meets the key themes and priorities of the Economic Development Strategy for Craven District (2010 – 2016). In particular, the proposal contributes to the key theme of **enabling business growth** by

investing in infrastructure that supports the creation of employment opportunities for local people

- 9.21 The proposed distribution and headquarters building for Healthcare House not only supports the economic ambitions of the region, but those of the District. The proposal signifies the growth of an industry that is at the cutting edge of technology and innovation, and which is a strong exporter - factors that help generate high levels of wealth and income needed to support a thriving economy. If the District is unable to accommodate the requirements of businesses within Craven there is a strong possibility of them being forced to start looking at the potential of other areas in the region/country to enable their growth plans – areas, such as Leeds and York which already have a high concentration of enterprises in the life sciences sector and that can provide the land and workforce needed.
- 9.22 Whilst over 99% of businesses within Craven District are small to medium-sized enterprises (of fewer than 250 employees), large companies such as Healthcare House are responsible for a significant proportion of employment and output. Regionally, large companies (over 250 employees) are responsible for 48% of turnover and 43.5% of employment within the Leeds City Region. Craven District hosts a total of ten large companies, of which the largest proportion is located within the Skipton area.
- 9.23 The concentration of companies within the health and bioscience sector such as Healthcare House have made a significant contribution to creating a dynamic economic base for Skipton that supports a wide economic area, and whose potential for growth is currently limited by the lack of suitable land.
- 9.24 Every year around 400 to 530 new businesses are started in Craven District, creating an increasing need for business space. The proposed Business Innovation Units will make a significant contribution to satisfying this need, and will play an important role in supporting the District's enterprise culture. The provision of the right physical environment will encourage as well as enable businesses to start, thrive and grow.
- 9.25 The proposed development of the site for employment use will make a significant contribution to achieving Skipton's growth potential by helping to satisfy "pent up" demand for new commercial space to accommodate business expansions by local companies – as demonstrated by the proposal in respect of Healthcare House. The lack of suitable employment land has been a factor in curtailing the growth aspirations of existing businesses, as well being a deterrent to other businesses locating into the area.
- 9.26 The Economic Development team consider that the proposed site will provide the only area of any significant size with the capacity to accommodate larger-floor plate developments. The lack of sites with the capacity to accommodate large-floor developments has meant that businesses have been forced to look outside the District for sites of a size that are capable of accommodating their expansion plans.

- 9.27 The proposal supports the delivery of the Strategic Economic Plan for York, North Yorkshire and East Riding, prepared by the Local Enterprise Partnership (LEP). The proposal fits with the Plan's goal to enhance growth and opportunities in targeted locations – Skipton has been identified as a targeted location in recognition of its high growth potential and contribution to the prosperity of the entire LEP area. The Plan identifies the need to enable further employment land in order to release the growth potential of Skipton; the proposal will help to achieve this.
- 9.28 In addition to the benefits identified above by the Economic Development, the economic benefits of the retail development are also a relevant consideration. Advice from the Council's retail consultant is that many of the new retail jobs will result from displacement elsewhere. This may prove to be the case, but it is envisaged that even allowing for displacement the retail development is still likely to be of benefit to employment opportunities in the local area. The Council's retail consultant has suggested that an impact of the development proposal could result in the town centre shops serving the tourist trade rather than local residents. Whilst the impact of this would greatly diminish diversity and consumer choice for the retail centre, job opportunities may be provided in town centre stores albeit serving the tourist trade.
- 9.29 Policy EMP5 of the Local Plan is also of relevance, although as it specifically seeks to differentiate between sites within development limits and sites outside development limits it is somewhat at odds with planning policy within the NPPF. It is considered that some limited weight can be attached to policy EMP5 and it does allow for new employment development in open countryside locations in exceptional circumstances.
- 9.30 In accordance with the wording of policy EMP5, the principle of employment development on the site is considered to be exceptional circumstances essential to the economic needs of the community where there are no suitable alternative sites within the Development Limit of a nearby settlement or an established industrial area. The comments by CDC Economic Development suggest that there is significant demand for serviced employment land particularly in the Skipton area and site allocations for new employment land in the adopted 1999 Local Plan were implemented by 2006 and since this time a shortage of available employment land for new development has been identified (Shaping a Strategy for Employment Land in Craven, Draft Discussion paper, May 2013). As the business use development is accepted as a matter of principle that accords with policy EMP5, the criteria of that policy have to be satisfied and these are addressed later in the report.
- 9.31 In summary the proposal will provide the District with much needed employment land, the shortage of which has acted as a constraint to enabling local business to grow and create new job opportunities. This is an important factor in the consideration of the application. However, such benefits must be weighed in the balance against the retail impact and other detailed considerations outlined in the report.

The financial viability of the scheme

- 9.32 As identified in the economic benefits section of this report there is a pent up demand for new business development and this application includes a high value use in the proposed supermarket to fund the infrastructure costs thereby enabling the opening up of the site for other employment uses. The outline part

of this hybrid application also includes a hotel, public house, restaurant and hot food takeaway that are considered to be other town centre uses.

- 9.33 The LPA has employed an independent valuation surveyor to assess the financial viability of the scheme to consider whether the site could be developed for B1-B8 uses without the higher value uses. She concludes that without those uses the scheme is not financially viable. An assessment was also made on whether or not the proposal could be developed with only some of the town centre uses. The conclusion is that it is currently necessary to include all the proposed non B1-B8 uses on this site in order to bring forward the development.

Impact on the Conservation Area

- 9.34 The NPPF advises in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset including a contribution made to the setting. The authority should identify and assess the particular significance of the heritage asset, including a development that affects the setting of a heritage asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraph's 128 and 129 refer).
- 9.35 The Skipton Conservation Area was reviewed in 2008 and the boundary modified to include the setting of the Victorian villas on Carleton Road and the contemporary Waltonwrays cemetery and crematorium. The only part of the development that directly affects the conservation area is the mini-roundabout and alterations to Carleton Road. It is not considered that the construction of the roundabout would by itself affect the heritage asset.
- 9.36 The applicant's acknowledge in the environmental statement that there would be an impact on tranquillity of the cemetery during the construction phase from noise (Chapter 11 para. 112) and that there would be an impact on the tranquillity by virtue of the proximity of the buildings, associated vehicle movements and lighting during the operational phase of development (Chapter 11 para.117).
- 9.37 The NPPF (para.123) advises that policies and decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreation and amenity value for this reason. It is not considered that the landscaping strip adjacent to the cemetery would eliminate noise from the development both during construction and when operational. Unlike other parts of the conservation area the very nature of the cemetery is a quiet and tranquil place and the proposed development in such close proximity to the heritage asset would erode and adversely affect the amenities of the area.
- 9.38 The size and the scale of the buildings in close proximity to the cemetery would also affect views into and out of the conservation area. The proposed Sainsbury's building would present a continuous wall four meters high and 110 m. long. The remainder of the eastern boundary of the supermarket site would have a planting strip 10 m. wide effectively blocking views into and out of the cemetery and the conservation area along the entire south western boundary of the cemetery. The phase 1 business innovation units would present 57 m. of built form over eight metres high with a 22 m. acoustic fence effectively blocking almost 80 m. of views into and out of the north western boundary of the cemetery.

- 9.39 It is concluded that the proximity of the proposed development to the conservation area would erode the value of the heritage asset. The visual amenities of this part of the conservation area would be adversely affected and the tranquil character of the cemetery would be unacceptably affected by the activity taking place on the adjoining site. The development proposal is therefore not considered to accord with guidance contained within the NPPF. Furthermore, it is considered that the development is also not in accordance with the detailed criteria of Policy EMP5, ENV2, and R2 (although it should be noted that limited weight can be attached to Policy EMP5, and even less weight to policies ENV2 and R2).

Landscape, design and visual impact

- 9.40 The site is identified in the Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal 2002 as “Valley Pasture Landscape” characterised as a large scale pastoral landscape with very limited vegetation and an open character. The medium to large scale fields of improved pasture are bounded by fences, dry stone walls and gappy, grown out hedgerows.
- 9.41 Policy ENV1 of the Local Plan states that large scale development in the open countryside will only be permitted where it can be demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. These exceptions do not apply to the current application. However following the publication of the NPPF, the 1999 Local Plan development limit boundaries are now of limited relevance and this policy is of limited significance.
- 9.42 Policy ENV2 of the Local Plan for development in the countryside seeks to resist development that would have an unacceptable impact on the landscape. However, as the policy specifically applies to developments accepted in principle under ENV1 (which this is not), the weight that can be attached to Policy ENV2 is also limited.
- 9.43 In Craven the quality and character of the landscape is one of the District’s greatest assets. The development of this site will inevitably change the character of the landscape to the south west of the town, developing up to the by-pass from where there are clear views of the site. The landscape and visual impact assessment (LVIA) submitted as part of the environmental statement (ES) acknowledges that the predicted direct landscape effects during construction and the first operational phase would be substantial, adverse and permanent (Chapter 7, table 7.4 of the ES).
- 9.44 The mitigation measures proposed by the applicant indicate that the proposed buildings have been set back from the boundaries of the site to lessen their imposing structure on adjacent sites and to allow space for the planting of trees (Chapter 7 para. 141 of the ES). However, the submitted plans show the supermarket only 10 m. from the boundary with the cemetery wall, the innovation units are 8 m. from the wall and the Healthcare warehouse is only 9 m. from the site boundary. Taking into account that tree planting cannot be take place immediately adjacent to buildings it is considered that these narrow planting areas will in reality have limited value in providing screening for the proposed development.

- 9.45 Therefore due to the lack of structural planting, and the confined width of those areas that are designated for planting to be effectively landscaped, it is considered that the proposal would be visually intrusive in the landscape and would therefore conflict with advice in NPPF and saved Policies ENV2 and EMP5 of the Local Plan (although it should be noted that limited weight can be attached to Policy EMP5, and even less weight to policy ENV2).
- 9.46 The Council's Arboricultural Officer expresses concern that the proximity of the industrial innovation units, the supermarket and the balancing pond are too close to the existing mature cemetery trees and will impact on the root protection zones potentially affecting their future. The proximity of the buildings may require the trees to be pruned, spoiling the appearance of the trees and reducing their screening and enclosure effect.
- 9.47 The NPPF advises that the Government attaches great importance to the design of the built environment, but planning policies and decisions should not attempt to impose architectural styles or tastes. It is however, proper to seek to promote or reinforce local distinctiveness (paragraphs 56 and 60 of the NPPF refers) and policies should guide the overall scale, density, massing, height, landscape, layout, materials and access.
- 9.48 The site has been laid out so that the retail and leisure uses are visible from the A629 with the business and industrial units to the "rear" of the site. The design and access statement confirms that the location of the foodstore was chosen to provide an attractive, active frontage to the business park. However, the design of the store is not considered to be locally distinctive. Although the proposed store is lower than most supermarkets it is simply a large glass fronted store with a large car park and very limited landscaping.
- 9.49 The proposed Healthcare warehouse is located in the north western corner of the site. This part of the site is below the level of the A629 by-pass. The building is located with the service yard to the north with limited screening. This will be a prominent building when viewed from the by-pass. Discussions to seek amendments to achieve a more attractive presence did not result in revisions.
- 9.50 The proposed business innovation units are functional modern industrial units constructed with stone plinths and profiled steel cladding. It is considered that they would not be compatible with the character of the area.
- 9.51 It is concluded on matters of design the proposed development does not promote or reinforce local distinctiveness. The NPPF advises that 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. It is therefore considered that the size, scale, mass design and siting of the development would have an adverse impact on the amenities of the area and would conflict with the NPPF and the detailed criteria set out in policies ENV2, EMP5, and R2 of the Local Plan (although it should be noted that limited weight can be attached to Policy EMP5, and even less weight to policies ENV2 and R2).

Highway Issues

- 9.52 The proposed development includes the provision of a new roundabout on the A629 western by-pass and a new mini-roundabout on Carleton Road. It is considered that the development of the site would have a fundamental impact

on the local highway network and change how the network is used due to the proposals which the developer has included in the application.

- 9.53 The applicant has identified the likely flows to be generated by the development which the Highway Authority has been shown to be managed in a way with least detriment to the highway network. The background work has identified a number of improvements to the existing highway network which will be funded by the development.
- 9.54 There are ongoing discussions between the developer and the County Highway Authority to reduce the reliance on the private car. This includes a travel plan to encourage the use of public transport, cycling, car sharing and walking. Financial contributions to support the provision of public transport links to the site are also the subject of on-going discussions and will be embodied in a Section 106 Agreement. This accords with the advice in paragraph 35 of the NPPF to exploit the opportunities for the use of sustainable transport modes.
- 9.55 The above issues would need to be included in a Section 106 Agreement. A draft agreement has been prepared including the following:
- A contribution of £210k to cover highway improvements (see para. 6.2)
 - A public transport contribution of £140k to provide public transport facilities
 - A travel plan fund of £20k
- 9.56 The Highway Authority has no objections to the proposed development and has recommended a comprehensive list of conditions covering matters of detail. It is concluded taking into account the advice from the Highway Authority that there are no highway objections to the proposal.

Drainage

- 9.57 The NPPF (paragraph 100) advises that inappropriate development in areas of flood risk should be avoided by directing development away from areas of high risk, but where development is necessary, proposals should make the flood risks acceptable without increasing flood risk elsewhere.
- 9.58 The application site is shown to be partially within Flood Zone 3 (High Probability), affected by flooding from the nearby Eller Beck and to a lesser extent the Ings Beck. A revised flood risk assessment (FRA) has been submitted based on modelling results provided by the Environment Agency. A sequential approach has been adopted ensuring that the development is within Flood Zone 1 (Low Probability). The only exception to this is a small fringe of land that is of higher flood risk that encroaches into the proposed built development area within the northwest corner of the site, but it is proposed that this area will be compensated for by localised re-contouring.
- 9.59 Mitigation measures are recommended to ensure that the development is made safe and also seeks to improve existing areas of known flood risk. This includes raising finished floor levels to a minimum of 96.67m AOD and provide floodplain compensation in the western area of the development. Surface water discharge from the proposed development will be restricted to agricultural run-off rates at 1.4 litres per second per hectare and this will be achieved by attenuation ponds at the northern and southern parts of the site.

- 9.60 Objections have been received specifically from The Coulthurst Craven Sports Centre, Skipton Rugby Football Club and Skipton Church Institute Cricket Club all expressing concern about drainage and the impact on their sports pitches. The revised FRA confirms that the surface water drainage from the site will be independent of the existing sewer but the applicants have agreed to carry out maintenance to the existing sewer to provide a serviceable discharge route for the existing sports centre, playing surfaces and sports field. This should address the concerns of the sports clubs.
- 9.61 It is concluded that the site can be drained satisfactorily and as the Environment Agency and the Airedale Drainage Commissioners have no objections, subject to appropriate conditions the requirements of the NPPF have been satisfied.

Other issues

- 9.62 A representation has been received on behalf of the tenant farmer expressing concern about the viability of his farm business. The loss of his right to farm the land is not a matter for the LPA to be involved with, it is understood that in such cases he would achieve appropriate compensation in the event that planning permission is granted. The representation also objects to the development on the impact on the open countryside, inappropriate town centre uses in this location, prematurity, flood risk and prejudicing the allocation of land for employment uses.
- 9.63 Concern has been expressed about the delivery of the B1, B2 and B8 employment uses (the Business Innovation Units and Healthcare House). However, the grant of planning permission would not necessarily deliver these developments. The planning permission could be partially implemented and the supermarket could be constructed by itself. If Members are minded to approve the application it would be necessary to secure a scheme for the delivery of the B1-B8 uses since the justification for the higher value main town centre uses (supermarket, hotel, pub and fast food restaurant) is enabling development to provide the infrastructure to open up the site. This issue has been raised with the applicant's planning consultant and Members will be updated with any response at the meeting. A phasing scheme would also need to be agreed for that part of the proposal that is the subject of the outline application. Any such agreement to deliver the B1, B2 and B8 uses would not overcome or outweigh the conclusions reached on the significant adverse effect the supermarket would have on the town centre.
- 9.64 Suggestions have been made that the site would be better for housing if a higher use value was required to open up the site and enable the employment land to be developed. However, this is not the proposal submitted and no assessment in this respect has been considered.
- 9.65 A representation has been received expressing concern that the proposed supermarket would have an adverse impact on Settle's economy considering that visitors, particularly from West Yorkshire would stop at the supermarket and not travel and spend money in Settle. The comments are noted but the Council's retail consultant considers that the trade diversion will affect the stores in Skipton rather than the more distant supermarkets.
- 9.66 Concern has been expressed that the development is not environmentally sustainable in that it will result in the development of green fields that will have an adverse impact on wildlife. However, the sequential assessment is accepted

in that there are no preferable sites closer to the town centre and there is no evidence that the development will have an unacceptable impact on biodiversity.

- 9.67 Representations have been received about the adverse impact the proposed hotel development would have on the town's hotel trade. The concerns are not about competition *per se* but the hoteliers consider that an out-of town hotel but would nonetheless reduce visitors to the small independent providers that rely on repeat visitors. They also consider that this would reduce spending in the town centre. The comments are noted but it is not considered that the impact on the town's hotel trade by itself would warrant refusal of the proposal.
- 9.68 Concern has been expressed about light pollution. The development will result in a degree of light pollution in an area that is unlit, save for the backdrop of lighting on Carleton New Road. Although it would have some impact on the visual amenities of the area it would not be so significant as to warrant refusal of the application. If approved a condition could be attached requiring a full lighting scheme to be submitted to and approved by the Local Planning Authority.

Conclusions

- 9.69 This hybrid application raises a wide range of competing issues that must be considered in the balance. The principal benefits are the employment benefits set out in the report. These benefits have to be balanced against the adverse impacts, and in particular the significantly adverse retail impact. There are other detailed concerns and issues with the proposal that also have to be considered.
- 9.70 Paragraph 14 of the NPPF advises that LPA's should be '*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - b) *specific policies in this Framework indicate development should be restricted.'*
- 9.71 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in many instances with the NPPF (as supplemented by the nPPG) and limited weight can be attached to some aspects of them. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.
- 9.72 With respect to criterion b) the conclusion of the Council's retail consultant is that that the proposed development both in itself and cumulatively with existing commitments would result in a significant adverse impact on Skipton town centre with greatly reduced diversity and consumer choice. The NPPF specifically advises at Paragraph 27 that where an application is likely to have a significant adverse impact the application should be refused. Paragraph 27 is very explicit in the advice given and following b) above it is considered that 'specific policies in this Framework indicate that development should be restricted'. The application should therefore be refused due to the significant adverse impact on Skipton town centre.

- 9.73 As paragraph 14 of the NPPF is worded, it is not strictly necessary to consider criterion a). However, it is considered prudent to do so. The adverse impacts of approving the application therefore need to be balanced against the benefits, taking into consideration the policies within the NPPF, to see if the adverse impacts significantly and demonstrably outweigh the benefits.
- 9.74 Paragraph 19 of the NPPF outlines that significant weight should be placed on the need to support economic growth through the planning system. This development will bring economic benefits and therefore that is a matter of significant weight in the planning balance. Additionally the site is identified in the Council Plan as a priority for employment development and there was also the resolution of the Policy Committee to support development of the site, subject to no unacceptable adverse impacts. However, these economic benefits and the stated Council support in principle for the proposal are not considered to be reasons that would override the significant and demonstrable harm that would result by allowing a development that would have a significant adverse impact on the vitality and viability of Skipton town centre, which through its vibrancy is itself of significant importance to the local economy.
- 9.75 Notwithstanding, the impact on the town centre there are other aspects of the development that are considered to be unacceptable. The proposed industrial units and supermarket are not considered to reinforce local distinctiveness and the supermarket and business innovation units would because of their siting, design scale, and size have a severely adverse and detrimental impact on the amenities and tranquillity of the cemetery that lies in the conservation area. The lack of structural planting and the absence of space within the detailed site layout would also fail to maintain and enhance the landscape. These combined adverse impacts significantly and demonstrably outweigh the economic benefits and refusal is recommended.

10. Recommendation

10.1 That planning permission is refused.

Reasons for Refusal

1. The proposed supermarket would have a significant adverse impact on the vitality and viability of the Town Centre and would therefore conflict with the advice in the National Planning Policy Framework which specifically advises at paragraph 27 that the application should be refused.
2. The proposed design of the industrial units, including Healthcare House and supermarket are not considered to reinforce local distinctiveness, particularly given their prominence within the site and furthermore the siting of the supermarket and business innovation units adjacent to the cemetery would by virtue of their size, scale, mass, design would have a severely adverse and detrimental impact on the visual amenities and tranquillity of this part of the designated conservation area and would therefore conflict with the guidance in the National Planning Policy Framework and policies EMP5, ENV2, and R2 of the Craven Outside The Yorkshire Dales National Park Local Plan.
3. Due to lack of structural planting and absence of space within the detailed site layout to accommodate structural planting it is considered that the proposal would therefore fail to maintain and enhance the landscape and would

therefore conflict with advice in the NPPF and saved policies EMP5, ENV2 and R2 of the Craven District Outside the Yorkshire Dales National Park Local Plan.

Statement of Positive Engagement: -

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

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

Appendix to
63/2013/14114

Review of E&L's Retail Assessment

MT Town Planning

January 2014

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1.0 Introduction

- 1.1 In May 2012 I was appointed by Craven District Council to review a Retail Assessment and other documentation submitted by England & Lyle (E&L) in support of a planning application for a retail led mixed use development at South Skipton Business Park (SSBP). The enabling retail element is in the form of a 6,795 sq m (gross) superstore to be occupied by Sainsbury. This report forms my review of the retail elements of the proposal as detailed in the November 2013 Retail Assessment.
- 1.2 Prior to this final Retail Assessment E&L had submitted a draft Retail Assessment dated July 2013 and there had been earlier drafts (May and July 2013) and a Report of Survey (November 2012) where E&L highlighted the main findings of the household and street surveys. The application has been the subject of scoping discussions from an early stage and this report also draws upon earlier letters, emails and advice notes sent to the Council and applicant and also a meeting with E&L. I outline the main discussions in section 2 of this report.
- 1.3 This report is structured to reflect that of the E&L Assessment. In section 2 entitled 'Site Context' E&L outline the site location and section describes the proposed development. In section 4 E&L outline the planning policy framework against which this application should be determined. I agree with most of E&L's interpretation of the planning policy framework and see no reason to replicate it in this report.
- 1.4 E&L present a town centre health check in section 5 and I comment upon this in relation to impact on town centre viability in my section 4. In section 6 E&L consider the Sequential Assessment and I comment upon this in my section 3. Section 7 presents E&L's impact assessment and I comment upon this in my section 4. Section 8 is entitled 'Contribution towards Sustainable Development' and I comment on this in my sections 5 and 6. Finally conclusions are drawn in section 9 and my conclusions of the supporting information are presented in section 7 of this review.

2.0 Background to the Planning Application

- 2.1 The planning application is for a retail led mixed use development on a site to the south west of the town. In the Planning Statement E&L state (para 3.4) *“The mix of uses proposed for the site reflects the balance between the stated aspirations of Craven District to promote this land for employment development to meet the District's projected employment land needs over the next 15 years, the physical constraints involved with bringing this site forward for development and the cost of making the site developable.”*
- 2.2 The following paragraph in the Planning Statement goes on to advise the costs of opening up this site and making it suitable for development are considerable whilst employment land values are low. As a result it is necessary to include within the development proposals a range of higher value end uses and in particular the proposed foodstore to make the development viable. Without these high value uses E&L advise the development is unviable. This is recognised in the Council's 2011 South Skipton Employment Zone Study and the subsequent Policy Committee Report (April 2012). It should be noted that the 5.83 hectare (ha) enabling development represents 37.7% of the 15.45 ha site area of SSBP.
- 2.3 I was appointed in May 2012 by Craven District Council to advise on the scoping of the Retail Assessment and review this and other documentation submitted by E&L in support of the planning application for the retail led mixed use development at SSBP. The enabling retail element is in the form of a 6,795 sq m (gross) superstore to be occupied by Sainsbury.
- 2.4 As part of the scoping of the Retail Assessment I have produced letters of advice¹, an initial review report of the first draft Retail Assessment in May 2013 and now this report. I also met with John England of E&L and Council officers in April 2013. Some of the concerns raised in correspondence with the Council and copied to E&L have been addressed in the final Retail Assessment dated November 2013 but other issues remain unaddressed and are detailed in this report.

¹ 20 March 2013, 4 June 2013 and 13 August 2013

3.0 Sequential Assessment to Site Selection

PPS4 Practice Guide (6.52) Checklist

3.1. The sequential approach remains a policy test within the NPPF that retail developments such as this must address. The PPS4 PG (6.52) contains a useful checklist to consider the compliance of the proposal with the sequential approach. The PG remains extant planning guidance therefore this is a sensible approach to assessing compliance with the sequential assessment.

The Scale and Form of Development Needed

3.2. This is the first of the PG checklist criterion. E&L consider different elements of the proposal disaggregated as they state, and I agree, there are no sites large enough (circa 6 hectares) for the all the enabling development for the SSBP development proposals. E&L do consider disaggregation of the constituent elements of the enabling development. In terms of the superstore development there is insufficient capacity from expenditure growth (£2.4m), leakage (£1.7m) and overtrading (£11.8m)² to support the development (and other committed retail proposals). Secretary of State (SoS) and Planning Inspectorate (PINS) decisions³ have established that capacity or need informs the sequential and impact assessments, however, it is no longer a policy test in its own right. The position is summarised in a post PPS4 PINS decision in Ilkley (APP/W4705/A/10/21211619 para 90) where the Inspector concluded that:

“As for Policy EC16.d and the impact of the proposal on in-centre trade / turnover and trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to 5 years from the time the application is made, that does not reconstruct the needs test. It does no more than require expression of the consumer expenditure in the area to see if, going forward there is enough expenditure to carry out the new proposal... The simple question is whether there is enough expenditure to cover the turnover of the new store without significantly impinging on the existing retail offer.”

² Convenience goods expenditure growth from E&L Appendix 5B; Leakage from PCA Appendix 7A and overtrading at the Morrisons and Tesco development (E&L Appendix 10).

³ Eccles: APP/U4230V/10/2131671 (para 12 and IR 422), Trafford: APP/Q4245/A/10/2127223 (para 9) and Lancaster: APP/A2335/A/11/2155529 (para 12 and IR 408 to 432)

3.3. I consider this further in the impact section 4 of this report

Is the Need Location or Site Specific?

3.4. In terms of the quantitative need for the superstore element of the proposal, the E&L impact assessment draws upon expenditure growth in, and leakage from, a much wider catchment area than the primary catchment area (PCA) for Skipton formed by zone 1. E&L also consider that there is also an economic need that is specific to the site i.e. the business park can't be developed without the higher value enabling development.

Sequential Status of the Site

3.5. E&L agree the proposal to be an out-of-centre development. It is on the extreme periphery of Skipton urban area and it is inferior to the edge-of-centre Morrisons / Tesco stores that it will divert the largest percentage of trade from. NPPF (para 24) allows out-of-centre sites to be prioritised on the basis of accessibility and connectivity to the town centre therefore these stores are sequentially superior. Any trips diverted from the Morrisons / Tesco stores to the proposed superstore are much less likely to generate linked trips with Skipton town centre due to the greater distance to the town centre (1.5km) being well beyond easy walking distance (300m). E&L are simply wrong when they state in para 7.43 *"any impact with the edge-of-centre Morrisons and Tesco stores, and the new Aldi store, is not a material planning consideration."* Whilst I agree the out-of-centre Aldi proposal has no policy protection, the contribution of edge-of-centre supermarkets to town centre vitality and viability is acknowledged in PINS decisions⁴.

Have all more central opportunities been considered / identified?

3.6. E&L have considered 16 sites / premises in and on the edge of Skipton town centre. I agree that they have considered / identified all the sites / vacancies in and on the edge of the town centre. However, NPPF (para 24) allows out-of-centre sites to be prioritised on the basis of accessibility and connectivity to the town centre therefore there may also be sequentially superior out-of-centre sites / premises for

⁴ Such as a recent decision in Barnoldswick APP/E2340/A/12/2188392 and APP/E2340/E/12/2188398 (para 30) and a case in Todmorden APP/A4710/A/12/2171556/NWF (para 27).

disaggregated elements of the proposal in which case this checklist criterion remains unsatisfied.

Have Sites been thoroughly Tested having regard to their Suitability, Viability and Availability and with regard to the Identified Need / Demand

3.7. E&L have tested the 16 sites / premises that they have identified although it should be noted that viability is no longer a specific test within the sequential assessment⁵. There are no sites that are available and suitable for the superstore element of the proposal. There are the vacant offices at Belle Vue that are available for the B1 element but E&L conclude (para 6.19) this *“does not cater for the office market that the developer is seeking to serve.”* Whilst I disagree with this unqualified statement the Council appear to consider the need for new employment floorspace in Skipton justifies both developments. This approach is also consistent with PG (6.9) guidance that advises *“a town centre office development will serve a different function and market compared to a business park.”*

3.8. There are also vacant pubs in Skipton that are not considered by E&L presumably because the proposed public house is a family / restaurant orientated format that requires car parking and play space area therefore can't be accommodated in such premises. Similarly E&L only consider sites that can accommodate drive thru restaurant formats despite all the main operators also having town centre formats. E&L do not identify any sequentially preferable sites for the 80 bedroom Budget Hotel element of the proposal although again PG (6.9) identifies different markets, for example, *“a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel.”* No other out-of-centre sites are considered for any disaggregated elements of the proposal despite NPPF (para 24) guidance that they can be prioritised on their accessibility and connectivity to the town centre.

Has this assessment adopted a sufficiently flexible approach?

3.9. The NPPF has removed the PPS4 reference to disaggregation but there is still a requirement to consider flexibility in format and scale. As outlined above, there are no

⁵ Although viability is no longer a specific sequential assessment policy test under NPPF para 173 advises LPAs should be mindful of viability issues in determining planning applications.

sites that are available and suitable for the entire proposal. E&L have considered sequential sites for disaggregated elements of the proposal but there are only sites / premises for some elements of the proposal for which PG (6.9) advises exceptions can be made e.g. the offices. E&L haven't considered other out-of-centre sites that may be more accessible / better connected to the town centre but then there are no obvious alternative sites and they wouldn't enable the economic benefits of this proposal. E&L have therefore adopted a sufficiently flexible approach.

Conclusions on the Sequential Assessment

3.10. The retail element of the proposal is probably of a greater scale than needed locally as there is insufficient retail capacity to support the superstore element of the proposal. However, this is no longer reason alone to refuse the proposal. There are no sequential sites capable of accommodating the entire proposal and there are only sites premises for some elements of the proposal for which PG (6.9) advises exceptions can be made such as the offices and hotel. E&L haven't considered flexible formats for the restaurant element of the proposal such as the necessity of the drive thru facility but this probably isn't sufficient reason to fail the sequential assessment. E&L haven't considered other out-of-centre sites that may be more accessible / better connected to the town centre but then there are no obvious alternative sites and they wouldn't enable the economic benefits of this proposal. I therefore conclude that the proposal satisfies the sequential assessment to site selection.

4.0 Impact

4.1 The scope of impact assessments is set out in paragraph 26 of the Framework that advises they should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

4.2 In this section I consider E&L's quantitative impact assessment methodology. Then I consider impact on trade in the town centre, impact on investment, consumer choice in Skipton and impact of the proposal on town centre vitality and viability.

Methodology and Quantitative Impact Assessment

Methodology and Catchment Area

4.3 The PG sets out a model impact assessment methodology in Appendix D that builds on the first four (of five) stages of a capacity assessment (Appendix B). E&L have largely followed this methodology and I have no issue with their quantitative impact assessment other than some of the inputs / assumptions. The assessment is undertaken for both convenience and comparison goods but in this review I largely concentrate on convenience goods.

4.4 E&L have identified a catchment area with Skipton as the primary catchment area (PCA) and surrounding areas divided into five zones forming the secondary catchment area (SCA). The SCA extends for some distance to the north and west, reflecting the distance to competing centres in these directions, but it is truncated to the east and south by the competing centres of Ilkley (Tesco and Booths) and Keighley (Asda, Sainsbury, Morrisons and Aldi).

Population and Expenditure Estimates

4.5 The population and expenditure information is extracted from an Experian Retail Planner report for the study area. Whilst this appears to be the same expenditure data as the first draft report produced in November 2012 the population figures appear to

have been updated and are lower than the earlier estimates. E&L utilise growth rates published in Experian Retail Planner Briefing Note 10.1 and remove special forms of trading (SFT is non-store retailing such as internet purchases not sourced from a local store) using the forecast growth rates also published in this briefing note. Briefing Note 10.1 has recently been superseded by Briefing Note 11.1 published in November 2013 but utilising the later forecast growth rates and SFT forecasts will not alter the assessment that much so I can probably agree the population and expenditure information / forecasts.

- 4.6 E&L combine population and per capita expenditure estimates to establish total available convenience expenditure within the defined catchment area in Appendix 5B. E&L assess that there is approximately £116.0m convenience goods expenditure in the catchment in 2010 growing to £118.5m by 2018 that equates to growth of £2.4m. This is insufficient to support the proposal (that requires c. £25.5m from the catchment area) but there is some capacity from the other two sources of quantitative need – overtrading in existing stores (£11.8m) and leakage (£1.7m) that can be clawed back.

Visitor Spending

- 4.7 This is the main outstanding flaw with E&L's assessment which has previously been drawn to their attention in scoping correspondence. The result of overstating the contribution of visitor spending is to overstate the turnover of existing retail facilities in Skipton and thereby understate the percentage impact. The calculation set out in Appendix 8 is flawed from the outset. E&L estimate that 62% of visitors to Skipton town centre are from outside of the catchment area. This is based upon the results of the visitor survey which is heavily skewed towards tourist / visitor respondents and should therefore be treated with extreme caution from the outset and was discussed in scoping⁶. However, even relying upon this survey it is apparent that there are visitors from some postcode sectors that are within the catchment area such as LS29 9 (near Addingham) and BD22 0 (Cowling) that are excluded from the catchment area by E&L.
- 4.8 E&L calculate visitor spending by extracting from Q16 in the visitor survey. E&L advise in Appendix 4 the mean spending on food and groceries on the surveyed trip to Skipton town centre was £17.70. This is correct but this figure excludes the 35% of

⁶ This is probably due to leisurely visitors / tourists being far more willing to respond to street surveys than busy shoppers / locals who may be on time restricted parking spaces.

respondents who spent nothing and the 6% who didn't know how much they spent. Excluding the latter the mean figure is reduced to £16.15 that is now used in E&L's assessment. Including the 35% non spending respondents in the calculation of average spending is the correct approach and reduces the average visitor spend on convenience goods to c £9.34. As indicated above, the result of using the £16.15 mean average figure and the inflated visitor levels is to greatly overstate the turnover of existing retail facilities in Skipton and therefore the level of impact is considerably understated in the impact assessment.

Floorspace and Sales Density Information

4.9 E&L now use sales densities extracted from Verdict presented in Appendix 10 and these are agreed.

Inflow Expenditure

4.10 Whilst E&L only use the agreed 10% inflow to the proposal they use higher figures for the existing superstores – c. 13% for Morrisons and c. 12% for Tesco. These inflow estimates are based upon a convoluted calculation that in turn is based upon some flawed extractions from the visitor survey outlined above. The main problem is the significant oversampling of visitors in the household survey (discussed in scoping correspondence) and using the mean rather than average spending levels⁷. Using the (correct) average level of visitor spending in E&L's convoluted calculation would actually inflow turnover in both superstores to below 10% but for the sake of transparency, robustness and consistency it would be better to assume 10% inflow expenditure in the proposed and existing superstores.

Market Share Assessment

4.11 The findings of the household telephone shopping survey of shopping trips within the catchment area are not presented (they are reported in an earlier report of survey). The problem with the apportionment of spending between mainfood and top-up shopping drawn to the attention of E&L in my earlier letters of advice has been addressed in the latest assessment. The problem with the weighting of the first and second choice mainfood destinations has been addressed to an extent by weighting

⁷ The mean spending level excludes the 34.7% of visitors who stated they spent nothing whereas the average spending level that is the correct level to apply includes them.

the latter by 50% but this still skews the market shares towards the second choice destination⁸.

Turnover Estimate of the Proposed Development

4.12 E&L calculate the turnover of proposed Sainsbury's foodstore in a table beneath para 7.29. The sales density of £11,108 per square metre (2010 prices) is provided by Turleys based on data from the 2012 Verdict Grocery Report and is consistent with sales densities used elsewhere by that company for Sainsbury proposals. The sales density is multiplied by the 2,549 sq m (net) of convenience goods floorspace to arrive at a total convenience goods turnover of £28.31m.

Trade Draw to the Proposed Development

4.13 The PG (D.19) advises *"In the case of a new... a foodstore on the edge of an existing market town it may be relatively easy to reach judgements about the likely turnover and trade draw pattern of the new store, and the existing stores likely to be most directly affected having regard to current shopping patterns in the area."* The following paragraph (D.20) advises:

"The best evidence of the likely catchment area and trade draw pattern of a particular proposal is likely to be comparative evidence of similar developments... A classic example is the provision of a new foodstore within an existing town or district centre already served by a similar sized store. In such circumstances the likelihood is that the catchment areas and trade draw characteristics of both would be similar, and therefore the overlap and potential for impact will be proportionately greater."

4.14 I agree with E&L (7.30) that the trade draw to Morrisons and Tesco is likely to be more representative of the trade draw to Sainsbury's than the M&S Simply Food store which has a more localised trade draw. However, the trade draws that are shown in the Table beneath para 7.31 are not comparable as 10% inflow to the existing stores is excluded. Excluding inflow to the proposal the table would read:

⁸ The inspector at the recent Todmorden inquiry concluded a similar approach there was not robust as it skewed the market shares in favour of the second choice destinations (APP/A4710/A/12/2171556/NWF para 22). An alternative approach would be to cross tabulate those people who shop in two destinations and proportion their expenditure per head accordingly.

Zone	Morrisons %	Tesco %	M&S %	Sainsbury's %
1	37	37	50	38
2	18	19	20	19
3	11	12	4	10
4	7	4	3	6
5	17	19	17	12
6	10	9	6	16
Total	100	100	100	100

4.15 The assumed trade draws look reasonable with the exception of zone 6 where E&L draw 16% of turnover from compared to 10% by Morrisons and 9% by Tesco. This is justified by E&L (7.34) by the location of the proposed store on the western side of Skipton that will tend to favour a slightly higher proportion of trips from residents here. I disagree as zone 6 is located to the east / SE of Skipton centred on the settlements of Addingham and Silsden. Residents of Addingham would have to pass Skipton town centre, Morrisons and Tesco to travel to the proposal. From Silsden the proposal would not be that much more accessible than the existing Tesco located on the southern side of the town centre. For shoppers travelling by public transport (and walking / cycling) Morrisons and Tesco are far more accessible from most zones and the proposal is unlikely to achieve comparable trade draw. The result of overstating the trade draw from the more distant zone 6 is to understate the impact on Skipton town centre.

4.16 There are also current proposals for a Tesco supermarket and an Aldi foodstore in Silsden that if developed would significantly reduce the level of leakage from zone 6 as they would be the nearest mainfood destinations for residents in the southern part of that zone. This would result in greatly reduced market shares in zone 6 for existing and proposed Skipton foodstores. This would mean that for the Sainsbury proposal to turnover at a company average level greater market shares would be required in the other zones and in the PCA in particular which would result in higher impacts on Skipton stores including the town centre.

Trade Diversion

4.17 The PG (D.28) advises the purpose of this stage *"is to consider the proportion of the proposal's trade derived from each zone likely to be taken from those existing stores*

and centres currently drawing trade from that zone.” The following paragraph (D.29) advises:

“A common starting point for this exercise to consider existing trading patterns within the zone in question. If, for example, a particular town or facility accounts for the vast majority of expenditure currently generated in a given zone, it is likely that a similarly higher proportion of the proposals turnover will be diverted from that centre.”

4.18 The PG (D.30) goes on to advise this provides a baseline position to judge the overall level of impact from which two factors need to be taken into account; firstly, a general assumption that ‘like affects like’ citing the example of:

“an area already served by large modern foodstores, [where] the effects of a new large food superstore are likely to fall disproportionately on the existing competing stores. Their proportionate impact on local independent retailers, or discount foodstores for example may be less.”

4.19 Secondly the PG (D.30) advises:

“it is relevant to consider distance, based on the assumption that generally consumers will seek to use the closest comparable facility. So, for example, if in a given zone a relatively small proportion of trade is attracted to a facility which is similar to, but considerably further away than the proposal in question, it is likely to have a disproportionate effect on that facility.”

4.20 Again I consider E&L have failed to fully follow this guidance as they have over relied upon ‘leakage’ from zone 6 to stores outside the study area which are actually in closer proximity e.g. Ilkely in relation to Addingham and Keighley in relation to Silsden. The Todmorden inspector was particularly critical of this type of trade diversion assessment (APP/A4710/A/12/2171556/NWF para 21). In reality I would expect the proposal to draw much less trade and claw back much less leakage from zone 6 and draw greater trade from zones in closer proximity to the site. I would also expect the proposal to divert more trade from the existing superstores in Skipton rather than more distant superstores in competing centres to which there is very little leakage (apart from zone 6 and zone 2).

- 4.21 In addition, I consider E&L understate the amount of trade diversion from the town centre and local shops. E&L's household survey of shopping patterns (Q06) indicates large supermarkets have a significant market share of top-up as well as mainfood expenditure. The assumption that the proposed Sainsbury's foodstore will compete almost exclusively for 'main' food shoppers and not 'top-up' shoppers is incorrect as in reality there is no black and white division between these two types of shopping trips, there is a lot of grey that is not recorded in the household survey.
- 4.22 E&L's flawed trade diversion assessment can also be seen in the limited trade diversion (£0.47m) from Skipton town centre that represents only 1.5% of the overall convenience goods turnover of the proposal. Clearly as the closest town centre for top-up shopping at least as well as some mainfood expenditure this is not a disproportionate impact.

Cumulative Impact

- 4.23 E&L have undertaken a cumulative impact assessment to assess the impact of the Sainsbury superstore on the town centre along with the Aldi and Keelham Farmshop proposals and for comparison goods the Maple Grove development at Albion Place in the town centre and Keelham Farm Shop. E&L advise the trade diversions for these commitments are based on data from the retail assessments for the respective planning applications. However, it should be noted that whilst the Council supported these schemes the figures in the supporting impact assessments were not necessarily "accepted by the Council" in approving them. In scoping correspondence E&L were directed to a PINS decision in Barnoldswick⁹ which confirmed my view that How Planning had utilised below company average sales densities in the impact assessment submitted in support of the Aldi application in Skipton. In addition, like the SSBP proposals, the Aldi and Keelham Farm Shop proposals diverted unrealistically low levels of trade from the town centre. The conclusion in my reviews of both applications was that they were likely to have a significant adverse impact on the vitality and viability of the town centre and particularly when considered cumulatively.

⁹ APP/E2340/A/12/2188392 and APP/E2340/E/12/ 2188398 (paras 22 - 28)

Linked Trips and Spin-off Expenditure

4.24 E&L then go on to calculate the value of lost linked trips to the town centre (para 7.39). They go on to advise the 'indirect' trade diversion as a result of a reduction in linked trips will be an addition to the predicted 'direct' trade diversion from shops in the town centre and this can be estimated from the existing pattern of linked trips to the town centre. E&L advise they make a 'realistic allowance' of an additional 10% trade diversion from town centre shops in convenience goods and an additional 25% trade diversion from town centre shops in comparison goods. However, these percentage figures are expressed as a percentage of the level of trade diversion and not as a percentage of the overall turnover. Therefore in the case of convenience goods shops the actual additional impact of lost linked trips is only 0.5% over and above the impact level calculated and not an additional 10% impact as claimed by E&L. Clearly E&L's estimate of the value of lost linked trips is significantly understated.

4.25 In previous scoping correspondence to the Council (letter dated 20 March 2013 copied to E&L), I calculated from the household and visitor surveys annual linked trips are worth around ten times the E&L figure (c. £0.5m pa for convenience goods) and if the lost linked trip expenditure was proportional to the trade diversion around one third of this (c. £0.16m pa) spending would be lost, i.e. around three times the level calculated by E&L.

Trading Impact

4.26 The resultant impacts for convenience goods are shown in Table 4 in Appendix 9. The assessed £0.47m trade diversion from the town centre represents an impact of c.5% and the cumulative £1.02m trade diversion when Aldi and Keelham farm shop are included represents an impact of c.10% impact. Throughout this section I have demonstrated how E&L have repeatedly made less than robust assumptions in their assessment:

- i. significantly overstated the contribution of visitor spending through flawed extractions from the household and visitor surveys and skewed sampling in the latter thereby significantly overstating the turnover of existing shops in Skipton;
- ii. overstated the level of inflow expenditure as a result of a convoluted and flawed calculation again overstating the turnover of existing shops in Skipton;

- iii. skewed the market share assessment of mainfood shopping patterns towards larger shops through the weighting of second choice destinations;
- iv. understated the trade draw of the proposal from zone 1 thereby understating the impact on existing shops in Skipton;
- v. overstated the level of clawed back leakage particularly from zone 6 (Addingham and Silsden) thereby understating the impact on existing shops in Skipton;
- vi. understated the level of trade diversion from shops in Skipton thereby understating the impact on these shops;
- vii. adopted flawed sales densities and less than robust assumptions contained in the supporting Retail Statements for committed development thereby understating the cumulative impact on existing shops in Skipton; and,
- viii. underestimating the value of lost linked trips to Skipton.

Conclusions on Impact on Trade / Turnover

4.27 As a result of the above flaws in E&L's impact assessment, most of which have been pointed out during the course of the scoping exercise, the impact on other convenience stores in Skipton is greatly understated. Therefore if impacts are only increased by a factor of two, which is probably still an underestimate given all the above flaws in the assessment, cumulative percentage impacts are then above the 20% level and likely to be significant adverse¹⁰. However, it is possible that cumulative impacts on the convenience goods trade / turnover of Skipton town centre will be greater than this.

4.28 In addition there will be indirect impacts arising from the loss of linked trips from Tesco and Morrisons. An inspector in a post NPPF decision in Saffron Walden¹¹ concluded (para 50) shoppers at the proposed out-of-centre Sainsbury there would "*undertake few linked trips.*" She also concluded (para 52) that the "*loss of footfall would reduce the bustle and vibrancy that is an important feature of the centre.*" Whilst Saffron Walden is a different centre to Skipton, I consider the SSBP proposal that is a comparable distance from the centre to the Sainsbury proposal in Saffron Walden will

¹⁰ In the Todmorden decision (APP/A4710/A/12/2171556/NWF) the inspector concluded an impact of 13% on comparison goods shops was unlikely to be significant adverse on that reasonably healthy centre but an impact of over 20% on convenience shops was likely to be significant adverse.

¹¹ APP/C1570/A/11/2152457 and APP/C1570/A/11/2158685 (para 50 and 52)

generate fewer linked trips than the Morrisons and Tesco stores and will result in a loss of footfall in the town centre.

Impact of the Proposal on Investment

4.29 E&L advise (7.48) there are no currently planned investments in Skipton town centre that could be affected negatively by the proposed Sainsbury's development as the approved Maple Grove Development scheme at 9 High Street is under construction and the former Beales Department Store has mostly been re-occupied by Boyes and Handpicked Hall. E&L consider these current schemes should be completed by the time the Sainsbury's store is developed although I understand that Handpicked Hall have reduced their floorspace in the building which has now attracted Sports Direct and Fulton Frozen Foods..

Choice and Competition

4.30 E&L (8.8) refer for the need for competition and choice within Skipton (paras 8.8 &8.9) and the fact that the proposal will deliver a third superstore in Skipton and relieve overtrading at the existing superstores. Whilst this may be true to an extent, as indicated earlier E&L have greatly overstated the level of overtrading at the edge-of-centre Morrisons and Tesco stores. PPS4 (para 10) was very clear that competition and choice was to be promoted in town centres. NPPF (para 26) is less clear advising the impact of a proposal "*on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area*" is to be considered. It is unclear how far the 'wider area' extends but it doesn't extend as far as the catchment area of the centre or otherwise it would refer to the catchment rather than 'wider area'. In any case the PPS4 priority for town centre development / investment is unchanged in NPPF.

4.31 E&L suggest that the town centre is more of a top-up destination than mainfood, however, the proposed Sainsbury store will be competing for both expenditure categories and the household survey recorded c. 14% of study area residents¹² shopped in Skipton town centre for top-up shopping. I also consider the E&L

¹² Excluding none respondents and 'don't knows / varies' and within zone 1 (the PCA) 38% of respondents undertook top-up shopping in Skipton town centre

household survey probably under-recorded mainfood shopping in the town centre and particularly as a result of the skewed weighting of the second choice destinations

4.32 A post NPPF decision in Saffron Walden is of note¹³. Here the inspector concluded the enhanced choice and competition offered by an out-of-centre proposal “*has to be balanced against the adverse effects on the choice and quality of the convenience offer in the town centre.*” An inspector in Todmorden (APP/A4710/A/12/2171556/NWF para 7) came to a similar conclusion. I consider the situation could be similar in Skipton town centre where the proposal along with committed development will impact negatively on the anchor edge-of-centre superstores and indirectly on town centre stores relying upon this anchor store for footfall. In addition, specialist town centre convenience stores will also suffer trade diversion of top-up expenditure to the proposed store. If the impacts on the town centre are only fractionally higher than those assessed by E&L then they are likely to be significant adverse and I would fully expect some stores within the town centre to cease trading thereby diminishing overall local consumer choice in Skipton town centre.

4.33 I therefore consider only little weight can be attached to the competition and choice benefits of this out-of-centre proposal that will impact negatively upon the choice and competition within Skipton town centre directly, indirectly (loss of linked trips) and cumulatively with other current proposals (contrary to saved Local Plan Policy R2.9).

Impact of the Vitality and Viability of Skipton Town Centre

4.34 With regards impact on vitality and viability E&L advise (7.47) this has to be judged on the vitality and viability of Skipton town centre which was assessed in their Section 5. In their health check E&L conclude Skipton has a significant number of strengths including a high quality shopping environment, a strong tourism role, good pedestrian footfall, and a wide variety of national and independent retailers. The town centre also has a low vacancy rate and there are signs of recent investment within the centre. E&L conclude overall Skipton enjoys a very good level of vitality and viability and a relatively small trading impact on shops in the town centre will not have an adverse impact on the vitality and viability of the town centre as a whole.

4.35 I disagree with the last point as the impact on Skipton town centre is greatly understated. I also consider that E&L's health check fails to address some key

¹³ APP/C1570/A/11/2152457 para 74

indicators such as diversity. Excluding the edge-of-centre supermarkets the convenience goods offer of the town centre is not good. Whilst there are four butchers and several bakeries¹⁴ there is no green grocer or fishmonger and residents have to rely upon stalls in the market for these goods (weekly in the case of fish). Many of the convenience stores that do exist are geared towards the tourist trade more than catering for residents e.g. bakeries that are really cafes and sweet shops. I also consider that the price of car parking in the centre is a weakness as this deters local shoppers from visiting the town centre by car and gives a trading advantage to competing edge and out-of-centre destinations.

4.36 In addition to the trading impact on shops in the town centre there will be indirect impacts upon Skipton through the loss of linked trips from the existing supermarkets and cumulative impacts from other proposals. As indicated earlier, the competition and choice that the proposal might bring to the town generally has to be balanced against the impact on choice within the town centre as in the Saffron Walden and Todmorden cases. I therefore consider the impact on the vitality and viability of Skipton will be negative and is likely to be significant adverse when considered cumulatively.

4.37 The significantly adverse impact is likely to manifest itself in the closure of some shops and businesses within the town centre and particularly convenience shops¹⁵ as well as businesses that rely upon the footfall generated by the two anchor superstores that will decrease. I would not expect the vacated units to increase the vacancy rate above the national average, they are more likely to be occupied by service uses and shops / businesses serving the tourism market more than local residents. As a result the diversity and consumer choice within the town would be greatly diminished and these are key indicators of vitality and viability.

¹⁴ The appended Goad Centre Report does not break these categories down further (unlike a Goad Category Report) but the recording of 14 bakers in Skipton is almost certainly an error / over recording. These are likely to include some cafes and sandwich shops as well as butchers (Goad only record 2 and there are 4) that specialise in savoury pies.

¹⁵ During earlier consultations with local businesses I was informed by one butcher that the M&S Simply Food Store had decreased their turnover by 10% and they feared the opening of another supermarket in the town as much as the Keelham Farm proposals.

5.0 The Planning Balance

5.1 Referring to NPPF (para 14) in the Planning Statement E&L advise where a proposal satisfies the sequential approach and the impacts are not deemed to be 'significant adverse' they should be weighed against positive social, economic and environmental impacts¹⁶ in the overall planning balance. I probably agree that the proposal satisfies the sequential approach as only some disaggregated elements can be accommodated on sequential sites / premises. However, I consider the impact of the proposal is likely to be significant adverse on one or more of the impact tests set out in NPPF (para 26).

5.2 With regard to NPPF (para 7) definition of sustainable development, E&L list the positive benefits of the proposal as:

- Economic – including job creation and future business rates;
- Social – including enhancing consumer choice and improving accessibility to services; and,
- Environmental – including good design and positive contribution to the built environment, improving biodiversity, minimising waste & pollution and adapting to climate change.

5.3 I have considered most of these claimed benefits in previous sections. E&L (8.24) conclude *"The proposed foodstore constitutes a high quality and sustainable design and would contribute to protecting and enhancing the natural, built and historic environment of the town. Having regard to the policies of the NPPF taken as a whole, it is considered that the proposals represent a sustainable form of development and, accordingly, there should be a presumption in favour of the scheme."*

5.4 I disagree. As a major development on a greenfield site the proposal does not contribute to *'protecting and enhancing the natural, built and historic environment of the town.'* The only benefits of the scheme are economic in the form of job creation in the business park and future business rates. The employment benefits of the superstore itself will largely be offset by job displacement and there is no guarantee

¹⁶ The three dimensions of sustainable development as advised in NPPF (para 7).

that the business park jobs will be filled by local residents. The proposal does not significantly increase consumer choice, it does provide a third 'big 4' superstore in the town but it will almost certainly diminish diversity and consumer choice within the town centre that is likely to become even more tourist orientated. The site is not accessible by a choice of means of transport. I therefore consider the only benefits of the wider proposal are economic, there are no social or environmental benefits and that overall the proposal is not a sustainable development.

- 5.5 As indicated earlier, I conclude that the impact of the proposal is likely to be significant adverse on one or more of the impact tests set out in NPPF (para 26). Whether the impacts *'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'* depends upon the weight to be attached to economic benefits in the form of job creation on the business park and the benefit of future business rates.

6.0 Conclusions

- 6.1. The proposal is for a retail led mixed use development at South Skipton Business Park. The enabling retail element is in the form of a 6,795 sq m (gross) superstore to be occupied by Sainsbury in an out-of-centre location some 2km south of the town centre. E&L have not identified sufficient capacity with the PCA to support the proposal and this has implications for the sequential and impact assessments. There is insufficient capacity from expenditure growth, leakage and overtrading to support the superstore element of the proposal and there are other claims on the limited capacity in the form of committed retail developments with planning consent.
- 6.2. The proposal is of a greater scale than needed locally as there is insufficient retail capacity to support the superstore element of the proposal. However, this is no longer reason alone to refuse the proposal. There are no sequential sites capable of accommodating the entire proposal and there are only sites premises for some elements of the proposal for which the PG advises exceptions can be made such as the offices. E&L haven't considered flexible formats for the restaurant element of the proposal such as the necessity of the drive thru facility but this probably isn't sufficient reason to fail the sequential assessment. E&L haven't considered other out-of-centre sites that may be more accessible / better connected to the town centre but then there are no obvious alternative and they wouldn't enable the economic benefits of this proposal. I therefore conclude that the proposal satisfies the sequential assessment to site selection.
- 6.3. Throughout their quantitative impact assessment E&L repeatedly make less than robust assumptions such as significantly overstating the contribution of visitor spending through flawed extractions from the skewed survey. They also overstate the level of inflow expenditure as a result of convoluted and flawed calculations. E&L understate the trade draw of the proposal from Skipton itself and overstate the level of clawed back leakage particularly from zones that are actually closer to competing centres. Finally E&L underestimate the value of lost linked trips to Skipton that PINS decisions elsewhere in the country indicate can significantly reduce footfall.
- 6.4. As a result E&L significantly understate the impact of the proposal and cumulative impact along with committed developments on existing shops in Skipton. If trade diversion is only increased by a factor of two on the level assessed by E&L then

cumulative percentage impacts will be greater than the 20% level and is likely to be significant adverse and it is likely that impacts levels on convenience goods shops in the town centre will be even greater than this.

- 6.5. The impact of the proposal on the vitality and viability of Skipton town centre also has to be judged with regard to the health check. E&L conclude Skipton has a significant number of strengths and enjoys a very good level of vitality and viability. I conclude E&L's health check fails to address some key indicators such as diversity. Excluding the edge-of-centre supermarkets the convenience goods offer of the town centre is not good. Many of the convenience stores that do exist are geared towards the tourist trade more than catering for residents such as the bakeries that are really cafes and sweet shops. I also consider that the price of car parking in the centre is a weakness as this deters local shoppers from visiting the town centre by car and gives a trading advantage to competing edge and out-of-centre destinations.
- 6.6. In addition to the understated trading impact on shops in the town centre there will be indirect impacts upon Skipton through the loss of linked trips from the existing supermarkets and cumulative impacts from other proposals. The competition and choice that the proposal might bring to the town generally has to be balanced against the impact on choice within the town centre as indicated by PINS decisions elsewhere in the country. I therefore conclude the impact on the vitality and viability of Skipton will be negative and probably significant adverse when considered cumulatively.
- 6.7. The significantly adverse impact is likely to manifest itself in the closure of some shops and businesses within the town centre and particularly convenience shops as well as businesses that rely upon the footfall generated by the two anchor superstores that will decrease. I would not expect the vacated units to increase the vacancy rate above the national average, they are more likely to be occupied by service uses and shops / businesses serving the tourism market more than local residents. As a result the diversity and consumer choice within the town would be greatly diminished and these are key indicators of vitality and viability.
- 6.8. There will be an adverse impact on the vitality and viability of Skipton town centre arising from the retail element of this proposal. I conclude the impact of the proposal is likely to be significant adverse on one or more of the impact tests set out in NPPF (para 26).

6.9. My overall conclusion is that the proposal should not be supported on the basis of the supporting information that is flawed in some key areas. In addition I consider the proposal should be properly considered alongside other committed development for cumulative impact. There will be an adverse cumulative impact on Skipton town centre arising from these developments that I consider is likely to be significantly adverse with greatly reduced diversity and consumer choice within the town centre. The proposal should not therefore be supported by the Council.

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

*HELLFLD & LNG P
42/2014/14271*

*CONVERSION OF EXISTING DETACHED TWO STOREY BUILDING INTO A
SELF CONTAINED DWELLING.*

THE OLD CHAPEL GISBURN ROAD HELLIFIELD SKIPTON

APPLICANT NAME: MRS P GETTINGS

TARGET DECISION DATE: 07/04/2014

CASE OFFICER: Jack Sykes

This application has been referred to the Planning Committee as it is considered to be a departure from the Development Plan.

1. Site Description

- 1.1 The application property is a converted chapel and associated detached building. The curtilage building was originally granted consent as a garage with office space above but it has since been converted to ancillary living accommodation and can no longer be used as a garage (this did not require planning permission). The property lies along Gisburn Road a short distance outside of Hellifield. The structures are of a stone finish and stone slate roof.
- 1.2 The application site lies outside of development limits as defined by the Local Plan. The site is also in Flood Zone 2.

2. Proposal

- 2.1 Permission is sought for the conversion of the detached two storey building into a separate self-contained dwelling. Conversion of the building will require some relative minor physical alterations including: -
- Removal of the existing conservatory.
 - Revisions to the site access and associated works to provide separate entrances for the existing dwelling and the proposed dwelling.
 - Enlargement of rear ground floor windows.
 - The addition of 2 new rooflights.

3. Planning History

- 3.1 42/2002/2736 (8/1/03) Permission granted for construction of extension for ground floor and first floor bedrooms.
- 3.2 5/42/119/e (4/1/99) Permission granted for variation of condition 2 on decision notice 5/42/119/d to use artificial stone slates instead of natural stone slates.
- 3.3 5/42/119/d (21/1/98) Permission granted for domestic garage with ancillary office space above.
- 3.4 5/42/119/c Application withdrawn for amendments to garage approved under decision 5/42/119/b.
- 3.5 5/42/119/b (27/4/95) Permission granted for conversion of former Baptist Chapel to single dwelling with detached garage.
- 3.6 5/42/119/a (8/11/93) Permission granted for change of use of church and curtilage for residential purposes.

4. Planning Policy Background
 - 4.1 National Planning Policy Framework.
 - 4.2 Saved Policies ENV1 and ENV2 of the Local Plan.
5. Parish/Town Council Comments
 - 5.1 None received.
6. Consultations
 - 6.1 The Highways Authority has recommended that should permission be granted for the development a number of conditions should be attached to any consent. They also note that in order to comply with the visibility splay requirement it would be necessary to remove a large conifer and other smaller trees and bushes from the highway verge. Conditions are recommended regarding the private access and verge crossings, the visibility splays and retention of parking spaces.
7. Representations
 - 7.1 None received
8. Summary of Principal Planning Issues
 - 8.1 Principle of the development.
 - 8.2 Visual Impact of the proposed development.
 - 8.3 Impact of the development on the amenity of neighbouring properties.
 - 8.4 Highway Issues.
 - 8.5 Other Issues.
9. Analysis

Principle of the development

 - 9.1 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
 - 9.2 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th 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.
 - 9.3 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 may 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. 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. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site.
 - 9.4 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable

development. Where plans are out of date and where a NPPF complaint 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the National Planning Policy Framework.

- 9.5 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.6 In terms of housing Saved Policy ENV1 would restrict all housing developments beyond development limits and may be seen as contrary to the NPPF advice. As such limited weight can be given to the requirements of this policy in this determination.
- 9.7 In conclusion, whilst the development is not in accordance with the current Local Plan it is accepted that Saved Policy ENV1 is outdated and of limited weight within this determination. The site is in close proximity to the current development limits of Hellifield (Approximately 20m away along a main road with walkway) and the facilities that the village provides. It is therefore considered that the building is in a sustainable location and that the conversion would be a form of sustainable development that the NPPF desires. The proposal is therefore considered to be acceptable in principle.

Visual Impact of the proposed development

- 9.8 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.”
- 9.9 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.
- 9.10 The proposed conversion of the detached building to a residential property would not require substantial building works. The existing conservatory would be demolished, two roof lights added and a window enlarged to the western elevation. There would also be some alterations to walling to separate the properties and to provide two accesses. The proposed scheme is, however, not considered to have a significant visual impact on the character and appearance of the original building or the surrounding area. The development would therefore meet this requirement of the NPPF and Saved Policy ENV2 of the Local Plan.

Impact of the development on the amenity of neighbouring properties

- 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.
- 9.12 The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.

- 9.13 The proposed new dwelling would only be in close proximity to the Old Chapel and whilst the buildings are currently in the same ownership the impact of the building on the amenities of this property need to be considered.
- 9.14 The proposed new dwelling would not require the increase of the built form and as such would not cause an increase in overshadowing or obstruction of windows. Whilst the buildings are in close proximity their relationship is staggered, particularly when considering the direction of south, and the properties would not create unacceptably shadowed windows or amenity spaces to each other.
- 9.15 In terms of overlooking the new dwelling would only have ground floor windows and rooflights facing the Old Chapel. Given the nature of these windows it is not considered that the new dwelling would unacceptably overlook, or be overlooked by, the Old Chapel.
- 9.16 The proposed amenity area to the new dwelling would be in close proximity to the Old Chapel however it is not considered that this would be unacceptable to occupiers of the Old Chapel or to the substantial detriment of any future residents of the proposed new dwelling.
- 9.17 The new dwelling would have a small amount of curtilage associated with it. The majority of this would provide parking spaces however there is space to the south of the structure for children's play, drying of clothes and bin storage. The new dwelling would therefore be considered to have an adequate level of amenity provision.
- 9.18 It is therefore considered that the proposed development would not result in any unacceptable detrimental impact on the amenities of neighbouring residents or create a development that is itself devoid of an appropriate level of amenity. The Proposed scheme would therefore meet this requirement of the NPPF and the General Development Principles of the Local Plan.

Highway Issues

- 9.19 The Highways Authority has not raised any objection to the development but has requested conditions are attached to any consent. The scheme would intensify the use of the access through the creation of a new dwelling and as such it is considered reasonable to require the improvement of the access to give a suitable level of safety.
- 9.20 The development is therefore considered, subject to appropriate conditions, to not result in any unacceptable impact on highway safety within the vicinity.

Other Issues

- 9.21 The new dwelling would be located in flood zone 2 and has been submitted with a simple flood risk assessment. The building is presently in an ancillary residential use and the creation of separate dwellings is not considered to cause an unacceptable increase in flood risk either within the site or the surrounding area.
- 9.22 Trees to be lost to form the visibility splay are not considered to merit protection by a preservation order, due to the relatively minimal contribution that they make to the public amenity of the area.

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 site location plan received on the 20th January 2014 and Drawing O.C/02 rev A received by the Local Planning Authority on the 10th 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.

REASON: The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby property.

4 The detailing of the windows (including rooflights) shall be of the same form of construction, materials and finish as those on the existing building.

REASON: In the interests of the appearance and character of the building

5 Prior to the first occupation of the new dwelling hereby approved the conservatory shall be removed from the site in accordance with drawing O.C/02 Rev A received on the 10th February 2014.

REASON: The new dwelling would be in close proximity to an existing dwelling and the separate occupation of the buildings may result in overlooking from the conservatory. The removal of the conservatory would also be necessary to provide an adequate level of amenity space to the house.

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

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

(ii) Any gates or barriers shall be erected a minimum distance of **4.5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.

(iv) The final surfacing of any private access within **4.5 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

- 7 The development hereby permitted shall not begin until splays are provided giving clear visibility of 60 metres measured along both channel lines of Gisburn Road, Hellifield from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

- 8 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on **O.C./02/A** 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.

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 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.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

*SKIPTON NORTH
63/2014/14333*

DEMOLISH UNSAFE LEAN-TO, ALTER INTERNAL DOOR AND FRAME TO SUIT EXTERNAL LOCATION. REBUILD DWARF WALLS TO ACCOMMODATE CONCRETE PAD TO GIVE LEVEL ACCESS TO THE HALL, INSTALL STEEL BOLLARDS AND RAILS TO GIVE EDGE PROTECTION TO LEVEL ACCESS.

TOWN HALL HIGH STREET SKIPTON

APPLICANT NAME: Craven District Council

TARGET DECISION DATE: 08/04/2014

CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as the applicant and building owner is Craven District Council.

1. Site Description

- 1.1 The application relates to a lean-to annex projecting off the southern elevation of Skipton Town Hall, a Grade II Listed building constructed in 1862.
- 1.2 The front elevation is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance.
- 1.2 The side elevation facing Jerry Croft is less assuming, yet nevertheless has attractive detailing. There are later additions to the Town Hall in the form of single storey flat roofed extensions to the side and rear of the building.
- 1.3 The application site is within the development limits and conservation area of Skipton.

2. Proposal

- 2.1 The proposal seeks listed building consent for the demolition of an unsafe lean-to annex, alterations to internal door/frame to suit external location. Rebuild dwarf walls to accommodate concrete ramp to give level access to the hall, install steel bollards and rails to give edge protection to level access.

3. Planning History

- 3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.
- 3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.
- 3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.
- 3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.
- 3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 PPS5: Planning and the Historic Environment Practice Guide.

5. Parish/Town Council Comments

- 5.1 Skipton Town Council: No objection.
6. Consultations
- 6.1 English Heritage: No objection to the removal of the porch, but would recommend that the porch is photographically recorded before it is demolished.
7. Representations
- 7.1 None received at the time of compiling this report.
8. Summary of Principal Planning Issues
- 8.1 Whether the proposed demolition of the lean-to and construction of a dwarf wall, new external entrance, steel bollards and railings would preserve the special architectural and historic interest of the listed building.
9. Analysis
- 9.1 Local Planning Authorities, in considering whether to grant listed building consent for development affecting a listed building, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.2 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.3 The application site is a Grade II listed building situated within the designated Conservation Area of Skipton which is a prominent feature within the High Street. However, the annex which postdates the function hall to which it is attached projects off the southern elevation and is only visible when travelling along Jerry Croft and as such has limited visual impact on the principle High Street elevation of the Town Hall.
- 9.4 According to structural information submitted in support of the application the existing lean to annex is in a poor state of repair as a result of movement which has caused an anticlockwise rotation of the masonry wall panel above the door. This rotation has resulted in a lateral movement above from the building causing a bulge in the south wall above the door lintel and a move away from the face of the main Town Hall building.
- 9.5 The proposal seeks permission to demolish the structurally unsafe annex and construct a dwarf wall with a concrete ramp to give level access to the hall and the installation of steel bollards and rails.
- 9.6 The lean to annex which is a later addition to the building does not materially affect the classical frontal view of the Town Hall, being located off the southern elevation. Furthermore, the annex is considered to have limited historical interest. For the reasons stated above, it is considered that the demolition of the annex and the subsequent reconstruction of the dwarf wall with bollards and railings would not result in any significant loss of the historical fabric or architectural interest of the building. In addition, it is considered that the proposal would not detract from the character and appearance of the surrounding conservation area. As such it is considered to meet the requirements of the NPPF and PPS5 Good Practice Guide.
- 9.7 As the proposal is for Listed Building works to a Local Authority building, under Circular 08/2009 there is a requirement for the Local Planning Authority to refer this application to the Secretary of State for determination. The LPA is unable to grant consent until the period of 28 days has expired without either the Secretary of

State requiring referral of the application to him for a determination, or notify them that he does not require referral.

10. Recommendation

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

11 Conditions

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

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

2. The approved plans comprise Drawing No. STH-LBC02 & STH-LBC01 received by Craven District Council on 11th February 2014 and document titled "Schedule of works" (annotated by the case officer for clarification) received by Craven District Council on the 20th 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.

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

3. The materials to be used in the construction of the external dwarf walls hereby permitted shall match those used in the existing building.

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

4. The bollards and rails hereby approved shall be painted 'black' unless otherwise agreed writing by the Local Planning Authority.

Reason: To match the existing and protect the character of the listed building.

5. Prior to it first being applied full details of the paint finish to be used on the external door and frame shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reasons: To ensure the development fits in visually with the existing Grade II listed building and safeguards the character and appearance of the locality.

Informative

1. English Heritage has recommended that the porch is photographically recorded prior to its demolition.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

GLUSBURN
32/2014/14387

RE-SUBMISSION OF PREVIOUS PLANNING APPLICATION 66/2013/13634
FOR RESIDENTIAL DEVELOPMENT

SITE TO REAR (WEST) MAL SIS SCHOOL COLNE ROAD GLUSBURN
KEIGHLEY

APPLICANT NAME: MR MARCUS PEEL
TARGET DECISION DATE: 21/04/2014
CASE OFFICER: Mark Moore

The application is referred to Planning Committee as it a departure from the Development Plan. Additionally, the application is a re-submission of a proposal which was considered by the Planning Committee together with a larger housing development site within the school grounds which were both refused planning permission in November 2013.

1. Site Description

- 1.1 The application site is located within the grounds of Malsis School which lies on the northern side of the A6068 Colne Road, Glusburn.
- 1.2 The school was founded in 1920 and is based in an enclave of buildings set within extensive private grounds to the west of the main settlement of Glusburn.
- 1.3 The school site is in an area outside of Development Limits that is designated in the Local Plan as open countryside.
- 1.4 The school buildings are set well back from the main road and are accessed via an entrance onto Colne Road which leads to an extensive driveway bounded either side with landscaped gardens comprised of grassed lawns with extensive tree and shrub planting. The main school building, Malsis Hall is Grade II listed and is surrounded by a mix of more contemporary school buildings which are of no architectural or historical significance. The main entrance to the school is directly onto Colne Road and there is a secondary entrance at the western end of the school site that opens onto Carr Head Lane.
- 1.5 There is an existing 3k MTB route 'The Hope Technology Mountain Bike Trail' that runs around the periphery of the school site.
- 1.6 There are three listed heritage assets within the school site as follows:

Malsis Hall School – Grade II Listed 13.10.1984.

'Mansion, built 1866 for James Lund, now a school. Ashlar with slate roof. Two storeys with a taller belvedere, irregularly composed into 12 bays on the entrance façade (1:3:1:3:1:3) which has a porte cochere. The south façade has 7 bays of which the last breaks forward. The detail is Italianate: pilaster strips at angles, rusticated below and panelled above, carry an entablature and a pierced arcaded parapet. The windows are mostly of 2 –lights with cornices on consoles, round-headed to first floor but segmented below. The skyline is enlivened with urns and the belvedere tower, which is roughly central and has similar detail. Interior not inspected.'

Lodge to Malsis Hall – Grade II Listed 23.10.1984.

'Lodge, circa 1866 (date of Malsis Hall) (qv). Ashlar with slate roof. Simple single-storey L-shaped building in the Italianate style. Plinth and modillion cornice, with rusticated pilaster strips at corners. The gables are treated as open pediments. Coupled round-headed windows with moulded archivolt, sashed with no glazing bars. Round-headed doorway. Two chimneys.'

Gatepiers and railings to Malsis Hall – Grade II Listed 23.10.1984.

'Gatepiers and railings forming a short screen, circa 1866, in front of lodge to Malsis Hall (qv). Four square stone piers with alternating rustication, crowned by caps with segmental pediments of each side and (in the case of the 2 inner piers only) by carved floral sprays, joined by dwarf walls surmounted by simple railings.'

- 1.7 The application site itself, is 0.10 ha in area and lies immediately to the west of the main school buildings. The site has school buildings and a car parking area to the north and east and is bounded by Glusburn Beck and open countryside to the west and by Carr Head Lane to the south.
- 1.8 The application site has a gated access directly onto Carr Head Lane and falls in level forming a hollow, with the surrounding school and lane at higher levels. This site is very well screened with extensive tree and shrub planting and is relatively flat across the centre although the land to the north and east of the site rises in level fairly steeply whilst the southern part rises at a fairly gentle gradient to the entrance onto Carr Head Lane. The site is not landscaped and is used as a less formal space including use as a bonfire ground. The site is nevertheless an enclosed space with attractive planting on its periphery.
- 1.9 Other than the school buildings the only other properties nearby this site are situated in a small ribbon of development along the southern side of Carr Head Lane to the south-west and comprise various cottages and residential conversions.
- 1.10 Parts of the site fall within Flood Zones 2 and 3 where it adjoins Glusburn Beck. Trees on the site are protected by an area Tree Preservation Order.
- 1.11 **Officer note:** The site characteristics differ somewhat from the wider landscape which is identified in the Craven District Landscape Appraisal as a *'semi-enclosed intermediate landscape comprising pasture with wooded gills and woodland'*. Essentially, beyond the immediate settlement areas and application site is a rolling, pastoral landscape of medium sized fields enclosed by a network of dry-stone walls and interspersed with distinctive pockets of woodland.

2. Proposal

- 2.1 The application is a re-submission of a previous outline application (Ref: 32/2013/13634). That previous application was submitted along with another outline application for housing development on part of the school grounds situated further to the east adjacent to the main school entrance (Ref: 32/2013/13633). Both of these applications were considered at the same time as they were interdependent, the combined developments providing elements of enabling development, sports provision in lieu of open space requirements and affordable housing.
- 2.2 Both planning applications were recommended for approval subject to the applicants entering into a legal agreement to provide affordable housing, alternative sports provision to compensate for the loss of playing fields and the agreement/provision of funding to carry out repair works to the listed buildings. Planning permission was refused for both applications for the reason set out in the planning history.

- 2.3 The current application differs from the previous submission in that permission is sought for enabling development only (as opposed to the previous applications which were interdependent in terms of their contributions to enabling development and other elements of planning gain). More detailed information has been provided regarding the costing of repair works to the listed building and the anticipated levels of profit that would be realised from the sale of the land for development.
- 2.4 The planning application remains outline with just access and the principle of the development applied for. The appearance, landscaping, layout and scale are all reserved matters.
- 2.5 Illustrative plans submitted with the application indicate that the site could accommodate 5 detached houses with attached garages arranged around a single cul-de-sac. The houses would be built of stone and slate to reflect the local vernacular.
- 2.6 **Officer note:** The illustrative layout has been submitted in order to provide an indication of how the site might be developed, but is not for consideration at this stage.
- 2.7 Access to the site would be via a single access onto Carr Head Lane to the south and would lie immediately adjacent to the existing school access at this point. This would require improvements in order to provide adequate visibility splays to meet NYCC Highways specifications.
- 2.8 A further planning application for the larger site to the east of the school has been submitted and will be referred to a later meeting of the Planning Committee.

The Applicants Case in Support of the Need for Proposed Development.

- 2.9 The applicants have submitted the proposal on the basis that the main school hall and lodge are Grade II listed buildings that are urgently in need of repair. It is argued that the only means by which the school could fund the cost of the repairs would be through the sale of land for development. The application is therefore submitted on the basis of 'enabling development' to fund the repair of the listed buildings.
- 2.10 The repair works are detailed in a Repair and Maintenance Schedule prepared on behalf of the applicants by Trident Building Consultancy in a report dated January 2014. The works comprise; roof works, repair/replacement windows, repair of masonry and cladding and the repair of surface water and foul drainage pipes. There are also extensive repair works required to the Grade II Listed lodge building.
- 2.11 In total the cost of the repair and maintenance works would be £514,040 which includes a sum of £85,600 for the repairs to the Lodge.

Officer note: The estimates provided include a number of repairs to parts of the school that are not listed.

3. Planning History

- 3.1 66/2000/841: Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house. Application not determined.
- 3.2 66/2000/842: Construction of new pre-preparatory school, new parking area, alterations to existing access and demolition of existing pump house. Approved April 2001.
- 3.3 66/2000/1184: Construction of new pre-preparatory school, formation of new parking/drop off area. Approved April 2001.

- 3.4 66/2013/13633: Residential Development (eastern site). Refused 7th November 2013 for the following reason: -
- 'The proposed residential development is not acceptable as it would cause harm to the setting and significance of the Grade II Listed Buildings of Malsis Hall, the Lodge to Malsis Hall and the Gatepiers and railings to Malsis Hall. It is considered that the significance of these heritage assets would be unacceptably impacted upon as their historic parkland setting would be unacceptably reduced in scale and altered in appearance by the introduction of the proposed housing. As a consequence the proposals fail to comply with the National Planning Policy Framework and the best practice set out in PPS5: Planning for the Historic Environment Practice Guide. Furthermore, the Council consider that the principle of allowing 'enabling development', in order to provide funding for repairs to the listed Malsis Hall, was not justified and therefore an exception to approve this development contrary to ordinary planning policy could not be made'.*
- 3.5 2/2013/13634: Residential Development (western site). Refused 7th November 2013 for the following reason: -
- 'The proposed residential development is not acceptable due to its isolated and unsustainable location remote of the main settlement of Glusburn. As a consequence the proposals fail to comply with the National Planning Policy Framework. Furthermore, the Council consider that the principle of allowing 'enabling development' in order to provide funding for repairs to the listed Malsis Hall, was not justified therefore an exception to approve this development contrary to ordinary planning policy could not be made.'*
- 3.6 32/2014/14460: Re-Submission Of Planning Application Ref: 32/2013/13633 For Residential Development. Officer note: This application refers to the eastern site and remains under consideration by Officers and will be referred to a later Planning Committee.
4. Planning Policy Background
- 4.1 **The National Planning Policy Framework**
- 4.2 **Saved Local Plan Policies:**
- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees and Woodland.
- T2: Road Hierarchy.
- 4.3 **Other Policy/Guidance:**
- PPS5: Planning for the Historic Environment Practice Guide (Revised June 2012)
- English Heritage: Enabling Development and the Conservation of Heritage Assets.
- Interim Approach to Negotiating Affordable Housing Requirements
5. Parish/Town Council Comments
- 5.1 **Glusburn and Cross Hills Parish Council:** No comments received at the time of compiling this report. However, in response to the original planning application the Parish Council raised no objections to the application commenting that they were happy with the location of the proposed houses within the setting of the school listed building and therefore fully supported the application. The Parish Council also commented that in light of recent planning applications that have built affordable housing and failed to complete the sale of these to local residents, no affordable housing should be built in this application.

5.2

6. Consultations

- 6.1 **CDC Environmental Health:** No known contaminated land issues or environmental protection issues in relation to the site.
- 6.2 **CDC Strategic Housing:** Advise that this is an outline application with an illustrative layout for 5 dwellings. As such the provision of affordable housing must be considered under the Council's Interim Affordable Housing Position.
- 6.3 The application is for the development of five dwellings which it is said are required to fund the repair of listed buildings; i.e. enabling development. Enabling development is understood to be the minimum required to fund the necessary works. If proposals are deemed to be enabling development, then there is no requirement for affordable housing. This is because affordable housing is at best 'cost neutral' (and at worst requires cross subsidy from market housing). Affordable housing can therefore make no contribution to the cost of repairs.
- 6.4 The applicants have submitted repairs costs and a minimum land value required to meet these costs, based on indicative proposals for 5 market houses. Should dwelling numbers increase at Reserved Matters stage, i.e. once the land has been sold and enabling monies paid, the affordable housing position should be reconsidered if possible.
- 6.5 The SHMA 2011 identifies a shortfall of 9 affordable homes per year in Glusburn Ward.
- 6.6 **NYCC Highways:** Requested that a single access point using the existing school access should be used. Has recommended that planning permission is granted subject to standard conditions.
- 6.7 **NYCC Education:** No developer contributions are sought.
- 6.8 **NYCC Historic Environment Team:** There are no known archaeological sites in the area indicated and therefore there are no objections or comments in relation to the application.
- 6.9 **English Heritage:** Has provided detailed comments that are of particular relevance to the acceptability of this development proposal. Their full comments are therefore included as an Appendix to this report. In summary, EH recommend that consent is granted and that this consent is securely linked by legally enforceable methods (Section 106 agreement) to the objective of repairing the mansion, including the ancillary additions and associated curtilage buildings of heritage value, which EH regard as forming an integral part of this '*significant place*', according to an agreed schedule of repair.
- EH in supporting the application comment that the school is a '*benign use*' of the listed building which has minimal impact on the significance of the heritage assets. They comment that alternative uses are likely to separate the building internally harming its significance. They acknowledge that they have taken a wider view of what is the heritage asset and its significance and recognise that not all of the scheduled repairs are related to the original main hall or the lodge. However, given their wish to see the current use of the building continue they consider that overall there is justification to accept the proposal as enabling development.
- 6.10 **CDC Conservation Advisor:** (In response to the previous application). The site lies outside the built-up area of Glusburn, and it makes a significant contribution to the landscape character of this open countryside between Glusburn and Cowling.

Visually and historically, the overall Malsis School site has a strong presence alongside the Colne Road. Its significance is a result of key elements, such as the confident mid-19th century architecture of the former mansion, the contemporary expansive parkland setting with its carefully selected and laid out planting, the purposely created internal open spaces, and the vistas both in and out of the site.

The site is well screened with riverside trees along Glusburn Beck and around the other sides with self-sown trees and bushes. It does not give the impression of being an integral part of the planned, more formal parkland setting. Its internal character is rather neglected and there are no objections to a housing scheme on this land in relation to its visual, historic or landscape value, subject to it being necessary to bring in funding to help with essential repairs to this Grade II Listed Building. The scheme could therefore be given consideration as enabling development.

In summary the Conservation Advisor concluded by stating that a strong, justifiable case has to be made for enabling development to fund repairs to the Listed Building.

- 6.11 **Environment Agency:** The EA raise no objections to the application subject to either a condition or informative to ensure that the subsequent layout to be approved at reserved matters takes account of the risk of overland flows on the site from the existing public sewer which has been identified in the FRA previously submitted by the applicant. Otherwise standard conditions are recommended in relation to a scheme for water attenuation and details of foul drainage from the site.
- 6.12 **Yorkshire Water:** Referred to their comments on the previous planning application. No objections to the application subject to conditions to prevent obstruction of the sewer that crosses the site, to ensure that the site has separate foul and surface water systems and that prior approval of the means of discharge of surface water will be required.
- YW commented that the public sewer may be a material consideration in the determination of the application and advised of their requirements should the development require alteration or removal of the pipe. YW also commented that the FRA submitted with the (previous) application was considered to be satisfactory.
- 6.13 **Natural England:** NE advise that there are no statutory nature conservation or Local Wildlife sites that would be affected by the proposals and that there are consequently no objections to the proposals in relation to this issue.
- An Ecological Appraisal was undertaken by Ecological Consultants 'Envirotech' which was carried out on 5/10/2012 and 20/5/2013 and submitted with the previous planning applications. The appraisal was comprehensive and of an acceptable standard and was undertaken by suitably qualified persons and in accordance with NE's standing advice. The appraisal outlined a number of recommendations for mitigation measures in relation to badgers, bats, birds, invertebrates, otters, reptiles and water voles. It is proposed that conditions be attached to secure the implementation of the proposed mitigation should planning permission be granted.
- 6.14 **Yorkshire Wildlife Trust:** (In response to the previous application). The site is close to the Yorkshire Wildlife Trust's River Aire Living Landscape and the beck adjacent to the development site leads to the River Aire. There is also very good habitat upstream from Malsis School. There will therefore be good potential for connecting up habitat for wildlife as advised in the NPPF. The Ecological Appraisal by Envirotech and the arboricultural report for the site (submitted with previous

applications) are good and it is recommended that planning conditions are imposed to provide a fully costed ecological management plan to enhance the area for wildlife and a Section 106 agreement to fund the plan.

Some of the conclusions from the arboricultural report that a number of trees should be “crown cleaned” and have ivy removed could be in conflict with tree management for biodiversity. Dead wood, particularly standing dead wood is very valuable for invertebrates and cracks and rot holes will give opportunities for roosting bats. YWT recommend that the management of the trees is prioritised for biodiversity and included in the ecological management plan.

7 Representations

7.1 No representations have been received at the time of compiling this report.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Impact on heritage assets/ the enabling argument

8.3 Affordable Housing

8.4 Impact on amenity.

8.5 Impact on highway safety.

8.6 Impact on trees.

8.7 Impact on ecology.

9. Analysis

Principle of development:

Local Plan Policies:

9.1 The application site is located outside of development limits in an area of open countryside as defined in the Local Plan and therefore falls to be considered under Saved Local Plan Policy ENV1. Policy ENV1 would be prohibitive of residential development in open countryside and the development proposals are therefore not supported in principle under the relevant saved policy in the adopted Local Plan.

9.2 Notwithstanding the above the Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State’s direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.

9.3 Paragraph 215 of the 2012 National Planning Policy Framework (NPPF) makes it clear that policies not adopted in accordance with the Planning and Compulsory Purchase Act (2004) need to be considered in terms of their degree of consistency with the NPPF, stating that “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.” As such, where there is any conflict between the Local Plan and the NPPF, the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.

9.4 The main thrust of the NPPF is the overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated *‘three dimensions to sustainable development: economic, social and environmental’*. The NPPF sets out that it is the Government’s clear expectation

that Local Planning Authorities should deal promptly and favourably with applications that comply with up to date plans. Where plans are out of date (as with Craven's Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with National Planning Policy. So paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

Sustainability:

9.5 As set out above, the NPPF makes it clear that there is an overarching presumption in favour of sustainable development and it is therefore necessary to consider this aspect of the proposal.

9.6 No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means*' and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.

9.7 In more specific terms the NPPF states at paragraph 55:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'

It is also stated that LPA's should avoid '*new isolated homes in the countryside*', although this may still be acceptable if special circumstances exist.

9.8 The site is located in a position that relates closely to the existing school buildings and is remotely situated relative to the established settlement area. Notwithstanding, the site has links through to the main road both via Carr Head Lane and through the school grounds to the main entrance and is not entirely isolated given that it is sited immediately adjacent to the school buildings and there are existing residential properties within close proximity.

9.9 Notwithstanding, it was the view of the Council that the site was in an isolated and unsustainable location and this forms part of the Council's original reason for refusal.

Housing land supply:

9.10 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.

9.11 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th 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 a surplus of 26 dwellings 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 may 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. 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. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site and on the basis of the above therefore, it is concluded that the Council could not sustain a refusal of this application based upon the issue of housing land supply.

Summary:

- 9.13 In conclusion (in relation to the principle of development) it remains the view of the Council that the site is not in a sustainable location and therefore based on its merits purely as a housing development it is not considered that the proposal is acceptable. However, notwithstanding the updated HPS it is not considered that a refusal of planning permission could be justified on the basis of housing land supply.

Impact on heritage assets/enabling argument (listed buildings)

Setting of Listed Buildings

- 9.14 The advice of the NPPF is that when determining planning applications that have conservation elements to consider it is necessary to take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic activity; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.15 More specifically the NPPF requires that in assessing planning proposals that may affect heritage assets it is necessary to understand the significance of the heritage asset and to consider whether any harm to that significance would arise as a result of development. The NPPF makes it clear that the more important a heritage asset is the greater the weight that should be given to its conservation and that any harm that may arise should require clear and convincing justification. It also states that substantial harm to a Grade II listed building, park or garden should be exceptional but nevertheless sets out that it is appropriate for local authorities to weigh up the potential benefits of development proposals against any harm that may arise as a result of development.
- 9.16 In this case there are three heritage assets comprised of Malsis Hall, the gatehouse lodge and the gate piers and railings across the main site frontage all of which are Grade II listed. The significance of the assets is principally that they form part of the School and its grounds which is characterised by the imposing former mansion house of Malsis Hall. The hall is set within an extensive landscaped parkland setting and it is reasonable to assess the historic parkland setting as being an element that contributes to the significance of the heritage assets to a substantial extent. The proposals do not seek any alterations to the heritage assets other than repair works to the hall and therefore any impact that would arise would be to the setting and it is this aspect of the development proposals that needs consideration.
- 9.17 The undertaking of development that affects the setting of heritage assets is acceptable in principle and the NPPF recommends that local authorities look for opportunities for new development within the setting of heritage assets *‘to enhance*

or better reveal their significance'. In this case both the Council's Conservation Advisor and English Heritage consider that the site is of no great significance and can be developed without detriment to the setting of the listed building and other heritage assets as it is so well screened and has no intrinsic historic significance. On this basis therefore it is not considered that the application does not raise any issues in relation to the setting of the heritage assets.

Enabling Development

- 9.18 In this case the applicants have identified the need for extensive and costly repair works on the Grade II listed Malsis Hall, the Lodge, and other associated buildings. Based upon the submitted schedule of repairs the cost amounts to £514,040. The applicants have set out an argument in favour of development which proposes that proceeds from the sale of the development land will be used to help finance the required repair works and it is therefore proposed that any planning permission be subject to a legal agreement requiring the necessary works to be carried out.
- 9.19 The English Heritage policy statement 'Enabling Development and the Conservation of Heritage Assets' sets out the policy requirements for such enabling development stating that:
- 'Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:*
- a. It will not materially harm the heritage values of the place or its setting*
 - b. It avoids detrimental fragmentation of management of the place*
 - c. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose*
 - d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
 - e. Sufficient subsidy is not available from any other source*
 - f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests*
 - g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.*
- 9.20 Considering the above policy statement it is clear that the proposed enabling development is a material planning consideration.
- 9.21 The English Heritage policy statement very comprehensively sets out the processes for enabling development and also the requirements for making an application and the matters which the local authority should take into account when reaching its decision. Put simply there has to be a compelling case and a clear need for the development, the application should not be in outline form and clearly define the impact of development and it should be fully costed with clear, precise figures that demonstrate that the enabling development is the minimum necessary to achieve the objectives in relation to the heritage asset. In addition, the adverse impacts should be tolerable when weighed against the benefits of development.
- 9.22 With respect to this application, for the reasons outlined earlier in this report, the site is not considered to be in a sustainable location. This unacceptable aspect of the proposal must therefore be weighed against the benefit of allowing 'enabling development' to take place to help secure the future of the Listed Building.

- 9.23 In respect of the enabling argument it is clear that the listed buildings are in need of repair and there is no doubt that the sale of land for development would provide a means for the applicants to secure funding in order to undertake those repairs. It is also clear that this is a benefit that must be considered in the planning balance. Contrary to the advice within the English Heritage document 'Enabling Development and the Conservation of Heritage Assets' the application is in outline form only. The precise final numbers of dwellings, their size, the anticipated costs of construction and the envisaged final sale price is not therefore known as a full scheme for the site has not been designed. It is therefore not possible to strictly comply with criterion f. of the English Heritage policy that requires that '*It is demonstrated the amount of enabling development is the minimum necessary to secure the future of the place*'. Information provided is essentially just the figure it is anticipated the land would sell for, together with the anticipated costs for repairs to the buildings. It also should be noted that the schedule of works to repair the building, go beyond what is listed. £514,040 of repair works have been identified, but based upon the submitted schedule of works and cost, the case officer has calculated that the actual cost of repairs to the listed structures is estimated to be approximately £220,000 (including the cost of repairs to the Lodge).
- 9.24 Notwithstanding the above, English Heritage have commented and advise that they are supportive of the application and in their opinion outline planning permission should be granted subject to the proviso that any permissions are linked by enforceable means to the repair of the heritage assets according to the submitted schedule of repair.
- 9.25 EH in supporting the application indicate that they are supportive as the school is a '*benign use*' of the listed building which has a minimal impact on the significance of the heritage assets. They comment that alternative uses are likely to result in the building being separated internally harming its significance. They have therefore taken a wider view of what is the heritage asset and its significance (i.e. not just the listed buildings) and recognise that not all of the scheduled repairs are related to the original main hall or the lodge. In summary, given their wish to see the current use of the building continue they consider that overall there is justification for the proposed enabling development.
- 9.26 Taking the above points into account it is considered that there is an argument to refuse this application on the basis that there is limited information to assess the potential impacts of development and a relative lack of information to come to a decision on the extent of development necessary to fund the repair works. However, there is no doubt that a need for enabling development exists and that one means of ensuring that the repair works to the hall and lodge are undertaken is via a legally binding enabling agreement as part of a planning permission. It is also the case that Malsis School have had a long association with the site of Malsis Hall having been custodians of the site for over 100 years and are undoubtedly part of the heritage of the site and therefore a planning permission that enables the school to maintain the buildings and to remain on the site should be supported.
- 9.27 As there are issues regarding the lack of detail in the application any planning approval would need to be clear that subsequent development will need to be subject to further detailed financial appraisal based upon the reserved matters. This would need to be independently assessed and reserved matters approval would only be forthcoming if the detailed planning is acceptable in terms of the setting of the heritage assets and an appraisal demonstrating to the satisfaction of the LPA that no excessive profits are being made for the developer with all development being justifiable as '*enabling development*' to undertake the schedule of repairs to the listed school complex. Given that English Heritage have accepted the enabling argument in this case and are recommending that outline planning

permission is granted it is considered that on balance approval of this application can be justified on the basis of enabling development.

- 9.28 The above conclusion is not contrary to the Council's previous reason for refusal of planning permission as further information has now been provided and it is considered that the information is sufficient to establish that enabling development is justified in this case.

Affordable housing:

- 9.29 The Council's interim approach to affordable housing requires developer contributions on sites of 5 or more dwellings. In case where 'enabling development' is permitted, the development being allowed being restricted to just that necessary to fund the repairs to a listed buildings, it not considered that affordable housing contributions can be justified.

- 9.30 In this instance, and based on the advice from English Heritage, the extent of what is being recommended as acceptable as 'Enabling Development' is very wide (i.e. more than just repair works to the listed buildings are being accepted as necessary). However, the view from English Heritage is that the development should be supported as 'Enabling Development' and therefore no affordable housing contributions should be sought by the LPA.

Impact on amenity:

- 9.31 Although the application is in outline form it is understood that the intention would be to construct traditional two storey properties of a vernacular design located within the parameters of the identified application site.

- 9.32 The site is extremely well screened, set on a lower level than the site surroundings including the main road and would have no impact in terms of amenity on any other residential property. The site would lie within close proximity to the school buildings but this is not considered to be an issue that would justify refusal of planning permission on the grounds of loss of amenity.

Impact on highway safety:

- 9.33 The proposed access arrangements are considered to be acceptable in highway safety terms. No objections have been raised by NYCC Highways subject to compliance with the standard conditions set out below and it is noted that the application (following revised details agreed with the Highways Engineer on the previous planning application) incorporates visibility splays to the Carr Head Lane site entrance to the specifications of the highways authority.

Trees:

- 9.34 A tree survey was been submitted with the previous planning application stating that the majority of the trees would remain entirely unaffected by the proposals.

- 9.35 It is considered that the application site is capable of being developed without unacceptable detriment to trees on site and that the full extent of any impact on trees can be considered in detail at reserved matters stage.

Ecology:

- 9.36 The ecological appraisal submitted with the previous application was considered to be of an appropriate standard and to have been undertaken by competent professional persons that met the standards required by English Nature. The conclusions of the appraisal were not questioned by English Nature and set out a series of mitigation measures in respect of various species which are considered to be acceptable in planning terms. It is concluded therefore that subject to

appropriate planning conditions the development proposals are acceptable in terms of impact upon ecology.

10. Recommendation

- 10.1 **That members resolve to grant permission subject to the applicant first entering into a Sn106 Legal Agreement to ensure the permitted development, including any reserved matters submission, is restricted to ‘enabling development’ only and that mechanisms are in place to ensure that funds generated from the development are only used for repairing the mansion, including the ancillary additions and associated curtilage buildings of heritage value as set out in the Repair and Maintenance Schedule produced by Trident and dated January 2014.**

Following the finalisation of the above legal agreements then delegated authority shall be given to the Development Control Manager 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
- (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 Planning Authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason (for 2 and 3): To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

4. Any reserved matters application should be accompanied by a full financial viability assessment to comprehensively demonstrate to the satisfaction of the Local Planning Authority that the extent of development proposed is limited to the ‘enabling development’ necessary to finance the repairs identified in the Repair and Maintenance Schedule produced by Trident and dated January 2014.

Reason: This planning permission has only been granted on the basis that the development will contribute to financing repairs to the listed buildings at Malsis School. Ordinarily development proposals for ‘Enabling Development’ should be

full submissions rather than outline proposals. This is because at outline stage it is not possible to precisely establish the extent of development necessary to finance the repair works. Development in this instance is considered to be acceptable on an outline basis given the pressing need for the school to progress matters and the support given to the proposal by English Heritage. However, development that would be allowed under any reserved matters application will only be the 'enabling development' that is demonstrated as necessary through the submission of a full financial viability assessment at reserved matters stage to finance the repairs identified in the Repair and Maintenance Schedule produced by Trident and dated January 2014

5. The development hereby permitted shall not be carried out other than wholly within the site boundaries identified on Drawing No SK009 and the amended Access Arrangement Plan (drawing 7239/01) dated 24 September 2013 received by the Local Planning Authority 24th February 2014.

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

6. The details to be submitted in accordance with condition 1 above shall include all buildings facing and roofing materials and finishes, surface material finishes for the highways, footpaths, drives and other hard surfaces, screen walls, fences and other means of enclosure (including the boundary treatments to the boundaries of the site), existing and proposed ground levels, proposed finished floor levels, building heights and landscaping proposals.

Reason: To ensure the delivery of an acceptable development and facilitate community involvement and informed decision making as set out in the National Planning Policy Framework.

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

(i) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(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

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres westerly & 100m south easterly measured along both channel lines of the major road Carr Head Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason (7 and 8): In the interests of highway safety and the general amenity of the area.

9. No development shall take place until a scheme for the disposal of foul and surface water drainage based upon sustainable drainage principles including details of any balancing works, off-site works and mitigation against the risk of overland flows on the site have been submitted to an approved in writing by the local planning authority. The development thereafter shall be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

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

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

11. Where appropriate the development shall not take place or be completed until all mitigation measures that relate to the application site and were set out in the Ecological Appraisal undertaken by Envirotech and submitted to the Local Planning Authority on 30th August 2013 under application nos. 32/2013/13633 & 13634 have been carried out.

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

Informative:

1. This planning permission has only been granted on the basis of 'enabling development' will secure a method to finance repairs to the listed buildings at Malsis School. Development that would be allowed under any reserved matters application will therefore only be the 'enabling development' that has been demonstrated as necessary through the submission of a full financial viability assessment at reserved matters stage to finance the repairs identified in the Repair and Maintenance Schedule produced by Trident and dated January 2014.

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.

Appendix to 32/2014/14387

Mr Mark Moore
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Direct Dial: 01904 601973
Direct Fax: 01904 601999

Our ref: P00378490

18 March 2014

Dear Mr Moore

Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010

**SITE TO REAR (WEST), MAL SIS SCHOOL, COLNE ROAD, GLUSBURN,
KEIGHLEY, BD20 8DT
Application No 32/2014/14387**

Thank you for your letter of 27 February 2014 notifying English Heritage of the above application.

Summary

Malsis School is a Grade II listed Mansion built in 1866, which has been for many years in school use. It has considerable aesthetic value for its design, as does the landscape in which it sits, whilst a number of its ancillary buildings have historical illustrative and fortuitous aesthetic value. It also has considerable communal interest as a school, a function it has had since 1920 - i.e. for the greater part of its existence.

The proposed enabling development is designed to provide a substantial sum towards the repair of the buildings. I confirm that English Heritage is supportive in principle of the proposal for enabling development to the west of the school. This site is discreetly placed in relation to the mansion and will have minimal impact upon its setting.

We recommend that consent is granted on this application. We recommend that this is securely linked by legally enforceable methods (probably by Section 106 agreement) to the objective of repairing the mansion, including the ancillary additions and associated curtilage buildings of heritage value, which we regard as forming an integral part of this '*significant place*', according to an agreed schedule of repair.

English Heritage Advice

Malsis School is a Grade II listed Mansion built in 1866, which has been for many years school use. It has an imposing architectural presence, having considerable aesthetic value for its architectural design. It is sited in a pastoral landscape setting, now partly converted to provide facilities for the school, but retaining an attractive approach of aesthetic value from the east, which leads from the decorative Grade II

listed screen of gate piers and railings and associated Grade II listed lodge building at the entrance, though parkland with lawns and trees. The mansion has aesthetic value for its architectural design. It also has considerable communal interest as a school, a function it has had since 1920 - i.e. for the greater part of its existence.

English Heritage is supportive in principle of the proposal for enabling development to the west of the school. This is discreetly sited in relation to the mansion and will have minimal impact upon its setting. The proposal is submitted as an enabling development, being deemed contrary to local policy.

Malsis Hall is currently in what we would regard as a benign use, remaining in its long-term use as a school. It has grown over time but alterations and additions made have not fundamentally damaged its significance. Were the school to put the house on the market we would imagine that the most likely use would be as residential flats. This would involve separating the sequence of internal spaces in ways which are likely to harm the appreciation of their intended sequence and thereby harm the design of the building's interior, which is an important aspect of its significance. Any attempt to market the building may also lead to a period of vacancy which could result in harm due to further deterioration and possibly deliberate damage. Given the potential damage to the building's significance should it cease to remain in its present use we are supportive in principle of the concept of enabling development in this instance.

With regard to its amount we note that some £514,040 of works have been identified. Whilst these costs do not wholly apply directly to the original part of the main hall and its lodge, we note that a number of later extensions have been made which form a part of the listed building because of their attachment (including Victorian ancillary ranges) whilst other Victorian ancillary buildings are presumably an integral part of its curtilage. A number of these have heritage value in themselves (including the Victorian buildings which enclose the cobbled yard to the west, which have fortuitous aesthetic and illustrative historical value and also the post-war Chapel which has designed aesthetic value). We would therefore support their inclusion in the proposed repair package to be funded by the proposed enabling development. Such attached and ancillary areas in our view form an integral part of the '*significant place*' referred to in our policy document *Enabling Development and the Conservation of Significant Places*, including The Policy on page 5. This is particularly important given that the school use has long-standing communal value which is an integral part of its significance, the buildings having been in this use for more than half the life of the mansion.

English Heritage confirms that the present application appears to us to meet all the tests, a to g, given in the Policy section (page 5) of our policy document on Enabling Development, as explained in some detail in Dr Jonathan Clark's letter of 21st February 2014, entitled Planning Application - Assessment of Heritage Enabling Development Proposal - Malsis School. We therefore support this application, which we consider in terms of the *National Planning Policy Framework (NPPF)* will assist in sustaining and enhancing (by repair) the significance of the heritage assets of Malsis School and will in our view meet the requirements of paragraphs 131 to 134 of the *NPPF*.

Recommendation

We recommend that consent is granted on this application. We recommend that this is securely linked by legally enforceable methods (probably by Section 106 agreement) to the objective of repairing the mansion, including the ancillary additions and associated curtilage buildings of heritage value, which we regard as forming an integral part of this '*significant place*', according to an agreed schedule of repair.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

Dr Diane Green

Inspector of Historic Buildings

E-mail: diane.green@english-heritage.org.uk

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

*AIRE VAL W LOTH
53/2013/14158*

*CONVERSION OF OFFICE STORE TO DWELLING (RE-SUBMISSION OF
APPLICATION REF: 53/2013/13988).*

ROOK STREET LOTHERSDALE KEIGHLEY

APPLICANT NAME: C/O AGENT

TARGET DECISION DATE: 17/04/2014

CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as the application is a departure from the Local Plan.

1. Site Description

- 1.1 The application site comprises a large end of terrace former agricultural building on Rook Street and land immediately adjacent to it in the village of Lothersdale. Vehicle and pedestrian access to the building is gained off Rook Street. Access to the rear of the building is gained through a large self-contained area of hard standing with associated garages to the north and east of the application site. There are also other private rights of access through the yard leading to other dwellings to the north and to allotments located outside of the site to the west.
- 1.2 The building is currently vacant; however, it would appear that the building was last in use as an office/store at ground floor level and storage above.
- 1.3 The property lies within Lothersdale Conservation area
- 1.4 Lothersdale does not have any development limits defined within the Local Plan, and as such any development within the village is considered as development in the open countryside.

2. Proposal

- 2.1 The proposal seeks permission for the conversion of the building to a dwelling.
- 2.2 The proposal would include the following external alterations:-

Front elevation

Insert window at ground floor level;

Replace existing windows;

Replace existing ground floor opening with double doors;

Side elevation

Replace existing door openings with windows;

Rear elevation

Replace existing door opening with window;

Replace existing opening at first floor level with window;

Insert new window and door openings;

Construct small porch / canopy.

- 2.3 The proposal would also provide 2 off street parking spaces and a 0.6m high stone wall along the south and east boundary. The proposed windows and doors would be of timber construction with the boundary wall constructed from natural stone.
- 2.4 **Officers Note:** An investigation into the planning history of the site has sought to establish the current lawful use of the building. Planning permission was granted in 1983 for a change of use to a residential dwelling. However, this planning permission was not implemented. Subsequently, in 2009 the building was granted planning permission for the conversion of the building to live/work accommodation, but again this permission has not been implemented and the approved conversion works to use the premises as a live / work unit have not been undertaken. There is insufficient evidence to confirm with absolute certainty the existing lawful use of the premises, but on balance it is considered that the lawful use of the building is use as an office and store (a mixture of B1 and B8).
3. Planning History
- 3.1 5/53/64 – Conversion of office and storage to dwelling house. Refused 23/10/1981.
- 3.2 5/53/64/A – Conversion of offices to dwelling. Approved 15/07/1983.
- 3.3 53/2009/9409 – Conversion of building to live/work accommodation. Approved 31/03/2009.
- 3.4 53/2013/13988 – Change of use from office store to dwelling. Withdrawn 2013.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF (March 2012).
- 4.2 PPS5: Planning for the Historic Environment Practice Guide.
- 4.3 Saved Policies EMP7 & H8 of Craven District (Outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 Lothersdale Parish Council: No comments received at the time of compiling this report.
6. Consultations
- 6.1 NYCC Highways Authority: No objection to the proposal subject to appropriate conditions being attached relating to the retention of parking spaces.
7. Representations
- 7.1 No representation received at the time of compiling this report.
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Impact of development on the employment opportunities available in the area.
- 8.3 Visual impact of development.
- 8.4 Impact of development on the amenity of neighbouring properties.
- 8.5 Highway Issues.
9. Analysis
- Principle of the development**
- 9.1 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's

to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.

- 9.2 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th 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.
- 9.3 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 may 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. 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. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site.
- 9.4 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where plans are out of date and where a NPPF compliant 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the National Planning Policy Framework.
- 9.5 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.6 In terms of housing Saved Policy ENV1 would restrict all housing developments beyond development limits and may be seen as contrary to the NPPF advice. As such limited weight can be given to the requirements of this policy in this determination.
- 9.7 In conclusion, whilst the development is not in accordance with the current Local Plan it is accepted that Saved Policy ENV1 is outdated and of limited weight within this determination. The site is within a village location that has some facilities, such as a school, church and public house. The proposal is very small scale in nature and it is considered that the conversion would be a form of sustainable development that the NPPF desires. The proposal is therefore considered to be acceptable in principle.

Impact of development on the employment opportunities available in the area.

- 9.8 Saved Policy EMP7 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that development seeking a change of use from industrial to non-industrial would only be supported where the location of the building is such that industrial or commercial uses are considered appropriate due to adverse

impacts on neighbour amenity; that the road network or access serving the development is suitable with regard to highway safety and that the building is no longer suitable for industrial or commercial activities, but is of sufficient architectural merit to warrant its retention.

- 9.9 It is understood that the premises to be converted are currently empty and have been since the previous owners ceased trading. It is acknowledged that the closure of the industrial business has resulted in the loss of an employment premises from the village. However, the site is located within a predominately residential area which is considered to be an inappropriate location for a Class B1/B8 use which could result in disturbance in terms of noise, vibration, smell, fumes, dust or grit to the amenity of neighbouring residential properties.
- 9.10 In addition, any return to B1/B8 use could result in neighbouring properties suffering from congestion due to parked lorries and restricted vehicle movements. Therefore, it is not considered that the loss of employment premises is of sufficient weight to justify refusal of planning permission.
- 9.11 It is therefore held that the principle of the development accords with national policy set out in NPPF and Saved Local Plan policy EMP7.

Visual impact of development.

- 9.12 The NPPF 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.”
- 9.13 The NPPF also states within its core principles that planning should aim to conserve heritage assets in a manner appropriate to their significance, and that development should be appropriate enabling development to secure the future of the heritage assets.
- 9.14 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development. Whilst it is considered that Saved Policy ENV1 has little weight in the determination of this application it is still considered relevant to assess the application under Saved Policy ENV2 which is considered to be consistent with the aims of the NPPF in that it seeks to provide development of an appropriate visual appearance to the area.
- 9.15 The application premises is a former agricultural stone built barn located within an established, predominantly residential area and the designated Conservation Area of Lothersdale. The proposal seeks to convert the empty building to residential accommodation, with minor external alterations (see paragraph 2.2). Policy EMP7 is supportive of the conversion or adaptation of buildings to residential use subject to a number of criteria’s being met. This includes that the building is of sufficient architectural merit to warrant its retention. The former agricultural barn is of sound construction and has been subject to limited external alterations, thus retaining its agricultural heritage. It is this character and appearance of the building which makes a positive contribution to the surrounding conservation area and surrounding street scene. The proposal would also result in the creation of a new residential curtilage enclosed by a traditional stone boundary wall to match the adjacent residential boundary treatments. It is therefore considered that the proposed external alterations and the construction of a low level boundary wall

would have a minimal impact on the overall character of the building and would not result in any visual harm to the character and appearance of the surrounding conservation area.

- 9.16** In terms of materials the proposed conversion would incorporate timber constructed windows/doors and traditional stone for the boundary wall which are considered to be sympathetic to the locality with many of the surrounding properties constructed from similar materials.
- 9.17 In conclusion, the proposal would involve appropriate external alterations to the building and the construction of a low level boundary wall. The proposal would not materially harm the character and appearance of the surrounding conservation area or existing street scene. It is therefore considered that the proposal meets the criteria of the NPPF and saved policies ENV2 & EMP7 of the Local Plan.

Impact of development on the amenity of neighbouring properties.

- 9.18 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.19 The proposed development would be located across the road from neighbouring residential properties to the south. Properties to the south are positioned directly adjacent to the footpath with no front garden area. The application premises itself also has a minimal area of land between the footpath edge and the front elevation of the building. Distances between the front elevations of buildings that face each other are therefore less than the Local Planning Authority would normally seek to achieve. In this case the distance is approximately 11 to 12 m. However, the buildings are existing, the intervisibility between the premises is across a public highway which is the main road through the village, and such shorter distances are not untypical for older traditional properties. Furthermore there are other potential amenity benefits that a residential use could bring, such as reduced activity and disturbance, over the existing office / storage use. In conclusion, it is not considered that the proposal would result in any unacceptable increase in overlooking, overshadowing or obstruction of windows of properties to the south, or indeed any other neighbouring properties. It is therefore considered that the proposed development would be acceptable in terms of its impact on neighbouring properties meeting this requirement of the NPPF and the Local Plan.

Highway issues.

- 9.20 Saved Policy ENV2 of the Local Plan requires that rural access roads would be able to accommodate the traffic likely to be generated by the proposal. Saved Policy T2 also supports new development subject to meeting the following criteria; that it is appropriately related to the highway network; does not 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 and would have full regard to the highway impact on, and potential for improvements to the surrounding landscape.
- 9.21 The proposal would utilise an existing access which leads directly onto Rook Street and would provide two off street parking spaces to the north of the building. NYCC Highways have been consulted on the proposal and have raised no objections to the proposal on the grounds that the proposal would have a negative impact on highway safety.

9.22 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety and meets the objectives of the NPPF and Saved Policies ENV2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

10. Recommendation

10.1 To grant planning permission subject to the following conditions.

11 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 01 received by Craven District Council on 16th January 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 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.

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

Reason: In accordance with policy number 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.

Statement of Positive Engagement: -

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

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

**AIRE VAL W LOTH
21/2013/14103**

VARIATION OF CONDITION 6 TO PREVIOUS PLANNING APPROVAL REF:
21/2003/2896 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 KEIGHLEY

APPLICANT NAME: MR NIGEL SYKES
TARGET DECISION DATE: 24/01/2014
CASE OFFICER: Jack Sykes

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/Town Council Comments

- 5.1 None received

6. Consultations

- 6.1 The **Highways Authority** does 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 In a ministerial statement dated the 6th March 2014 the government indicated reforms to allow the conversion of agricultural buildings on a farm to up to 3 dwellings without planning permission via a prior notification process. Whilst this particular process is not applicable in this instance (as the buildings are no longer agricultural in use), the statement indicates that the government thinking is that the conversion of farm buildings to a residential use in an open countryside location would be acceptable in principle. Since this document was published the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 has been published which will come into force on the 6th April 2014. This document provides the legislation to allow the change of use to residential without planning permission. The process is however subject to a prior approval procedure and it is possible for the Council to ultimately refuse the prior approval notification on the basis that ‘the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order’.

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. This policy is however considered to conflict with the recent ministerial statement and subsequently introduced new permitted development rights that allow the conversion of agricultural buildings to residential units without planning permission (subject to a prior approval notification application).
- 9.14 In light of the recent ministerial statement, the newly introduced permitted development rights, and the apparent direction of travel of the Coalition Government’s thinking on the acceptability of new dwellings within the open countryside, officers consider that there would be limited grounds to resist the separation of the workspace from the employment premises . There would be no net loss of employment premises from the area by the removal of this condition and furthermore the residential part of the development already exists and will continue to exist. It is therefore considered to be very difficult to demonstrate the harm that would be caused by approving the proposal and it is recommended that the application is supported in principle.

Visual impact of the development

- 9.15 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.”
- 9.16 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.

- 9.17 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.
- 9.18 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.
- 9.19 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

- 9.20 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.
- 9.21 Saved policy EMP8 requires that employment developments do not have an unacceptable impact on neighbour amenities.
- 9.22 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.
- 9.23 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

- 9.24 Saved Policy H8 requires that any conversion of rural buildings to residential use do not create conditions prejudicial to highway safety.
- 9.25 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.
- 9.26 The Highways Authority has been consulted on the proposed development and do not consider that there would be an unacceptable impact on highway safety within the vicinity.
- 9.27 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.

9.28 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 approved.

Conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out within the curtilage of the dwelling-house without the prior consent of the District Planning Authority.

Reason: To avoid ancillary development which the District Planning Authority may consider to be out of character with the area.

2. The workshop shall be used only for purposes as defined within class B1 of the Town and Country Planning (Use Classes) Order 1987 unless otherwise agreed in writing by the District Planning Authority.

Reason: To ensure that the workshop is used for purposes which would harmonise with the rural nature of the area.

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any subsequent Order, the garage(s) shall not be converted into a habitable room(s) without the express written approval of the Local Planning Authority.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity 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.