

PLANNING COMMITTEE MEETING AGENDA

Tuesday 06 May 2014

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

GLUSBURN
32/2014/14460

RE-SUBMISSION OF PLANNING APPLICATION REF: 32/2013/13633 FOR
RESIDENTIAL DEVELOPMENT

LAND TO EAST OF MAL SIS SCHOOL, COLNE ROAD, GLUSBURN.

APPLICANT NAME: MR MARCUS PEEL

TARGET DECISION DATE: 10/06/2014

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 and refused planning permission in November 2013.

1. Site Description

- 1.1 The application site is located within the grounds of Malsis School 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. The school site is in an area outside of Development Limits that is designated in the Local Plan as open countryside.
- 1.3 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 grounds 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. There is a Lodge House (Grade II listed) located immediately adjacent to the main entrance. There is a secondary entrance at the western end of the school site that opens onto Carr Head Lane.
- 1.4 There is an existing 3k MTB route 'The Hope Technology Mountain Bike Trail' that runs around the periphery of the site.
- 1.5 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 archivolts, 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’.

- 1.6 The site is a 2.5 ha triangular shaped area of land located at the eastern end of the school grounds which is divided by the main entrance driveway to the school and bounded by the main Colne Road to the south and by Glusburn Beck to the north. The extreme eastern end of the site lies across the beck from the outer edges of the settlement of Glusburn, the nearest properties being residential development at the Old Corn Mill on the opposite side of Glusburn Beck to the north east of the site and a small row of houses on the southern side of the road at Bridge End. Immediately opposite the site on Colne Road to the south there is further development comprising a public house/restaurant (The Dog and Gun) and a group of residential cottages and barn conversions.
- 1.7 To the west of the application site there are the remaining school grounds which include a large pond that abuts the western end of the southern part of the site. There is a small derelict lodge/folly building located at the south-east end of the pond which falls outside of the application site.
- 1.8 Beyond the immediate school boundaries to the north, south and west the surrounding land is open countryside with isolated farmhouses and residential conversions. The site sits in a valley with the land to both the north and south rising in level.
- 1.9 The site is characterised by its managed parkland appearance which is predominantly comprised of well-maintained grassed areas with substantial mature tree and shrub planting around the periphery. Both parts of the site are relatively level with the area to the south of the driveway being slightly raised in comparison with the northern area which has been laid out in part as a golf course.
- 1.10 The school grounds are extensively tree planted and an Area TPO (Ref: (2343) 209 2013) covers the school grounds.
- 1.11 The majority of the application site is in Flood Zone 1, but parts of the northern side of the site which lie adjacent to Glusburn Beck fall within Flood Zones 2 and 3 (Flood Zone 3 is the land at most risk of flooding).

Officer note: The site characteristics differ substantially 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, the wider landscape 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 proposal is a revised re-submission of an application previously refused planning permission (Ref. 32/2013/13633) and is for residential development. The reason for refusing the previous planning application is set out in the planning history.

- 2.2 The current planning application is a modified proposal and is purely outline with just the means of access applied for (as well as the principle of development). The appearance, landscaping, layout and scale are therefore reserved matters.
- 2.3 An exact figure of new dwellings has not been applied for. Nevertheless, an illustrative layout plan has been submitted which shows two distinct areas of development either side of the main school entrance served by two staggered entrances leading into residential cul-de-sacs. The larger proportion of the proposed housing is located to the northern part of the site. It is proposed that all of the housing would be constructed of stone and slate and would be designed to reflect the local vernacular.
- Officer note:** The illustrative layout and materials included in the supporting information have been submitted in order to provide an indication of how the site might be developed and these details would be considered fully at the reserved matters stage.
- 2.4 The existing school access from Colne Road would be the main access serving the development. This would require carriageway improvements to be made including widening, upgrading to an adoptable standard and the inclusion of footpaths.
- 2.5 Supporting information submitted with the application indicates that the current proposal has been modified to address the Council's reason for refusal of the previous scheme in the following ways:
- The density and overall developed site area have been modified in order to make the scheme less urban in character and lessen the impact upon the setting of the listed buildings.
 - Reduction of the ground levels of the land to the north of the lodge building in order to mitigate the impact of any new development.
 - Additional landscaping has been included in order to provide screening to reduce the visual impact of the development from the school grounds, listed buildings, access drive, passing public highway and neighbouring residential development.
 - Substantially reworking the proposed highways arrangement to retain the distinctive driveway into the school and remove inappropriate elements such as the roundabout that was previously proposed.
 - Agreement that all design elements should be resolved at reserved matters stage through liaison with CDC and English Heritage.
- 2.6 The Council recently approved, subject to the applicants first entering into a S106, a resubmission of an outline application for the site to the west of the school. This application was considered purely as an enabling development with the purposes of the S106 being to ensure funds from the development would be used to pay for the repair works to the listed and associated school buildings.
- 2.7 This current application that is now under consideration is slightly unclear with respect to whether the Council is being asked to approve development as enabling development or approve the application purely on its own merits. If considered and approved as enabling development no more development should be allowed than that necessary to repair the listed building and there would be no requirement to make a contribution to affordable housing. Alternatively, if considered and approved purely on its own merits, funds from the development could be used for whatever purpose the applicant chooses, but there would be a requirement to consider the viability of the development and the ability to make a contribution to affordable housing. This issue is addressed in more detail later in the report, but

for the avoidance of doubt Officers are recommending that the application be considered purely on its planning merits and not as enabling development.

- 2.8 With respect to affordable housing, an affordable housing pro-forma has been submitted with the application. This states that 40% affordable housing would be provided on the site subject to a financial viability assessment. The applicants have indicated that it is anticipated that the actual level of affordable housing provision would be less than 40% when that assessment is undertaken.
- 2.9 The application site is land that has previously been used for sporting purposes. The loss of this land is a relevant planning consideration and therefore the application proposes measures to compensate for the loss of this land. This matter is considered in more detail in the body of the report.

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 withdrawn.
- 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 32/2013/13633: Residential development (on site to the east). Refused 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 32/2013/13634: Residential development (on site to the west). Refused November 2013 due to concerns about the isolated location of the development and the lack of justification to support enabling development. These concerns were however subsequently overcome (see Planning Ref 32/2013/13634 below).
- 3.6 32/2014/14387: Re-submission of previous planning application 66/2013/13634 for residential development. In April 2014 the Council's Planning Committee resolved to approve the application subject to the development being accepted as 'enabling development' only and a S106 Planning Obligation being required to ensure the finance generated from the development being used for the repair of the listed building.

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.

ENV18: Light Generating Development.

SCR2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

4.3 **Other Policy/Guidance:**

PPS5: Planning for the Historic Environment Practice Guide (Revised June 2012)

5. Parish Council Comments

5.1 **Glusburn and Cross Hills Parish Council:** No comments have been received at the time of compiling this report. However, in response to the previous application the Parish Council stated that they had no objections and 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 commented that the trees along the driveway approach to the school should be kept and that as recent planning applications have built affordable housing and failed to complete the sale of these to local residents, no affordable housing should be built in this application.

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:** On the basis that this proposal is being considered on its planning merits, and not as enabling development, Strategic Housing has made the following comments. They have commented that this is an outline application for residential development at Glusburn. There is no illustrative layout or indicative number of dwellings; however the Council's Interim Affordable Housing Position applies to any scheme of five dwellings and above.

The Council's target is 40% affordable housing, subject to financial viability. This means that the Council must take any particular costs associated with the development into account if a developer considers the target is not financially viable and submits a development appraisal to support that case. Dependent on the outcome, the Council's target may be reduced or waived. A development appraisal is considered at Reserved Matters stage, once the number, size and type of dwellings are known and there is some certainty over costs and values. At this stage too, the size, type, tenure of the affordable homes will be agreed, with affordable housing being indistinct from market housing in its design and build quality.

At outline application stage it is standard practice for the applicants to agree the affordable housing target, subject to financial viability. This has not been done in this case and it is recommended that the Council's standard affordable housing condition be applied, should proposals be approved.

The SHMA 2011 identifies a shortfall of 9 affordable homes per year in Glusburn Ward. Occupiers of the affordable homes will include newly forming households and others on local incomes who have a connection to the Ward, but who cannot afford to rent or buy market housing.

6.3 **CDC Sports Development Officer:** Confirmed that his comments are as per the previous application. Those comments were:

Based upon the Councils SRC2 Policy requirements it is calculated that a development of 46 units (across both of the application sites) would be required to provide a total of 2691m² of open space equating to a commuted sum of £142,778 for off-site provision in lieu of on-site provision.

Officer note: This specific figure no longer applies as the western site has already been determined and is not being considered in conjunction with this application. Furthermore, the precise number of dwellings that this eastern site will be developed for is unknown. Nevertheless, it is envisaged that a commuted sum in respect of off-site provision will need to be agreed as part of the reserved matters.

Noting that the school has offered a community use agreement to allow the public to use its existing facilities the SDO has commented that the school benefits from having good sports facilities which will require some attention if they are to be used by the wider community and has provided an A and B list of the facilities that are considered to be in most demand by the community as well as being able to provide the best income.

Those facilities are as follows:

- A List:
- Sports hall
 - Pavilion and cricket nets
 - Astro turf
 - MTB circuit
 - Old gym
 - Provide football pitches
 - Improved drainage to top and bottom fields
 - Bunk house changing room
 - Swimming pool
- B List:
- Bike shed
 - Shooting range
 - Canoe/kayak/fishing lake
 - Confidence course
 - New all-weather surface

Based upon the applicants details of investment and improvements that they plan to make on site (as previously submitted) the SDO advises that these would be a sufficient off-set against the SRC2 Policy requirements provided that these facilities are offered to the community under a set of community use conditions.

Notwithstanding the above the SDO has also commented that the application has not provided details of how the improvements would be secured and therefore can only offer his support in principle.

6.4 **Sport England:** The full comments of Sport England are attached as an Appendix. However essentially Sport England consider that development will result in the loss of playing field provision, but that the replacement facilities being offered are an acceptable alternative. They state that whilst the works to improve the school's sports facilities are not individually costed (and in some instances require planning

permission themselves) they are nonetheless considered to cumulatively offer greater benefit to sport than the facility that will be lost. Sport England can also place greater emphasis on the value of the improvements offered since the applicant is prepared to offer access to existing and improved sports facilities by way of a formal community use agreement.

In order to maintain Sport England's position in respect of this proposal they consider that it is necessary to lodge a (holding) objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered, or arrangements are confirmed on the replacement provision. Sport England confirm that once a suitable section 106 agreement or other legal mechanism has been signed, they will withdraw their objection.

- 6.5 **NYCC Highways:** Recommended that planning permission is granted subject to standard conditions.
- 6.6 **NYCC Historic Environment Team:** Comment that the southern part of the development site lies within an area of archaeological interest due to the possibility that a late medieval house was situated there. As a consequence the Historic Environment Team advises that there may be potential to disturb or destroy archaeological remains and that the possibility of relic foundations have been identified in the Phase 1 Environmental Assessment submitted with the application. Request that a scheme of archaeological evaluation be undertaken to identify what remains there may be on the site and assess the potential archaeological impact, this to include a Desk Based Assessment and a geophysical survey. This work will be required to be undertaken prior to the determination of the application.
- 6.7 **English Heritage:** The full comments of English Heritage are attached as an Appendix. However essentially English Heritage, in response to the improved information submitted with the application, consider that the proposal as now designed in the illustrative information would in principle have the potential to fulfil the requirements of paragraphs 131 to 134 of the NPPF in terms of its heritage impact. They comment that that the indicative layout as now shown greatly reduces the harm which the previous scheme would have caused to the landscape setting of Malsis Hall and that the present proposal would appear to be acceptable in principle in terms of the NPPF, in the context of the wider heritage benefits of the scheme. However English Heritage still recommend that if approved the development should only be accepted as enabling development and that finance generated by the development is securely linked by legally enforceable methods (probably by Section 106 Agreement) to the objective of repairing the mansion and its ancillary buildings, lodge and gates.
- 6.8 **CDC Conservation Advisor:** Amended comments have not been obtained from CDC's Conservation Advisor. However, he raised objections to the previous development due to the concerns about the impact on the setting of Heritage Assets.
- 6.9 **Environment Agency:** The EA raise no objections to either 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 both sites from the existing public sewer which has been identified in the FRA submitted by the applicant. Otherwise standard conditions are recommended in relation to a scheme for water attenuation and details of foul drainage from the sites.

6.10 **Yorkshire Water:** No objections 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 comment that the public sewer may be a material consideration in the determination of the application and advise of their requirements should the development require alteration or removal of the pipe. YW also comment that the Flood Risk Assessment submitted with the application is considered to be satisfactory.

6.11 **Natural England:** NE advised on the previous planning application 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. With regards to protected species it was stated that in the case of the larger development site the proposals would be unlikely to affect bats and otters however an assessment for biodiversity should be undertaken.

An Ecological Appraisal undertaken by Ecological Consultants 'Envirotech' following assessments carried out on 5/10/2012 and 20/5/2013 has been submitted with the planning application. The appraisal is comprehensive and of an acceptable standard and has been undertaken by suitably qualified persons and is considered to be in accordance with NE's standing advice. The appraisal outlines 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.

6.12 **Yorkshire Wildlife Trust:** 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 seems 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 are that a number of trees should be "crown cleaned" and have ivy removed and 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 The following is a summary of the representations that have been received in response to the application: 103 comments in total 98 expressing support for the application and 5 raising objections.

7.2 Summary of letters of support:

- Application will provide good quality housing.
- Will help to ensure the long-term future of the school and enable the school to continue to provide facilities for local sports clubs and local employment.
- Development will be well screened from both Corn Mill development and the main road and therefore will not detract from the visual amenity of the area.

- Proposal should be approved given the pressing need for further housing in Craven.
- Site is accessible to local amenities and facilities.
- The proposals are complimentary to and will build upon the adjacent development at the Corn Mill.
- The site is much larger than the school requires and is a good use of its surplus.
- Proposals will not impact upon the main school building or its setting.
- Proposals will ensure a secure future for the school and be an asset to the housing stock in the area.
- Plans are respectful of surrounding buildings and land.
- Increased use of school facilities would be of benefit to the wider community.
- It is important that school is retained as it contributes to mix of educational establishments in the area.
- Malsis has a good reputation and this needs to be allowed to continue.
- Site will have no knock on effects on traffic or local facilities.
- Malsis School has occupied the Hall for almost 100 years and looked after the site and buildings. Their proposals to future proof the school should be supported.
- The school cannot relocate and needs to adapt its resources.
- The loss of Malsis School would be significant and put land in the hands of developers seeking a comprehensive new use for the whole site.
- Allowing development here will take pressure off more contentious sites in South Craven.
- Proposals will lead to a continuation and expansion of employment in the area.

7.3

Summary of letters of objection:

- Site will not be screened during winter months when trees are not in full leaf.
- Restrictions to natural light to proposed housing will create pressure to fell trees.
- Corn Mill development was opposed due to proximity to the beck and over-development of the village. It is incongruous that this now forms basis of developers' argument due to its proximity.
- The Mountain Bike track impacts on privacy of neighbouring houses and increased use will give rise to increased noise, activity and anti-social behaviour.
- Proposals will give rise to adverse traffic impacts and highway safety issues. In particular access onto Colne Road will not cope with increased traffic from both development and increased community use.
- Impact on the adjacent fast flowing watercourse from run off and debris.

- Will the school retain responsibility for management of the woodland in the long term?
- Existing trees should be protected.
- There has been significant development in the Crosshills/Glusburn and Sutton area. Craven should produce a local plan and impact on this area should be considered.
- Developer has not defined their exact proposals for affordable housing. Area is already awash with properties for sale across all types, sizes and values.
- Development never seems to be directed towards the elderly, an increasing demographic in the area.
- There are no firm details of the proposals to make the schools facilities available to outside bodies.
- Development is too close to neighbouring housing and will adversely impact by virtue of noise, outlook and privacy.
- Increase in homes will put pressure on local schools.
- Developer is not providing any community facilities e.g. creche, mother and toddler groups or community building.
- Proposed housing will be out of character and inappropriate to the area.
- Brownfield sites should be developed in preference to open spaces.
- Money will be used on improvements to the building and will not be invested in the local community to use their facilities.
- Development on Green Lane has been approved for 50 houses. Neither village nor local roads can cope with 96 new households.
- Nuisance will be caused during building work.
- There are owls and other wildlife in the area.
- There will be noise and light pollution.
- Plans do not show the Corn Mill which is very misleading.
- Development will give rise to issues of flooding. Area has a history of flooding and this problem does not need to be exacerbated.
- Volume of houses is unacceptable.
- Local infrastructure needs an overhaul and cannot cope with increased use.
- Development is not sustainable and is likely to lead to further creeping urbanisation along Colne Road.
- The identity of the village will be lost.
- There is no demand for housing in the village of Glusburn.
- Proposal will result in the irreversible loss of a green field site.
- There are more appropriate sites for development within the village between existing settlements.

- Public transport is inadequate to support a larger population as there is a very limited bus service. Further development in the parish should be accompanied by a transport infrastructure review.
- Development is for benefit of the school which is invisible in the local community and does not open its facilities to visitors.
- Carr Head Lane site entrance for smaller development site is not safe as it is on a bridge and a bend and also has a poor visibility.
- Carr Head Lane is used by slow moving farm machinery near to smaller site entrance and is not cleared during winter months.
- Junction of Carr Head Lane and main road is an accident black spot.
- Smaller site had not passed consideration under Part 1 criteria of SHLAA.
- Development would only provide a short term solution and may hamper the future development potential of site.
- Properties should have restrictions to ensure that employment is included in accordance with Policy EMP9.

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Impact on heritage assets / whether the development should be treated as enabling development.
- 8.3 The Planning Benefits (repairs to the listed buildings / community benefit of Malsis School remaining on the site / enhanced community use of sporting facilities/ 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’*.
- 9.5 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. Therefore paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

Sustainability:

- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 The site is located in close proximity to the westernmost end of the Development Limits for Sutton and Glusburn as defined in the Adopted Local Plan. The Development Limits follow tightly the established pattern of development and therefore are confined to the northern side of Colne Road in this part of Glusburn terminating at the site of the Old Corn Mill which lies on the opposite side of Glusburn Beck from the easternmost point of the larger application site.
- 9.10 Whilst in terms of the expansion of the settlement boundaries the site would not be *‘rounding-off’* of the existing settlement or a form of in-fill development it can by no means be said to be isolated or unsustainable. Specifically, the site abuts a main road with bus links to larger settlements as well as the nearby shops and amenities in the Cross Hills service centre and is within walking or cycling distance of most amenities. The site is also within very close proximity of the outer edge of the Glusburn settlement boundary (Development Limits).
- 9.11 In summary it is considered that the application site is in a sustainable location and, for the reasons outlined above, it is also considered that the proposal would constitute sustainable development.

9.12 In coming to these conclusions it is noted that there are other potential housing sites on the edge of the settlement that are closer to its centre or would contain the spread of development more so than this proposal and are therefore arguably in a more sustainable location than the application site. Notwithstanding this, it remains the case that the site is still considered to be sustainable and accordingly, development on this site is considered to be compliant with the NPPF in principle.

Housing land supply:

9.13 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.

9.14 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 of 986 provides more than the requirement by 26 dwellings assessed against a five year housing requirement of 960 dwellings throughout the district.

9.15 Nevertheless, the Council's emerging draft housing target of a minimum of 160 dwellings per annum could be subject to change through the local plan process and it is firmly considered that, at this stage in the local plan making process, the Council is not in a sufficiently robust position to demonstrate that a NPPF compliant five year land supply is currently in place. On the basis of the above it is concluded that the Council could not sustain a refusal of this application based upon the issue of housing land supply.

Summary:

9.16 In conclusion (in relation to the principle of development) where plans are out of date (as with Craven's Saved Local Plan) and where a 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the National Planning Policy Framework.

9.17 With respect to the application site there may be other sites on the edge of the settlement of Glusburn that the Local Planning Authority would prefer to be released first for housing development, but it remains the case that this site is considered to be sustainable and in accordance with the NPPF in principle. It is therefore recommended that as the Council cannot demonstrate a 5 year supply of deliverable housing sites and as the site proposed under these applications is likely to be available for development and delivered within a 5 year period the development proposal should be accepted in principle.

IMPACT ON HERITAGE ASSETS / WHETHER THE DEVELOPMENT SHOULD BE TREATED AS ENABLING DEVELOPMENT

9.18 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.

- 9.19 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. Paragraph 132 of the NPPF states that substantial harm to a Grade II listed building, park or garden should be exceptional. However for cases where less than substantial harm is caused to a heritage asset Paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.20 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 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 degree.
- 9.21 The application proposals do not seek any alterations to the heritage assets themselves and therefore any impact that would arise would be to their setting and it is this aspect of the development proposals that needs consideration.
- 9.22 It is now considered, after taking into account the advice of English Heritage, that the proposed revisions to the scheme (detailed at 2.8 above) have made significant improvements and overcome much of the concern that was originally raised. However, as the application is made in outline it is not possible to assess the precise impact, but it is now considered that due to the amended illustrative housing layout, altered access arrangements and enhanced landscaping that the scheme is capable of being implemented without causing substantial harm to the setting of the heritage assets. Some impact will still be caused and therefore in line with NPPF policy requirements at paragraph 134 it is still necessary in this instance to consider whether the less than substantial harm to heritage assets that is caused by the development is acceptable when weighed against the public benefits of the proposal.
- 9.23 English Heritage, whilst recommending approval of the application, still consider it necessary to treat the development as acceptable only on the basis that it is approved as enabling development. The English Heritage policy statement 'Enabling Development and the Conservation of Heritage Assets' states that enabling development is:
- 'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved'.*
- 9.24 Put simply enabling development is by definition development that would not otherwise be acceptable but for the public benefits that would be obtained from allowing it to take place.
- 9.25 In this case the development in question is on a sustainable site that has no major adverse impacts or constraints and is sustainably located and therefore acceptable in terms of the NPPF. Officers consider that if the benefits of the proposal outweigh the less than substantial harm to heritage assets that is caused by the development then the development proposal is acceptable in principle and should not be treated as enabling development. Such a development would fall to be

considered on the same terms as any other housing development. It is still likely that the applicants would use funds derived from the sale of the land for repairs and improvements to the school facilities, which would include the listed buildings, but it is not considered that the Local Authority could legitimately require this as it could if the proposal was for enabling development. A conclusion on this matter is set out at the end of this report (para 9.56) after all other aspects of the scheme, including the benefits have been considered.

THE PLANNING BENEFITS (REPAIRS TO THE LISTED BUILDING / COMMUNITY BENEFIT OF MAL SIS SCHOOL REMAINING ON THE SITE / ENHANCED COMMUNITY USE OF SPORTING FACILITIES/ AFFORDABLE HOUSING).

- 9.26 Notwithstanding the above the case put forward by the applicants relates to providing additional funding to resolve the schools financial difficulties. The applicant's case identifies elements of planning gain that would accrue should development be allowed to take place. These are:
- i) repairs to the Listed Buildings and the associated school buildings
 - ii) the community / economic benefit of Malsis School remaining on the site
 - iii) community use of the school facilities
 - iv) the provision of affordable housing
- 9.27 In addition to these issues there are other important factors that should be taken into account. These include the contribution that the development of the site would make to the Districts Housing Requirements, and the fact that approving the application would help to achieve the Coalitions Governments objective of delivering sustainable development and the resulting contribution that this can make to the economy.
- Repairs to the Listed Buildings and the associated school buildings**
- 9.28 The applicants have submitted information to accompany the application explaining that the main school hall and lodge are Grade II listed buildings that are urgently in need of repair. The information explains that residential development is the only means by which the school can fund the cost of the repairs.
- 9.29 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. 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.
- 9.30 It should be noted that these repair works are the same works that were highlighted when members very recently resolved to be mindful to approve the application for 5 dwellings on land to the west of Malsis School (Planning Ref. 32/2014/14387). The extent to which Planning Ref. 32/2014/14387 will meet the total cost of repairs is unknown, but it is very unlikely to meet the total cost.
- 9.31 Supporting information that accompanies this application indicates that the applicants are agreeable to the proceeds from the sale of the development land being used to carry out the required repair works and would accept any planning permission being subject to a legal agreement requiring the necessary works to be carried out. However, in Officers opinion, if this was to legitimately be a specific

requirement of any permission this could only be on the basis that the scheme was being only considered acceptable as enabling development, and would otherwise be refused planning permission.

The community benefit of Malsis School remaining on the site

- 9.32 The applicants argue that the school is a local employer and has ties with and benefits to the local community. It is argued that development would allow the school to resolve its financial problems and remain on-site where it would continue to be of benefit to the local community. It is also noted that English Heritage are supportive of the school remaining on the site as a ‘*benign custodian*’ of the listed buildings.
- 9.33 The community benefits that the school brings and the desirability of ensuring its future are considered to be of some relevance to the planning decision and should be taken into account. They are certainly not however issues that by themselves would justify granting planning permission.

The community use of sporting facilities

- 9.34 The application as presented by the applicants explains that the school can offer benefits by enhancing community access to its existing sporting facilities and furthermore that through returns on the sale of the land that these sporting facilities can be further enhanced and community access provided.
- 9.35 Sport England has however objected to the application as the eastern site is considered to be land allocated for use as a playing field and the proposal is for the development of this land. Sport England has advised that the Council cannot approve the application contrary to its objection unless the application is referred to the National Planning Casework Unit for final consideration.
- 9.36 Sport England has indicated that it would withdraw its objection subject to the following:

Improvement	Proposed Introduction
Introduction of Community Use Agreement	On grant of planning consent
Draining of Cricket Pitch	Within 6 months of the grant of consent
Provision of 2 of the 3 new football pitches proposed	When 5 houses sold
Improvement works to Mountain Bike Track	When 10 houses sold
Improvement to Astro Turf	When 15 houses sold
Provision of 3rd football pitch	When 20 houses sold

- 9.37 In Officers opinion, the enhanced community access to sporting facilities is strictly speaking not a benefit of the scheme, but a necessary requirement to address the objections raised by Sport England to the loss of land with an authorised sporting use.
- 9.38 It has to be noted that if the Planning Committee agrees with officer recommendation some of the improvements being offered have not yet been built and may need planning permission. There is therefore a risk that some of the sporting benefits being offered can not be delivered. However, on balance it is recommended that the development should be supported. Despite the objections from Sport England the site as existing in reality provides limited sporting benefits

(particularly to the wider community) and the application as proposed does offer the opportunity for some genuine sporting benefits.

- 9.39 It is recommended that any approval is subject to a condition requiring completion of a community use agreement and the signing of a S106 planning obligation to ensure the delivery of the replacement facilities being offered.

Affordable Housing

- 9.40 The applicants have a signed pro-forma and have agreed to the provision of 40% affordable housing in line with the Councils policy requirements subject to a financial viability appraisal. Notwithstanding, it is very clear that the applicants do not expect that financial viability will ultimately support the provision of a full 40% of affordable housing at reserved matters stage. The applicants also ask that the monies required to deal with the schools financial problems should be taken into account in the financial viability assessment and this will reduce the amount of affordable housing that can be provided.
- 9.41 CDC's Strategic Housing Team advise that it will be necessary to assess the overall provision and location of affordable housing at the reserved matters stage at which time a full financial viability appraisal will need to be undertaken. In effect they have no objections subject to the imposition of a condition to secure affordable housing and the precise details of the extent of the contribution required would be resolved at the reserved matters stage when a fuller understanding of both the scheme and the site economics would be available
- 9.42 It is recommended that affordable units should be provided if possible as part of any scheme approved under reserved matters, the exact extent of which would be agreed following a financial viability appraisal. In Officer's opinion there is not justification for limiting affordable housing on the site on the basis of helping to resolve the schools financial problems.
- 9.43 English Heritage comment that affordable housing would put too great a physical burden on this sensitive site and is likely to cause increased pressure for more development. They are very supportive of both trying to preserve the setting of the heritage assets, and also supporting the continuing existence of the school as a custodian of the listed premises. However, Officer recommendation is that it is not appropriate to make the decision that affordable housing cannot be delivered in the absence of any detailed financial information at this outline planning stage. The applicants have indicated that they are willing to provide affordable housing following a financial viability appraisal and it is considered that this approach is the most appropriate way forward that would be consistent with Council policy. At the reserved matters stage the Council would seek to ensure that the impact on heritage assets is acceptable and at this stage there is no reason to accept that a contribution to affordable housing units could not be provided or designed to a suitable standard that is sensitive to the listed buildings.

IMPACT ON AMENITY

- 9.44 Although the applications are in outline form it is clear that the intention would be to construct traditional two storey properties of a vernacular design located within the parameters of the identified application sites.
- 9.45 In this case, the site would be reasonably well screened and any development could easily be accommodated without detriment to the amenities of the existing neighbouring development at The Old Corn Mill, Mill Bridge or opposite the site on Colne Road. Specifically, the site would allow for adequate interface distances to be provided which can be

considered in detail at reserved matters stage and therefore the amenities of existing residents could be protected.

- 9.46 Concerns have been raised by nearby residents regarding the visual impact of any future development however, subject to ensuring satisfactory details at reserved matters stage, it is not considered that this would constitute grounds for refusal of planning permission. Much of the existing vegetation and tree planting is to be retained which will ensure that any new development, together with new planting where appropriate, will be largely screened from view. In terms of outlook it is not considered that development of the site would impact on neighbouring properties to a sufficient extent to warrant refusal of planning permission.

IMPACT ON HIGHWAY SAFETY

- 9.47 The proposed access arrangement is 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.
- 9.48 Additionally, Highways have suggested (in response to the previous application) that the main school estate access road should be brought up to an adoptable standard where it will be required to service the proposed new development. From a purely highways perspective this seems to be a sensible proposal, however there may be impacts for mature trees either side of the access road and also any solution would also need to have an acceptable visual impact and be sensitive to the significance of heritage assets. Whilst further investigation is clearly needed on this matter at reserved matters stage it is not considered that this is an insurmountable problem.
- 9.49 Concerns raised by objectors regarding the suitability of the main 'A' road for additional development, in particular the traffic that would be generated by that development, are not shared by the Highways Engineer and it is not considered that a refusal of planning permission on the grounds of highway safety could be justified.
- 9.50 NYCC Highways have also requested improvements be carried out to bus stop infrastructure and requiring tactile paving at the road crossing. In the Officer assessment of the previous application for this site, this requirement was not considered to be necessary as it was envisaged that limiting the development to enabling development only would significantly reduce the amount of development that would eventually undertaken (i.e. to no more development than was necessary to finance the repairs). However, if this proposal is not considered as enabling development it is recommended a condition be attached requiring these aspects of the development proposal. However, a condition requiring a Travel Plan has still not been recommend as ultimately the scale of development is not envisaged to justify this requirement.

TREES

- 9.51 The trees within and immediately adjacent to the application site are subject to preservation orders and are important in the context of the setting of the listed buildings and historic parkland. A tree survey has been submitted with the planning application stating that some minor works are required to a small number of trees and that there are two trees to be removed on the eastern site. However, the majority of the trees would remain entirely unaffected by the proposals.

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

ECOLOGY

- 9.53 The submitted ecological appraisal is considered to be of an appropriate standard and to have been undertaken by competent professional persons who meets the standards required by Natural England. The conclusions of the appraisal are not questioned by Natural England and set out a series of mitigation measures in respect of various species which are considered to be acceptable in planning terms. The Yorkshire Wildlife Trust has also commented that the ecological appraisal seems to be good, but has recommended that a S106 Planning Obligation is necessary to secure the delivery of the requirements of the plan. In officers opinion this is not necessary and can be controlled through planning conditions. It is concluded therefore that subject to appropriate planning conditions the development proposals on both application sites are acceptable in terms of impact upon ecology.

OTHER ISSUES

- 9.54 The site is of some archaeological interest, particularly adjacent to the pond and Colne Road where a Hall dating from late medieval period or earlier previously stood. North Yorkshire County Council would prefer the archaeological significance and suitability of this site for housing to be investigated first before any planning permission is granted, however they would reluctantly accept the imposition of a planning condition to secure the necessary archaeological investigations.
- 9.55 Subject to the imposition of conditions neither the Environment Agency nor Yorkshire Water have objected with respect to drainage matters. Some small parts of the application site is identified as areas of high flood risk, but this could be accounted for in the layout of the final scheme.

OVERALL SUMMARY:

- 9.56 The planning merits of these development proposals and the assessment of them is unusually complex. The following conclusions can be drawn about the acceptability of the planning applications: -
- a) Allowing the development will cause some harm to the setting of listed buildings, but the harm caused is considered to be less than substantial. In such cases the Local Planning Authority is required to weigh the harm caused against the public benefits of the proposal. The potential benefits of the proposal are quite numerous and Offices consider that collectively they outweigh any harm caused. The development is therefore considered to be acceptable with respect to the impact on the listed buildings (subject of course to satisfactory details being received at reserved matters stage). The potential benefits of the scheme include: -
 - i. the likelihood that the scheme will help achieve repairs to listed buildings, and should also help to secure the continued use of the buildings by an appropriate user.
 - ii. the opportunity for community use of the schools improved sporting facilities. (This benefit is a requirement of Sport England due to the site having an authorised use for sporting purposes, but nonetheless it is understood that the site as existing in reality provides limited sporting benefits (particularly to the wider community) and therefore the

application does offer the opportunity for some genuine sporting benefits).

- iii. an opportunity to secure the provision of affordable housing.
 - iv. an economic benefit of this local employer remaining on site. Approving the development would also help to achieve the Coalition Governments objective of delivering sustainable development and the resulting contribution this can make to the economy.
 - v. A contribution to the Districts housing requirements.
- b) Planning Officers recommend that as the site is sustainable and can be made acceptable in all respects in terms of NPPF policy, including following the receipt of more detailed information the impact on heritage assets, there is now no legitimate case for considering the proposal as 'enabling development'. Enabling development is development that would normally be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. As the development is now considered to be acceptable on its own merits it is no longer in the opinion of officers appropriate to consider this proposal as 'enabling development'. Very careful consideration will still however need to be given to the setting of listed buildings at reserved matters stage.
- c) As Officers are recommending that the development should not be treated as enabling development, and is now acceptable in its own right, there is no justification to insist that the funds from the development are directed towards repairs to the listed building (although it very possible that this will still happen). There is also no guarantee that a grant of planning permission will secure the future of the school and development could be undertaken with or without the survival of the school.
- d) A contribution to affordable housing provision is considered to be necessary (subject to site viability) and if outline permission is granted a reserved matters application will need to be accompanied by a full financial assessment that informs the extent of the development proposed and the affordable housing contribution. In Officers opinion the need of the school to reduce any debts should not be a reason to limit any contribution to affordable housing provision.
- e) If members disagree with Officers and consider that the development causes unacceptable harm to the setting of heritage assets, then it is still appropriate to treat this application as a proposal for 'enabling development'. If such a conclusion is reached it would be legitimate to insist via a S106 that funds generated by the development are directed to repairing the listed building. It would however not be appropriate to require an affordable housing contribution and the extent of development on the site should be strictly limited to no more than is necessary to secure the necessary repair works.
- f) Sport England has objected to the development as the site is considered to be land allocated for use as a playing field and the proposal is for the development of this land. Sport England has also advised that the Council cannot approve the application contrary to its objection unless the application is referred to the National Planning Casework Unit for final consideration. They have nevertheless indicated that they will remove their objection subject to a S106 planning obligation being entered into to secure the alternative provision that has been offered.

10. Recommendation

10.1 **That members resolve to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the provision of approved alternative sporting provision to compensate for that lost through the development.**

10.2 **Following the finalisation of the above legal agreement and Sport England withdrawing any valid objections then delegated authority is 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 Local Planning Authority before the expiration of 3 years from the date of this permission.

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

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

4. The development approved by this outline planning permission is constrained to the parameters described in the Design and Access Statement and 'Masterplan Scheme' received by the Local Planning Authority on 12th March 2014.

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

5. 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 including an assessment of the implementation of the detailed scheme upon existing protected trees.

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.

6. Unless otherwise approved in writing by the local planning authority (LPA) there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to an approved in writing by the LPA:
 - (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) The proposed highway layout including the highway boundary
 - (b) Dimensions of any carriageway, cycleway, footway and verges
 - (c) Visibility splays
 - (d) The proposed buildings and site layout including levels
 - (e) Accesses and driveways
 - (f) Drainage and sewerage system
 - (g) Lining and signing
 - (h) Traffic calming measures
 - (i) All types of surfaces, kerning and edging
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) The existing ground level
 - (b) The proposed road channel and centre line levels
 - (c) Full details of surface water drainage proposals
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details
 - (4) Details of the method and means of surface water disposal
 - (5) Details of all proposed street lighting.
 - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features
 - (7) Full working drawings for any structures which affect or form part of the highway network.
 - (8) A programme for completing the works.
 - (9) The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority in consultation with the Highway

Authority.

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

Reason (for 5 to 7): In accordance with Saved Local Plan Policy T2 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) *The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.*
 - (iii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access(es) extending 5 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
 - (v) 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.
 - (vi) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vii) Provision of tactile paving in accordance with the current Government guidance.

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

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

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m looking east & 100m looking west measured along both channel lines of the major road A6068 from a point measured 2.4m 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.
10. There shall be no access or egress by any vehicles between the estate road and the individual houses (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the house access and the back edge of the footway of the estate road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (i) *tactile paving*
 - (ii) *vehicular, cycle, and pedestrian accesses*
 - (iii) *vehicular and cycle parking*
 - (iv) *vehicular turning arrangements*
 - (v) *manoeuvring arrangements*
 - (vi) *loading and unloading arrangements.*
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation.
Reason: to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
- Reason (9 to 14): In the interests of highway safety and the general amenity of the area.
15. 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 and 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.
16. 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.
17. No development approved by this permission shall take place until it has been demonstrated that the final proposed layout has been designed with consideration of overland flow routes.
- Reason: To reduce the risk of flooding to the proposed development and future users.
18. No development approved by this planning permission shall take place until such time as a scheme to attenuate surface water runoff to the Greenfield rates as set out in the FRA, has been submitted to, and approved in writing by, the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

19. Where appropriate the development shall not take place or be completed until all mitigation measures set out in the Ecological Appraisal undertaken by Envirotech and submitted to the Local Planning Authority on 30th August 2013 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.

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

21. The details submitted in pursuance of Condition no. 20 shall be preceded by the submission to the Local Planning Authority for approval in writing, and subsequent implementation, of a scheme of archaeological investigation to provide for:

(i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area

(ii) An assessment of the impact of the proposed development on the archaeological significance of the remains

(iii) Proposals for the preservation in situ, or the investigation, recording and recovery of archaeological remains and the analysis and publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever possible.

The proposals shall be approved in writing by the local planning authority and implemented before any development authorised by this permission shall commence.

Reason (20 & 21): The site is of archaeological importance.

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

(i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units comprised in the development (subject to financial viability) and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;

(ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

(iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

(iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

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

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

23. The development shall not begin until a scheme to deliver a Community Use Agreement for the general communities use of the schools existing and proposed sporting facilities has been submitted to and approved by the Local Planning Authority. The details of the approved scheme shall subsequently be implemented and complied with thereafter.

Reason: To meet the requirements of Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and meet the requirements of Sport England in relation to the provision of public open space.

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

1) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

2) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations.

3) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:

a) Provision of tactile paving

b) Bus stop infrastructure on both sides of the A6068

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

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**

SKIPTON WEST
63/2014/14371 and
63/2014/14373

CONVERSION OF THE EAST WING OF BELLE VUE MILLS INTO 39 NO. APARTMENTS (CLASS C3 USE) OVER EXISTING COMMERCIAL UNITS TOGETHER WITH ASSOCIATED NEW RESIDENTIAL FACILITIES ON PART GROUND FLOOR, WITH ASSOCIATED PROVISION OF A NEW ENTRANCE LOBBY AND ROOF TERRACES

and

LISTED BUILDING CONSENT FOR THE CONVERSION OF THE EAST WING OF BELLE VUE MILLS INTO 39 NO. APARTMENTS (CLASS C3 USE) OVER EXISTING COMMERCIAL UNITS TOGETHER WITH ASSOCIATED NEW RESIDENTIAL FACILITIES ON PART GROUND FLOOR, WITH ASSOCIATED PROVISION OF A NEW ENTRANCE LOBBY AND ROOF TERRACES

BELLE VUE SQUARE, BROUGHTON ROAD, SKIPTON.

APPLICANT NAME: Belle Vue Mills Ltd - Mr M Finch

TARGET DECISION DATE: 28/05/2014

CASE OFFICER: Mark Moore

These applications have been referred to the Planning Committee by the Development Control Manger. Potentially they could have been considered under the scheme of delegation, although as this is open to interpretation they have been referred to committee for the avoidance of doubt.

1. Site Description

- 1.1 Belle Vue Mills forms a large group of former textile manufacturing buildings prominently located on the edge of the town centre and adjacent to the Leeds and Liverpool Canal. The buildings are Grade II listed as being of special architectural or historic interest and are situated within the Skipton Conservation Area.
- 1.2 The BVM site contains 4 buildings identified through other associated planning applications as Blocks A, B, C and D with a further area to the rear of the site identified as Block E.
- 1.3 The application site comprises the eastern wing of the main (central) block (Block B) and is located on the eastern side of Belle Vue Square with its rear (eastern) elevation facing onto Brewery Lane.
- 1.4 The building is 4 storey's in height and forms part of the following listing description:
'Mill for the spinning and weaving of cotton and the manufacture of sewing thread. 1867-70. Coursed stone with rusticated quoins, hipped slate and glazed skylight roofs on bracketed eaves. Massive grouping of main rectangular western block with detached brick chimney to rear, U-shaped eastern range linked to third mill with canted west end across Brewery Lane by inclined cast iron bridges with enriched round-headed glazing. Main block 20 x 8 bays, 5 storeys glazed with 4 pane casement windows in plain square frames. Dentilled string courses at sill levels of 1st and 3^d storeys. Main entrance to east has rusticated pyramid capped gate piers. U-shaped eastern range has 5 storey 5 bay gable ends facing Broughton Road with 3 round headed windows in gable apex; 10 x 15 bay elevations to courtyard of 5 storeys with later asymmetrical additions. 3^d mill to east of Brewery Lane 4 storeys, 7 bays and water tower in north-west corner with bracketed cornice. North-east water tower

to western block has hipped roof and iron belvedere with bracketed cornice. The whole complex forms a group'.

- 1.5 The site has remained unoccupied throughout the re-development of the wider BVM site and is located within both Development Limits and the Skipton Conservation Area.
- 1.6 The site is located adjacent to but not within Flood Zones 2 and 3.
2. Proposal
- 2.1 This report is produced for both an application for planning permission (Ref:63/2014/14371) and an application for Listed Building Consent (Ref:63/2014/14373). The proposal is essentially for the conversion of the east wing of BVMs into 39 apartments (Class C3 use). The existing ground floor commercial units will remain although new associated residential facilities are proposed on part of the ground floor. The applications also propose the provision of a new entrance lobby and canopy, and the provision of roof terraces.
- 2.2 The scheme is essentially a conversion of the existing building from B1 (Offices) to residential in which the external elevations remain unchanged with the exception of the following:
 - A small lobby extension to the entrance including a canopy over an existing gated access on the south elevation and a new landscaped planter within the square.
 - The provision of roof terraces.
 - New 'conservation' roof lights.
 - The insertion of Louvre panels to 2 ground floor windows located on the north elevation.
- 2.3 Internally the proposed 39 apartments comprise a mix of 1 and 2 bedroom units.
- 2.4 At ground floor level the existing A1/A3 units would be retained with the remaining ground floor providing:
 - Entrance lobby.
 - Bin store.
 - Scooter/Cycle store.
 - Plant room.
 - Resident's community lounge.
- 2.5 The main access points to the building would be from the main entrance onto Belle Vue Square, secondary entrances from the adjacent 'underpass' via the proposed scooter/cycle store and adjoining bin store and from an existing fire exit door at the rear of the building onto Brewery Lane.
- 2.6 No parking is proposed as part of this application. The applicants have provided a Transport Statement that concludes that as the car ownership levels associated with the proposed use are low, the site is in a very accessible location and there was no parking provision associated with the extant planning permission for the site, which was predominantly offices, there is no requirement for parking to be provided.
- 2.7 A Travel Plan Statement has also been submitted that refers to the applicant having the right to use '*a specific number of car parking spaces within the neighbouring Glista Mills*'. This Statement sets out a number of measures that would be implemented should planning permission be granted which are set out in the table attached to the report (see Appendix). The agent has since advised the case officer that the applicant

has 39 spaces available at Glista Mill but considers that the take up of those spaces is unlikely to be 100%.

3. Planning History

3.1 Belle Vue Mills has a complex planning history.

3.2 Planning and Listed Building Consent applications that are of direct relevance to the applications currently under consideration are the following:

63/2005/5032 & 5033: Mixed Use Development involving Change of Use of mill buildings and partial demolition/redevelopment, to form 110 residential flats and 14 town houses; Retail floor space (53,840 sq. ft), Leisure floor space (11,974 sq. ft) and Business Office Use floor space (24,617 sq. ft); associated car parking for 302 vehicles and landscaped garden decks. Approved August 2007.

63/2009/9504 & 9505: To amend the approved scheme under planning approval 63/2005/5032 incorporating the change of use from residential & retail to offices/leisure. Velux roof lights to be replaced with strip roof lights. Roof terraces omitted and replaced with slate roof following existing pitch. A new lift to be introduced and amendments to the entrance to facilitate disabled access. Approved September 2009.

63/2010/10321 & 10322: Amendment to approved schemes 63/2005/5032 & 5033 and 63/2009/9504 & 9505 Including the removal of the central Atrium with the creation of a public open space and the revision of and changes to the approved commercial and residential floor space provision. Approved March 2010.

63/2013/13736: Alterations and extension works to former textile manufacturing building. Withdrawn September 2013.

63/2013/14201: Change of use and alterations together with extension of former textile manufacturing building to residential (C3 use 8 no. units) and A1 non-food retail use, access, parking and landscaping - resubmission of 63/2013/13735 Eller House). Approved March 2014.

63/2013/14205: Alterations and extension works to former textile manufacturing building (LBC Eller House). Approved March 2014.

Officer note: The extant planning permission for that part of the building subject to these applications authorises the provision of 627m² of A1 (Retail)/A3 (Food and Drink) on the ground floor with 3,134m² of B1 (Office) space above on the 1st – 4th floors. Under Planning Ref. 63/2005/5032 permission was previously given to use the upper floors of the premises for flats.

4. Planning Policy Background

4.1 **The National Planning Policy Framework.**

4.2 **Saved Local Plan Policies:**

H2: New Residential Development.

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

T2: Road Hierarchy.

5. Town Council Comments

5.1 Skipton Town Council: No objections to either application.

6. Consultations

- 6.1 **CDC Strategic Housing:** Proposals are for the conversion and extension of the east wing of the mill building into 39 no. apartments. The site already benefits from a planning permission for office/retail use, however this is a new application which falls to be considered under the Council's Interim Affordable Housing Position.

Where a scheme is for apartments, there is the potential for high service charges which can render housing costs unaffordable for those on average incomes and below. Housing association partners also prefer to own the freehold of a flatted block to facilitate management and maintenance. As such, it is generally recommended that affordable housing provision, exceptionally, is made by way of commuted sum in the case of apartments (unless transfer of the whole block is proposed), to be spent on the provision of affordable housing within the district.

The applicants submitted a detailed set of project costings from Richard Boothroyd and Associates, plus a viability appraisal, supported by values submitted by James Pye & Son, to support their case that affordable housing was not viable. The extant planning permission establishes the current use value of the site. The Council's Valuation Surveyor accepted the submitted costs and values as reasonable (once adjusted to exclude the balconies which were originally proposed), but adjusted the sales rates of the flats to show a more realistic phasing. This had been shown as linear, whereas in reality it is usual to see an initial surge of interest translating into early sales, with a flattening off of interest thereafter.

Having adjusted the sales rate of the flats to show a more realistic phasing, the project becomes viable and indeed shows a small surplus for affordable housing of £76,000. This figure has been accepted by the applicants, although they have commented that should sales not reach the levels suggested, then they would wish to revisit the viability at that point. This is acceptable, affordable housing is always subject to viability.

The Valuation Surveyor therefore recommends acceptance of the sum of £76,000 in full settlement in lieu of affordable housing on the proposed scheme and, should it be payable, any open space commuted sum. The standard affordable housing condition should apply. The proposals therefore accord with the Interim Affordable Housing Position.

- 6.2 **CDC Sports Development Officer:** Has advised verbally that given the outcome of the viability assessment the normal extent of contribution required for open space provision cannot be required. However, it would be expected that a proportion of the agreed figure that is ultimately paid to the Council in lieu of the affordable housing contribution would be diverted towards the open space requirements generated by the development.

- 6.3 **CDC Conservation Advisor:** In response to initial proposals that were submitted at pre-application stage the Conservation Advisor commented as follows:

'As a very prominent listed former Mill, I appreciate that it is vital to find an economic use for the East Wing, as long as the special architectural and historic interest of the building is not harmed.

In principle, I do not have any issues with the change of use to residential, but I am concerned at the likely impact of the proposed balconies and roof terraces.

The overall group of buildings have a very strong "presence" in this part of Skipton, which is a direct result of the quality 19th century industrial architecture. It is confident and robust, i.e. its form is a reflection of its function, yet it clearly has been "designed" to incorporate more Classical/Italianate style and detailing, as a way of expressing the importance and dominance of the Dewhurst company. The East Wing building has clean lines, with generally flat facades, only punctuated by the repetitive arrangement of window openings, the projecting stone gutter brackets/cornice, the string courses and the projecting quoins. Overall this rhythm and repetition today, very strongly identifies this building as a 19th century cotton mill.

In my opinion, the proposed balconies, irrespective of detailed design options, will compromise the overall special character of this listed building. The balcony doorways would require a floor level opening, breaking through the distinctive stone string courses, and immediately "branding" this building as now being residential. Whilst I appreciate that some balconies have been built in the locality, as at Belmont Mill, I feel that Belle Vue Mills are of such importance for their overall group value, that having balconies on one wing will have an effect on whole block of buildings.

With regard to the proposed roof terraces, I have yet to be convinced that they are acceptable. I believe that, although few in number, they will have a detrimental/disruptive effect on the roof slopes of the East Wing. In particular, the East Wing is a very visible building, especially from the Leeds and Liverpool Canal area, and the more elevated dwellings above the canal. As with the balconies, any decision needs to take into account the effect of these proposals on the whole listed group.

At ground level, I have no issues with the contemporary entrance lobby, which would be a logical extension of the concept and design of the existing single storey glazed area'.

Officer note: In the applications that were ultimately submitted and are now under consideration the proposed balconies were omitted and therefore do not form part of the development proposal. With respect to the roof terraces Officers have accepted that they were previously approved as part of earlier planning permissions for the site. The comments of English Heritage have also been noted who raise no particular issue with the roof terraces subject to some minor revisions of which the applicant's agent has been made aware and are conditioned to be required.

6.4 **Environment Agency:** No objections

6.5 **CDC Environmental Health:** Advise that there is no environmental protection issue associated with the site. The application is on a former mill site and has been used for a number of industrial activities in the past which could have potentially contaminated the land. A site investigation and risk assessment was undertaken on the site in May 2006 by HSE Group. From the information given in this report there should be little/no risk to the future occupiers of the property from the ground conditions.

6.6 **NYCC Highways:** Has not actually objected to the proposal, but comment that zero parking has the potential to cause safety problems when residents park in nearby congested residential streets. They state that the developer indicates they

have the right to park at Glista Mill and therefore ask for a condition requiring no dwelling to be occupied until 39 parking spaces have been provided.

6.7 **NYCC Education:** Request a developer contribution of £132,561 towards local education provision.

6.8 **NYCC Archaeology Unit:** No specific comments or objections raised.

6.9 **English Heritage:** Comment that they are supportive of the redevelopment of the site for residential use but recommend that the position of the roof terraces be revised to appear more visually regular and consistent in pattern.

6.10 **Yorkshire Water:** Comment that a water supply can be provided and that no comments are required in respect of waste water.

7. Representations

7.1 7 letters of representation have been received (in response to both the planning application and the LBC application) including comments from the Police Architectural Liaison Officer. Their comments are as follows:

- There is under-provision of car parking for both residents and visitors.
- Servicing and deliveries to the site would cause problems, particularly if Brewery Lane become two-way as proposed by the Eller House scheme.
- Problems above would be exacerbated by recent approvals for Belle Vue Mills, the McCarthy and Stone development and from Eller House.
- Loss of amenity to nearby properties would arise do to loss of off-street parking.
- Access to the site is going to be a problem for residents.
- Bus services mentioned in Transport Statement cannot be relied upon.
- There is no mention of contribution towards the maintenance of the canal towpath.
- The approval should ensure that the flats are tied to car parking spaces that the developer currently owns.
- The original approval for the BVM complex had more spaces.
- Object to nil parking although 100% suggested by NYCC Highways seems excessive.
- Car sharing scheme should be set up.
- Proposals will result in a further loss of employment land in Skipton.
- The details of the development should take into account security and include access control, CCTV, drop-off/pick up areas and a concierge should be provided.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Affordable housing contributions.

8.3 Education Authority contribution.

8.4 Scale and design.

8.5 Parking and highway issues.

8.6 Impact upon amenity.

8.7 Impact on heritage assets.

9. Analysis

Principle of development

9.1 The application site is in a sustainable town centre location, is within development limits and also has extant planning permissions for a mixed A2/A1/A3 development. All of these factors indicate that there would be no objections in principle to the conversion of the building to residential use.

9.2. Saved Local Plan Policy H3 relates to residential development within the Development Limits of Skipton and the named local service centres and is supportive of such development where it involves infilling, small scale conversions, small scale development of neglected, derelict or underused land or the redevelopment of land, provided such development:

- Will not result in loss or damage to spaces identified as important to the settlement character.
- Does not entail loss of land of amenity value.
- Will not adversely impact on areas or buildings of historic or architectural interest.
- Will not damage the character or amenity of existing residential areas.
- Accords with other relevant Local Plan policies.
- Will not adversely impact upon highway safety.

9.3 It is considered that the re-development of the East wing of Belle Vue Mills is fully in accordance with the broad principles of Saved Policy H3 in that the proposals are for a conversion of an underused site that is of heritage value that both contributes to the settlement character and has amenity value.

9.4 The above saved Local Plan policy accords with the general presumption in favour of sustainable development advocated by the NPPF and, in particular, to the social role of the planning system set out in paragraph 7 of that document. Specifically, paragraph 7 of the NPPF requires that sustainable development should; contribute towards the provision of a supply of housing to meet the needs of present and future generations; create a high quality environment with accessible local services that reflect the community's needs, and; be supportive of health, social and cultural well-being. The NPPF also advocates at paragraph 14 that in terms of decision-taking development proposals that accord with the development plan should be approved without delay.

9.5 In this case, the development of the site for residential purposes is clearly in accordance with both Saved Local Plan policy and the broad aims and objectives of the NPPF and is therefore acceptable in principle. In addition, in view of the extant planning approvals for the residential development of the site, there can be no argument that the principle of the residential development proposed is acceptable.

9.6 With regards to housing need it is noted that paragraph 47 of the NPPF requires LPA's to identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements. It is clear that the development of the site for residential use would represent a contribution

to the housing supply requirement and therefore is fully supported in terms of wider strategic housing policy considerations.

- 9.7 With regards to the loss of employment land, the site is located immediately adjacent to the Council offices and has been available for commercial use and advertised as such for a number of years. It is clear, even in the absence of detailed marketing information or a specific justification being supplied by the applicants, that a refusal of planning permission on the grounds of economic development could not be justified in this instance.

Affordable housing contributions:

- 9.8 The application has been submitted with a signed affordable housing pro-forma in which following the independent appraisal of a financial viability assessment it has been agreed that an appropriate commuted sum payment to the sum of £76,000 in full settlement in lieu of affordable housing on the proposed scheme shall be paid.
- 9.9 Strategic Housing has advised that the payment of a commuted sum is acceptable and have agreed that the figure proposed is an appropriate sum (although this may be revised following a further financial appraisal based upon actual sales figures for the apartments).
- 9.10 As set out above in the consultation responses a proportion of the commuted sum would also be used for open space requirements generated by the development.

Education Authority contribution:

- 9.11 NYCC Education have requested a payment of £132,561 based upon an anticipated need for 9.75 new school places arising as a result of this development.
- 9.12 The assessment that the Education Authority initially undertook was based on the availability of school places at nearby Christ Church School and shows a need for more places. However, the application site is located within very easy walking distance to several other schools some of which may have capacity. In planning officers opinion to be able to show some sort of justification that there is a requirement for a contribution towards school places an assessment would have to take into account the availability of places within the settlement of Skipton as a whole (or demonstrate that there are no schools acceptably accessible to the application site that have no capacity). NYCC has since provided this wider assessment and anticipate that by 2018/19 they will have a net shortfall of 17 school places.
- 9.13 There are however no directly relevant planning policies that would require the payment of such a contribution and therefore it is difficult for the Council to reasonably require such a request. There is some justification in the NPPF to require infrastructure contributions to overcome matters that would otherwise prevent a development from proceeding. Key tests would include:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonably related in scale and kind to the proposed development.
- 9.14 In officers opinion the requested contributions do not meet these tests and to require the contributions specific planning policy justification would be needed. The requested infrastructure contributions are not directly needed to allow the development to proceed. New housing development will have to be accommodated in Skipton (it is the most sustainable settlement in the District within which we will have to provide more housing land), and the education authority will have to meet that need for new school places. It is not the case that the need

exists as a result of the proposed development itself, it results because of the need to accommodate new housing generally within Skipton.

9.15 Notwithstanding the above, the viability of the development is another material consideration and government guidance advises that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This process has already been undertaken and an independent Valuation Surveyor has assessed the proposal on behalf of Craven District. The outcome of that assessment is that the extent of contributions required towards open space and affordable housing will have to be significantly reduced to make the development viable.

9.16 Given all of the above, members are advised that a contribution towards education provision should not be sought. If members disagree with this view point, and consider a contribution to education is necessary, this contribution can only be provided by accepting a reduced contribution towards open space and affordable housing. Any contribution could not be at the £132,561 level requested by NYCC.

Scale and design:

9.17 The NPPF at paragraph 17 outlines core land-use planning principles which includes a requirement for decisions on planning proposals to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. More detailed design guidance is provided in chapter 7 of the NPPF which at paragraph 64 states specifically 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.

9.18 In this case the proposals are twofold:

- a straightforward conversion of the existing building including some minor external alterations and the introduction of roof terraces, and;
- a contemporary extension which is designed to complement the existing glazed extension and the robust, industrial architecture of the converted mill building.

The proposals have been subject to discussion with the Council's conservation advisor whose comments have informed the detailed submissions. The proposed roof terraces are considered to be acceptable subject to the minor changes requested by English Heritage.

9.19 Overall, it is considered that the proposed extension has been designed in such a way that it is appropriate in scale and design to complement the existing converted mill buildings whilst remaining contemporary in appearance.

9.20 In summary, it is considered that the proposals are all acceptable and moreover that these elements of the scheme would be compliant with the NPPF requirement for good design which would improve the character and quality of the area and the way it functions.

Impact upon amenity:

9.21 The proposed development is a re-use of the existing building and therefore the interface distances and relationship to neighbouring properties, including the recently approved development to the east of the site, is unaffected by the proposed change of use.

Officer Note: Objectors have raised concerns over parking as an amenity issue which is dealt with later in this report.

Impact on heritage assets:

- 9.22 The NPPF requires that new developments should not adversely impact upon the significance of heritage assets which in this case comprise the designated Skipton conservation area and the Grade II listed mill buildings. The application is accompanied by a heritage statement which explains the design rationale behind the proposed development which, in the case of the proposed extension, is heavily influenced by the historical industrial architecture of the area and considered to be respectful of its wider setting.
- 9.23 Under the NPPF it is necessary to balance the need for development against the potential impact and to ultimately consider whether any harm or loss is outweighed by the benefits of bringing a site back into use.
- 9.24 In this case the East wing has remained vacant for a number of years and the re-use of the building is therefore to be welcomed. It is considered that the re-development of the site, particularly in the manner proposed, would be a substantial improvement visually which would bring the building back into beneficial use which ultimately would be complimentary to the affected heritage assets of the conservation area and listed buildings. Overall, it is not considered that the proposals would create any issues in relation to heritage assets that would be contrary to NPPF policy or comprise grounds for a refusal of planning permission.

Parking and highway issues:

- 9.25 As a town centre development which is in a highly sustainable and accessible location there is no policy requirement for dedicated parking as part of the proposal.
- 9.26 The concerns of local residents regarding the impact on amenity from congestion due to off-street parking in the immediate locality are noted but are not sufficient to justify refusal of planning permission. The reality is that the lawful use of the building for office accommodation would create similar on street parking over which the Council has no control. In addition, there are no specific policy requirements for on-site parking in the case of accessible and sustainably located developments, as is the case here. It is also the case that any parking would need to be considered in the light of 'trade-off' against the approved use of the building for office accommodation. This is also the case with access and delivery requirements which do not differ substantially from that of the use of the building as mixed A1/A2/A3 under extant planning approvals.
- 9.27 NYCC Highways has not objected to the proposal, but has requested that any permission be subject to a condition to require the provision of 39 parking spaces. In this case, given the element of 'trade-off' taking into account extant planning approvals and the accessible location of the site it is not considered that such a condition could be lawfully applied. However, as part of their supporting information the applicants do make reference to the availability of 39 parking spaces at Glista Mill which they have the rights to use. It is therefore recommended that a condition could arguably be attached requiring a scheme to be approved that provides details of how future residents of the proposed development will be given the opportunity to use the parking at Glista Mill, subject to availability, should they wish to do so.
- 9.28 The application is also accompanied by a Travel Plan Statement that explains measures to promote sustainable travel. The plan is considered by Officers to not be particularly convincing, but given the absence of a justification to insist on improved proposals it is recommended that the proposals are accepted as they may help at least in a small way. A condition is recommended to require its contents to be implemented.

10. **Recommendation**

For application 63/2014/14371:

That planning permission is granted subject to the conditions set out below.

For application 63/2013/14373:

That Listed Building Consent is granted subject to the conditions set out below.

Conditions:

For planning application 63/2014/14371:

1. The development hereby permitted shall not be begun 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 development hereby permitted shall be carried out wholly in accordance with the following plans:
Drawing Nos: 2012-232/102, 201, 202, 203, 204, 205, 206, 210, 211, 215 and 216 and the supporting information received by the Local Planning Authority on 19th February 2014.
The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
Reason: To specify the approved plans for the avoidance of doubt.
3. Prior to the first use of the building materials on site samples/details of all materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include samples of the materials to be used in the construction of the entrance porch and amended fenestration including proposed shutters. The details as approved shall be implemented in full and retained thereafter.
4. Prior to the commencement of development improved detailed design drawings to precisely explain the finished design and appearance of specified aspects of the proposal (that are identified below) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. Further improved information is required with respect to: -
 - a) The entrance lobby and canopy,
 - b) The new landscape planter, and
 - c) The roof terraces.
5. Notwithstanding the details shown on the approved plans, the development shall not begin until revised details that amend the position of the roof terraces in a more visually regular and consistent pattern (as requested by English Heritage in their letter dated 14 March 2014) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason (for 2 – 5): To ensure the appropriate use of materials and design in the interest of the character of the area.

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

In the case of onsite provision the scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made in the development and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

With respect to any alternative provision that is made in lieu of on-site provision the scheme shall include full details of the alternative contribution to be made including:

- a) the timing for the provision of the alternative contribution and its phasing in relation to the occupancy of the market housing;
- b) where applicable the arrangements for the transfer of the off-site affordable housing to an affordable housing provider or the management of the affordable housing;
- c) where applicable the arrangements to ensure that such off-site provision is affordable for both first and subsequent occupiers of the affordable housing; and
- d) where applicable the occupancy criteria to be used for determining the identity of occupiers of the off-site affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2011

North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

Informative:

Following discussions between the applicant and the LPA, it is agreed that the scheme submitted to meet the affordable housing requirement may comprise a commuted sum (part of which would be offset against open space requirements) in lieu of on-site provision secured through a Section 106 Planning Obligation.

7. The roof lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane of the roof slope unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character of the listed building.

8. No external plant, air conditioning units or other equipment shall be installed on the exterior of the building without the prior approval of the Local Planning Authority.

Reason: In the interests of amenity.

9. Upon the commencement of the first occupation of any part of the residential development hereby approved the proposed measures set out in the Transport Statement' dated April 2014 shall be fully implemented and subsequently complied with thereafter.

Reason: In order to establish measures to encourage more sustainable non-car modes of transport and to provide an option for off-street parking for residents of the development.

10. Prior to the first occupation of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how future residents of the proposed development will be given the opportunity to access and use the available parking facilities at Glista Mill. The development shall subsequently be operated in accordance with the requirements of the approved scheme.

Reason: For the avoidance of doubt as the applicant has indicated that off street parking is available for residents at Glista Mill, but full details of this have not been provided. The condition is considered necessary as the Highway Authority has indicated that the proposal may result in further parking in congested residential streets and cause highway safety problems.

Informatives:

1. To avoid any potential statutory noise nuisance complaints construction works should be limited from 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no Sunday or Bank Holiday working.

63/2014/14373 (LBC):

1. Works to which this consent relates shall be begun not later than the expiration of 3 years beginning with the date of this decision notice.

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

2. The development hereby permitted shall be carried out wholly in accordance with the following plans:

Drawing Nos: 2012-232/102, 201, 202, 203, 204, 205, 206, 210, 211, 215 and 216 and the supporting information received by the Local Planning Authority on 19th February 2014.

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

Reason: To specify the approved plans for the avoidance of doubt.

3. Prior to the first use of the building materials on site samples/details of all materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include samples of the materials to be used in the construction of the entrance porch and amended fenestration including proposed shutters. The details as approved shall be implemented in full and retained thereafter.
4. Prior to the commencement of development improved detailed design drawings to precisely explain the finished design and appearance of specified aspects of the proposal (that are identified below) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. Further improved information is required with respect to: -
- a) The entrance lobby and canopy.
 - b) The new landscape planter, and
 - c) The roof terraces.
5. Notwithstanding the details shown on the approved plans, the development shall not begin until revised details that amend the position of the roof terraces in a more visually regular and consistent pattern (as requested by English Heritage in their letter dated 14 March 2014) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
6. The roof lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane of the roof slope unless otherwise agreed in writing by the Local Planning Authority.

Reason (For 3 to 6): To protect the character of the listed building.

Statement of Positive Engagement: -

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

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

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

*INGLETON & CLAP
18/2014/14488*

*CHANGE OF USE FROM TOURING CARAVANS, CARAVAN STORAGE
AND HOLIDAY COTTAGES TO HOLIDAY STATIC CARAVANS AND
LODGES.*

FLYING HORSESHOE CARAVAN SITE, STATION ROAD, CLAPHAM.

APPLICANT NAME: MR JOHN MCCARTHY

TARGET DECISION DATE: 21/05/2014

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 site comprises land to the north, east and west of the Flying Horse Shoe Hotel (a grade II listed building) that has recently been converted to flats. The site is located in amongst a group of buildings at Clapham Station which is approximately 1.5 km south west of the main village. The main access to the site is gained along a route running to the north and west of the former hotel and adjacent to two rows of cottages. The land is presently used as a touring caravan site and for the storage of touring caravans. The land was formerly part of the hotel grounds and the caravan site and hotel were once linked. The sites are now in separate ownership.
- 1.2 The application site is outside development limit boundaries identified by the Adopted Local Plan and is therefore classed as open countryside. The site also falls within the boundaries of the Forest of Bowland AONB. Numerous mature trees enclose the site and are protected by a preservation order.

2. Proposal

- 2.1 Permission is sought for the change of use of land from touring caravans, caravan storage and holiday cottages to being used for holiday static caravans and lodges.

3. Planning History

- 3.1 The site has a complex planning history but of particular relevance to this application are the most recent planning applications that set out the lawful use of the site. The Council is also of the opinion that these permissions have been implemented. These most recent permissions are:-
- 18/2010/10930 Permission granted for revised use of land for holiday caravans, caravan storage, camping site, recreation and play area and site wardens caravan (Approved 25th October 2010).
 - 18/2010/11276 Permission granted for discharge of condition 2 on planning consent 18/2010/10930 requiring the submission of landscaping details (Approved 8th February 2011).
 - 18/2012/12359 Lawful Development certificate granted for year round occupancy on area C issued (the north western part of the site). (7th March 2012).
 - 18/2006/6802 Application approved in January 2007 for the construction of 8 no self-contained holiday cottages together with manager's accommodation (on land to the east of the former hotel).
 - 18/2009/10122 Application approved for extension of time limit for implementation of approved permission 18/2006/6802. Approved January 2010. (It is understood that this permission has now been implemented (although only to the extent

necessary to secure the planning permission) and therefore the permission remains extant).

4. Planning Policy Background

4.1 National Planning Policy Framework

4.2 Saved Policies ENV1, ENV2 and EMP16 of the Local Plan.

5. Parish/Town Council Comments

5.1 None received at the time of writing this report. Any update will be presented to Members at the committee meeting.

6. Consultations

6.1 Craven District Council's **Environmental Health** Department has not raised any concerns with the proposed development.

6.2 The **Highways Authority** does not wish to impose any restrictions on any grant of permission.

6.3 **Natural England** has made the following comments:-

- The proposed development would not impact on the SSSIs at Newby Moor and Keasden Moor.
- They do not wish to comment on the development's impact on protected landscapes but note that as the site relates to the Forest of Bowland AONB the Council should seek the advice of the AONB Authority

Officer's Note: The Forest of Bowland AONB has been consulted on the development but at the time of writing no comments have been received.

- Natural England has not assessed the application and associated documents for impacts on protected species and has referred the LPA to Natural England's Standing Advice.
- Natural England has suggested that the application may provide opportunities to contain biodiversity or landscape enhancements.

7. Representations

7.1 Four letters of response have been received making the following comments:-

7.2 Application has overall support as it would tidy the site up visually and be more in keeping with the AONB within which it is sited.

7.3 The proposed access is a new access road and the respondent considers that the use of this new track would be detrimental to all cottages in terms of noise and privacy. The respondent also considers it unnecessary as there are viable alternatives. The respondent considers the best access would be from Station Road although acknowledges there are potential safety issues, or alternatively, the existing access should be used which the residents are used to.

7.4 *Officer's Note: As noted by the respondent there may be some highway safety issues with the access onto Station Road and the creation of an access onto this road may also cause harm to protected trees. In any event, the application has been submitted with the access to the caravan site to the north and west of the site beyond the cottages and this is the proposal that has been considered by Officers and assessed.*

7.5 The existing garden areas could not be screened as this would obliterate their views and fail to reduce noise and dust levels.

- 7.6 The plan shows the removal of the bulk gas storage area that serves the cottages 8-11. Whilst the respondent has no objection to the facility being removed the matter needs clarification and an undertaking that no disruption to supply would be caused.
- 7.7 Extending the use of the site to a full 12 months instead of the present 6 would negate the reduction of traffic achieved by reduction in numbers of units
- 7.8 If the new access is permitted the respondent questions what provisions there would be for delivery of coal, wood, gas and other items to the rear of the cottages.
- 7.9 Refuse arrangements for the caravan and cottages are also questioned.
- 7.10 The caravan on proposed pitch 21 is designated as the warden's caravan but there is already manager's accommodation provided in the lodges in area B. *Officer's Note – No reference can be found in the submission to the provision of manager's accommodation within the lodge area and such accommodation would be restricted, if approved, to the caravan on plot 21 only.*
- 7.11 The respondent appreciates the consideration of the privacy of the eastern most cottages but consider it difficult to comment on the wall without being aware of the precise location. The wall is only referred to in a hand drawn addition to the plan and it is queried whether this would affect light getting to the cottage and whether access would be available to the rear of the property.
- 7.12 During construction works access would be needed to the front of the cottages along a road surface that it is a slate type of gravel and unsuitable for heavy traffic. In dry weather the surface gives off a fine dust and in wet weather the surface becomes a messy sludge which is unsightly, dirty and full of potholes. Increased traffic levels would exacerbate these problems and create more noise, dust and pollution for residents.
- 7.13 The existing road surface to the front of the cottages is in a poor state of repair and unsuitable for the traffic it currently carries. The respondent hopes that any proposal passed would include the resurfacing of this area to a standard suitable for the light vehicular use of residents of the cottages.
- 7.14 The proposed static caravans and boundary screening would be detrimental to resident's enjoyment of the AONB.
- 7.15 Cottages facing to the north or east have lounges with views over to Ingleborough and to Clapham and beyond.
- 7.16 The new access route is unnecessary overdevelopment that is not in keeping with the site's natural setting.
- 7.17 The removal of caravans 1-3 is requested which would remove the need for screening to the northern boundary. Area D has only recently been used seasonably and the introduction of static caravans into this area would be detrimental to residential amenity, the AONB and in direct opposition to Policy EMP16 of the Local Plan. The static caravans would be more obtrusive than the smaller vans that have previously been in seasonal use.
- 7.18 The tree planting to front of cottages 8-11 should be removed as it would interfere with enjoyment of views from the cottage as well as interfering with access to the rear of the properties for maintenance and the like.
- 7.19 Caravan 21 is too close to the cottages with the containment of all caravans to area C preferred. This would then negate the need for a wall along the boundary above which the caravan would still be seen.

7.20 There will be an impact on the financial value of the cottages. Officer's note: This is not a material planning consideration

8. Summary of Principal Planning Issues

8.1 Principle of the development.

8.2 Visual impact of the development.

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

8.4 Impact of the development on the setting of the listed building.

8.5 Highway Issues.

8.6 Protected Trees.

8.7 Other issues.

9. Analysis

Principle of the development

9.1 The NPPF is broadly supportive of the development of rural businesses and particularly sustainable rural tourism developments that benefit the area and which respect the character of the surrounding area.

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

9.3 Saved Policy EMP16 states that new static caravan and chalet development or the extension of existing sites would not be acceptable within AONBs or SSSIs. Any such site should be located in an area where there are opportunities for informal countryside recreation.

9.4 Whilst the NPPF is broadly supportive of the development of rural enterprises saved local plan policies ENV1 and EMP16 are very restrictive as to what would be permissible in Open Countryside. The NPPF is still protective of the character and appearance of the open countryside, and in particular AONBs, but it is considered that the blanket approach of Saved Policy EMP16 that all static caravan and chalet developments would not be acceptable within AONBs is not wholly compliant with the NPPF. The site is in a relatively sustainable location (for a holiday cottage development located in a rural location) close to Clapham Station, the A65 and also informal opportunities for outside pursuits. Given the site's existing use as a caravan site and also the NPPF's support of rural business it is considered that the use of the site for chalets and static caravans would be acceptable in principle but would need to be demonstrated as acceptable in visual terms and all other planning considerations.

Visual impact of the development

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

landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

- 9.6 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.7 Saved Policy EMP16 requires that sites are well screened by landforms or existing landscaping from key viewpoints and is of a scale of development in context with its surroundings. The site should also be of a high standard of layout, design and landscaping with the caravans and chalets satisfactorily blending into the landscape in terms of their siting, colour and materials. An adequate tree planting scheme should be submitted with any proposal. The planting scheme should include species type, number, size location and planting densities sufficient for their long term contribution to be assessed.
- 9.8 The lodge scheme would be on an area where consent exists for the construction of holiday cottages and the use of the land for seasonal touring caravan use. The lodge scheme would have a more permanent visual impact than the touring use however the site would benefit from a more structured layout and better developed landscaping. The proposed lodges are considered to be of a good standard of construction with an appropriate landscaping scheme that would, on balance, not have an unacceptable visual impact on the surrounding area.
- 9.9 The static caravans would be located on land where there is currently consent for all year round touring caravan use/storage and also a section of land where only seasonal use is allowed. The proposed static caravan scheme is considered to be a relatively well designed layout that would be a visual improvement to the area where there exists year round consent for caravan storage/use. Although the scheme would place 2 caravans (Nos. 1 and 2) in an area that presently has consent for only seasonal use it is considered that there would not be a significant detrimental impact on the character and appearance of the surrounding area created by the replacement of the touring use with the static caravan use.
- 9.10 The proposed development is therefore considered to have an acceptable visual impact on the character and appearance of the surrounding area meeting this requirement of the NPPF and Saved Policies ENV2 and EMP16 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. Saved Policy EMP16 requires that developments do not have an unacceptable impact on the amenity of local residents.
- 9.12 The site has been in long use as a caravan site and as such the use of the site for static caravans and chalets would not be wholly different to that currently experienced by residents in terms of impact on amenities. It is acknowledged that there would be a longer use of the site including through the winter months however there would also be less movement of caravans, once they are stationed, and a smaller overall number of units. It is therefore considered that there would be no significant detrimental impact on the amenities of existing residents caused by the different use of the site.
- 9.13 The development would partially utilise an access to the northwest of the cottages and the site. It is noted that neighbour responses indicate that the track is not an existing access however from the officer's site visit a track of some form was in situ

and imagery from Google Earth seems to indicate the track was present in 2002. Presumably therefore the track is long standing, but it has not previously been used to any great extent by the caravan park.

- 9.14 The track is located to the rear of the gardens of the cottages at the Flying Horseshoe at some distance from the buildings but close to the end of the gardens. Access previously would have been close to the front of the cottages and it is considered that given the existing access's relationship with the cottages and the level of traffic flow that the caravan site would generate the location of the access track to the rear of the cottages would not cause an unacceptable impact on the amenity of neighbouring residents.
- 9.15 It is noted that representations have been made concerned with the loss of views from existing dwellings however no weight can be given to the loss of a view over private land.
- 9.16 Some low level bollard lighting is proposed within the site which is not considered to be substantially to the detriment of neighbouring amenities however should the application be approved further details of the lighting scheme would be requested.
- 9.17 In summary, the proposed development is therefore not considered to result in any unacceptable impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policy EMP16 of the Local Plan.

Impact of the development on the setting of the listed building

- 9.18 The National Planning Policy Framework states that in determining planning applications affecting heritage assets LPAs should take account of:-
“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
The desirability of new development making a positive contribution to local character and distinctiveness.”
- 9.19 Saved Policy EMP16 states that static caravan and chalet development should not have an adverse impact on sites of historical importance.
- 9.20 The proposed static caravan site would be located with a tall wall and the Flying Horseshoe cottages between it and the Listed Building. This area of land could presently be used for touring caravans and their storage and it is not considered that the static caravans in this area would be to the significant detriment of the setting of the listed building.
- 9.21 The area where the lodges are proposed is in closer proximity to the listed Flying Horseshoe building. This property has seen much alteration in recent years including its conversion from public house to residential apartments however the structure and its listing still remains. Within the area proposed for lodges there exists a seasonal consent for touring caravan use (between Good Friday or March 31st and October 31st) but work has also commenced on the construction of 8 holiday cottages and warden's accommodation.
- 9.22 Whilst the holiday lodges would have some impact on the setting of the listed building it is considered that given the high quality of the lodges proposed (which will be controlled by a planning condition) and the existing consents for this area it would not cause significant harm to the setting of the Flying Horseshoe. The development would therefore be in accordance with this requirement of the NPPF and Saved Policy EMP16 of the Local Plan.

Highway Issues

- 9.23 Saved Policy EMP16 requires the traffic generated by static caravan and chalet sits could be satisfactorily accommodated on the local highway network and should be well related to the highway and public transport networks.
- 9.24 Access to the chalet site would be via an access track to the northwest of the cottages with access to the chalet site between the cottages and the Flying Horseshoe itself. It is noted that responses made have some concerns over the creation of the access path to the north west of the cottages and the impact of this on their amenities has been considered earlier in this report. However the proposed access scheme is not objected to by the Highways Authority and is not considered to result in an unacceptable level of vehicular use on the local highway network or to use a substandard access onto the public highway. The development is therefore considered to be acceptable in terms of highway safety meeting this requirement of Saved Policy EMP16.

Protected Trees

- 9.25 The application site is covered by a tree preservation order covering all the mature trees within the site. A tree report has been submitted with the application that considers it would be necessary to remove 4 trees from the site. Given the size, quality and condition of the trees as well as the replacement planting proposed it is not considered that the removal of these trees would be unacceptable.
- 9.26 Whilst some of the caravans would be within the root protection zones of the protected trees the location of these units would not require substantial works that would affect the ability of the protected trees to survive.

Other issues

- 9.27 It is noted that a respondent has queried the removal of a bulk gas storage for the cottages and that it does not appear to have been relocated. The applicant has stated that this land wholly lies within their ownership and it is considered that the moving of this area is a private matter that would fall outside of the remit of the planning system.
- 9.28 The plans do not appear to indicate any bin storage on site and it is considered that should the application be approved a condition should be attached requiring the provision of bin storage details.
- 9.29 The scheme includes a warden's caravan where there would be permanent residential occupancy. On the site presently there exists a temporary consent for manager's accommodation and also consent for a stone built manager's cottage (as part of the holiday accommodation scheme). A condition is recommend to seek to ensure that no more than one unit of managers accommodation is present on site.
- 9.30 Drainage from the site is to connect to the existing mains sewer within the highway. As a previously developed touring caravan site the proposal is acceptable with respect to its impact on biodiversity.

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 FS/P/01 and FS/P/02 received by the Local Planning Authority on the 19th March 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

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

3 The Lodges hereby permitted shall be of the Ikon or Contemporary design only as indicated in the planning statement received on the 20th March 2014 and the supplementary details received on the 22nd April 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is of an appropriate appearance and to accord with the guidance of the NPPF and Saved Policy ENV2 of the Local Plan.

4 Notwithstanding the details on the submitted plans no development shall commence until full details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of the amenity of the area

5 Development of the site shall be carried out in accordance with the conclusions of the Arboriculturalist's report received by Craven District Council on the 19th March 2014.

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

6 With the exception of the approved warden's caravan (No21), the lodges and caravans on the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

7 The owners/operators shall maintain an up-to-date register of all the names of all owners/occupiers of individual caravans and lodges on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason (for conditions 6 & 7): The occupation of the caravans as a main or sole residence would be contrary to national and local guidance within the NPPF and Saved Local Plan Policy ENV1.

8 Prior to the first use of any of the static caravans or lodges hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage and refuse arrangements for the site. The development shall be then carried out in accordance with these approved details and retained thereafter.

Reason: To ensure adequate refuse arrangements for the site.

9 Prior to their installation on the site, details of any lighting outside of caravans and lodges, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- (i) the location and height of any external lighting;
- (ii) the details of the light fittings;
- (iii) the colour of the lights;
- (iv) the lux levels; and
- (v) the details of any louvers on the light fittings.

The approved lighting details shall be installed prior to the first use of the site and retained in an effective state thereafter.

Reason: To ensure the proposed development does not have a significant adverse impact on the amenities of neighbouring properties.

- 10 The static caravan identified as warden's accommodation(No 21) shall be used as warden's accommodation only and its' occupation shall be limited to a person solely or mainly employed as a warden in connection with the use of the land as a caravan site unless otherwise agreed in writing by the local planning authority.

Reason: The permanent residential occupation of the caravan has only been justified in support of the chalet and caravan site and would only meet the requirements of the NPPF and Saved Policy ENV2 if the occupation was carried out by a site warden.

- 11 The warden's static caravan (No21) approved by this consent shall not be residentially occupied if the manager's accommodation approved and implemented under consent reference 18/2009/10122 is built and occupied. In such circumstances the warden's static caravan shall be used as holiday accommodation only in accordance with the requirements of conditions 6 and 7 of this planning permission.

Reason: The site is a relatively small scale development and the provision of 2 worker's units has not been justified and is unlikely to be acceptable under the guidance of the NPPF and Saved Policy ENV1 of the 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.

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

AIRE VAL W LOTH
21/2014/14463

CONSTRUCTION OF 16 PARKING SPACES

MEADOW CROFT, CONONLEY.

APPLICANT NAME: ACCENT FOUNDATION - MR ANDREW WALKER

TARGET DECISION DATE: 08/05/2014

CASE OFFICER: Andrea Muscroft

The application has been referred to the planning committee as the owner of the land is Craven District Council.

1. Site Description

1.1 The application relates to three parcels of amenity grass land located within the residential estate of Meadow Croft in the village of Cononley. The land is currently used as public open space with the residential estate. The application site is surrounded by residential properties with small enclosed gardens to the front. Some properties located to the southeast of the application sites have created off street parking with vehicle access across the amenity grass land.

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

2. Proposal

2.1 The proposal seeks permission for the construction of 16 parking bays on the amenity grass land. Currently residents park on the road parallel to the grass verges and the proposal will increase the amount of available off street parking.

2.2 **Officers Note:** The application has been submitted by the housing provider Accent. The scheme is intended to provide replacement parking for that lost through the development of the adjacent garage site at Meadow Croft. It is understood the idea came about following public consultation undertaken by Accent about the development of the garage site. No scheme has been put forward with the application to restrict the use of the parking bays to the occupiers of residents within Meadow Croft.

3 Planning History

3.1 None relevant.

4 Planning Policy Background

4.1 The National Planning Policy Framework – NPPF.

4.2 Saved Local Policies H20 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within Appendix K.

5 Parish Council Comments

5.1 Cononley Parish Council: Supportive in principle of creating additional parking spaces, however, there are concerns over the proposed impact on local residents due to their close proximity to habitable rooms. Furthermore, it is questioned whether this is the most appropriate location for any additional car parking spaces as other areas maybe more suitable for this type of development.

6 Consultations

6.1 NYCC Highways: No objection to the proposal but have advised that the car parking spaces shall not form part of the public highway. Furthermore, if planning permission

is granted then they have recommended 3 conditions relating to the creation of a disabled bay, the retention of spaces and the use of a permeable material for the hard surfacing.

7 Representations

7.1 Four letters of objection have been received. There have been no letters of support for the proposals. Comments have been summarised below:

- Impact on the character of the estate;
- Noise & light disturbance;
- Loss of privacy;
- Concern over who will use the parking spaces;
- Concern that the proposal would impact on highway safety;
- Proposal would result in loss of parking;
- Loss of green amenity space;
- Question the location for the proposed parking spaces;
- Impact of development outweighs benefit;
- Where would bins go on collection day;
- Proposal is intrusive development.

8 Summary of Principal Planning Issues

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

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

8.3 Highway Issues.

9 Analysis

Impact of the development of the character and appearance of the area.

9.1 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.

9.2 In addition, Appendix K of the Local Plan indicates that careful consideration should be given to the location for parking of private vehicles. It states that a reliance on frontage parking can considerably detract from the overall character of the area.

9.3 To help describe the proposals the three sites have been referred to by the case officer as sites A, B & C. Site A is the southernmost site for 4 parking spaces located directly to the east of 1 Meadow Croft. Site B is the largest site for 8 parking bays positioned to the south of 30-36 Meadow Croft. Finally site C is positioned adjacent to site B and is for 4 spaces located to the south of 38 Meadow Croft.

9.4 The application site consists of three areas of land totalling approximately 147sq m. The land is currently grassed with a number of trees located adjacent to the proposed sites with residential properties adjacent to the existing grassed areas. The pavement passes directly between the residential properties and the proposed parking.

9.5 The land has not been identified as being of any strategic importance as open space or wider amenity value, however, the value use is as an informal amenity area contributing to the visual amenity of the area. The proposal would inevitably result in

the loss of significant proportions of the existing open space and urbanise the character and appearance of the existing street scene which in this cul-de-sac comprises of large grassed verges with residential dwellings beyond.

- 9.6 However, on balance, the resulting visual impact is not considered to be so out of the ordinary or harmful to justify refusal and therefore it is considered that the development meets the requirements of the NPPF and Saved Policy H20 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

Impact of the development on the amenity of neighbouring properties.

- 9.7 The NPPF states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by the General Development Principles of the Local Plan and Saved Policy H20 which states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.8 The proposed car parking spaces would, by virtue of their position be sited in close proximity to front ground floor windows of existing properties. Whilst the existence of a pavement between existing residential properties and the proposed parking spaces is acknowledged, the proposal would nevertheless have a significant additional impact on the existing amenities available from the adjacent ground floor habitable rooms.
- 9.9 In relation to all three sites the separation distances would range from approximately 6m to a maximum of 8.2m. Such distances are not uncommon particularly when vehicles are parked parallel to the highway. However in this case rows of vehicles will be sited with either the front or rear directly facing adjacent neighbouring properties. This could result in headlights directly shining into neighbouring properties and no restrictions on who can access the spaces are proposed. It is considered that the relationship between the proposed parking bays and the primary living rooms of affected properties (No's 1, 30 – 38) would result in an unacceptable loss of privacy and overlooking for existing residents. Furthermore, it appears that proposals B & C would be in an elevated position when viewed from the primary living areas of adjacent properties. In these cases the impact of headlights would be even more significant and parked vehicles would appear overtly dominating and overbearing to the occupiers of No's 30 – 38 Meadow Croft.
- 9.10 Careful consideration has also been given to balancing the need for off street parking, whilst ensuring that those already living adjacent to the proposed parking areas do not suffer unacceptably. On balance, due to the concerns explained above, it is considered that the benefits of the scheme do not outweigh the harm to the living conditions of neighbouring residents.

Highway Issues and the future maintenance of the parking bays.

- 9.11 The Highway Authority has no objections to the proposal subject to conditions.
- 9.12 It is reasonable to assume that on at least some occasions that the parking bays would be used by other car drivers not living or visiting residents at Meadow Croft given the village's limited public parking arrangements. Whilst there is the potential for indiscriminate parking to occur which could cause a nuisance to local residents it is considered that the benefits of providing off street parking would outweigh this concern.
- 9.13 There have been ongoing discussions between the developer and Officers to try and ensure ongoing maintenance of the proposed car parking bays if permission is granted. NYCC Highways has advised that they will not adopt the parking bays. Therefore, assurances have been sought from Accent that they would maintain the proposed car parking bays if planning permission is granted. However, correspondence received from Accent confirms that whilst they are prepared to provide parking bays they are unwilling to take on the maintenance responsibility for

the parking bays. In the absence of any other willing party CDC Property Services has indicated that they will accept the maintenance liability for the parking bays subject to them entering into an agreement with Accent to ensure a high quality specification for the parking areas being agreed and adhered to.

Recommendation

That planning permission is refused.

Reason for Refusal

1. Due to the close proximity of the proposed car parking spaces to the habitable rooms of local residents, the orientation of the spaces, and in some instances an envisaged slightly raised level of the parking spaces in relation to the adjacent residential accommodation, it is considered that the proposal would result in unacceptable harm to the living conditions of these properties therefore conflicting with the guidance contained within the NPPF and Saved Policy H20 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.